



SB 1146 (Gonzalez) AI Health Advertisement Transparency Act

SUMMARY

Senate Bill (SB) 1146 would require any advertisement for a health product or service that is generated using artificial intelligence (AI) to disclose the use of AI in the advertisement.

EXISTING LAW

Under existing California regulations, it is illegal for advertisements to make any false or misleading advertising claim. Health related advertisements must specify that a performer or model in an ad is an actor and not the health professional involved in the use of the product. (§9823)¹

Assembly Bill (AB) 489 (Bonta, Chapter 615, Statutes of 2025) prohibits AI and generative AI (GenAI) from being misrepresenting as licensed or certified healthcare professionals.

The Federal Trade Commission requires advertisements to disclose what the generally expected results are for a health product and the use of an actor portrayal.²

BACKGROUND/PROBLEM

With the rise of AI and GenAI it is becoming increasingly difficult to distinguish between real and fake content. This is especially true with the rise of deepfake “doctors” on social media who are garnering millions of views,

¹ <https://www.dir.ca.gov/t8/9823.html>

² <https://www.ftc.gov/business-guidance/resources/ftcs-endorsement-guides-what-people-are-asking>

endorsing products from weight-loss supplements to unproven medical treatments and devices.

Recent reporting from the New York Times identified numerous medical professionals from San Francisco to Australia, who have had their image used to promote supplements or products that they have never seen, used, or endorsed across countless social media platforms.³

One investigation found that in one month there were more than 100 videos across social media sites in which fictitious doctors, gave advice or tried to sell products, primarily related to beauty, wellness, and weight loss.⁴ AI has also been used to create fake before and after images and nonexistent spokespeople misleading consumers on the effectiveness of the product.⁵

SOLUTION

SB 1146 will require an advertisement of a health-related consumer product or service that uses the image, audio, or video of a natural person that is generated or significantly altered using AI, to include a clear and obvious disclosure that the advertisement was generated by AI.

SB 1146 will also empower the California Attorney General to take enforcement action against these fraudulent actors, to ensure physicians and the public at

³ <https://www.nytimes.com/2025/09/05/technology/ai-doctor-scams.html>

⁴ [Deepfake videos impersonating real doctors push false medical advice and treatments - CBS News](https://www.cbsnews.com/news/deepfake-videos-impersonating-real-doctors-push-false-medical-advice-and-treatments/)

⁵ <https://portal.ct.gov>

large are safe from unscrupulous actors attempting to use AI to sell unproven and potentially unsafe products.

Specifically, this bill:

- Defines a “health-related consumer product or service” as dietary supplements or medical goods and services.
- Requires the text of the disclosure to appear in a prominent location and in a size that is easily readable by the average viewer for visual media.
- Requires the disclosure to be read in a clearly spoken manner and in a pitch that can be easily heard by the average listener at the beginning of the advertisement for audio media.
- Requires lawsuits under this section to be prosecuted exclusively by the Attorney General.

SUPPORT

California Medical Association (Sponsor)

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