

## CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES BILL ANALYSIS

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**BILL NUMBER: AB 489**

**VERSION: AMENDED APRIL 10, 2025**

**AUTHOR: BONTA**

**SPONSOR:**

- SEIU CALIFORNIA
- CALIFORNIA MEDICAL ASSOCIATION

**STAFF RECOMMENDED POSITION: SUPPORT**

**SUBJECT: HEALTH CARE PROFESSIONS: DECEPTIVE TERMS OR LETTERS: ARTIFICIAL INTELLIGENCE**

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**Summary:** This bill would prohibit a person or entity who develops or deploys an artificial intelligence or generative artificial intelligence system from having that system represent or imply that it is a licensed health care provider by using prohibited terms, letters, or phrases. It makes violations subject to the jurisdiction of the applicable licensing board.

**Existing Law:**

- 1) Provides that unlicensed practice in violation of any of the practice acts for professions within the Department of Consumer Affairs (DCA) is an infraction punishable by a fine. (Business and Professions Code (BPC) §146)
- 2) Provides DCA boards the authority to establish a system for the issuance of an administrative citation for unlicensed practice. (BPC §148)
- 3) If a DCA board has probable cause that a person is advertising the provision of professional services without a license, the board is permitted to issue a citation containing an order of correction, requiring the person to cease the unlawful advertising and to disconnect the telephone number used in the advertisement. (BPC §149)
- 4) Authorizes DCA boards, with the approval of the Director, to file a petition with the superior court of the county where a person has engaged or is about to engage in a violation of its law. Authorizes the superior court to issue an injunction or order restraining this conduct. (BPC §125.5)
- 5) Prohibits the practice of marriage and family therapy, educational psychology, clinical social work, and professional clinical counseling in the state without a valid California license and forbids advertising as a licensee or using designated titles and letters without proper licensure. (BPC §§4980, 4989.50, 4996, 4999.30, 4999.82)

- 6) Authorizes the Executive Officer of the Board to issue citations containing orders of abatement and fines of up to \$5,000 for unlicensed practice, which are separate from and in addition to any other civil or criminal remedies. (California Code of Regulation (CCR) Title 16, §§1886.10, 1886.40)
- 7) Prohibits false or misleading statements in advertising and provides that doing so is a misdemeanor punishable by imprisonment in county jail for up to 6 months, a fine of \$2,500, or both. (BPC §17500)
- 8) Permits the Director of Consumer Affairs, Attorney General, or any city attorney, county counsel, or district attorney to request evidence from businesses making false or misleading advertising claims and to take action to correct such claims, including seeking immediate termination or modification of the claims, and disseminating information about the misleading nature of the claims. (BPC §17508)
- 9) Defines “artificial intelligence” (AI) as an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments. (Government Code (GC) §11546.45.5)
- 10) Defines “generative artificial intelligence” (GenAI) as an AI system that can generate derived synthetic content, such as text, images, video, and audio, that emulates the structure and characteristics of the system’s training data. (GC §11549.64(b))

**This Bill:**

- 1) Defines “artificial intelligence” as having the same meaning as defined in GC §11546.45.5 and defines “generative artificial intelligence” as having the same meaning as defined in GC §11549.64. (BPC §4999.8)
- 2) Applies the bill to all health care professions covered under Division 2 of the Business and Professions Code (Healing Arts). (BPC §4999.8)
- 3) Makes a violation of any provision of Division 2 of the BPC that prohibits the use of specified terms, letters, or phrases to imply having a license or certificate to practice a health care profession, without actually having that license or certificate, enforceable against a person or entity who develops or deploys an AI system or GenAI system using those terms in its advertising or functionality. (BPC §4999.9(b))
- 4) Prohibits using any term, letter or phrase in advertising or functionality of an AI or GenAI system that implies the care, advice, reports, or assessments offered is by a natural licensed person. (BPC §4999.9(c))
- 5) Provides that each use of a prohibited term or letter is considered a separate violation. (BPC §4999.9(d))

- 6) Provides that violations are subject to the jurisdiction of the applicable licensing board. (BPC §4999.9(a)(1))
- 7) Permits the licensing board with jurisdiction to pursue an injunction or restraining order as a means of enforcement, as authorized by BPC §125.5. (BPC §4999.9(a)(2))

**Comment:**

- 1) **Author's Intent.** In the Assembly Committee on Privacy and Consumer Protection Committee Analysis dated April 18, 2025, the author's office stated the following:

*"The rapid rise of AI systems has sparked a wide range of opinions about their impact on society. However, one thing is certain— AI is advancing faster than the laws and regulations needed to protect Californians. Artificial intelligence (AI) systems have reached a point where they can produce natural-sounding language, and are trained on a vast amount of information, including health-related information. This powerful capability enables it to convincingly mimic a health professional. Without proper safeguards in place, this capability can pose a danger to consumers in both health care and non-health care settings. Californians deserve transparency and protection from misrepresentation, and AI technologies must be developed and deployed responsibly to prevent such misrepresentation. For instance, consumers should be able to trust that a "nurse advice" telephone line or chat box is staffed by a licensed human nurse. AB 489 fills an emerging need by codifying a clear, enforceable prohibition on automated systems misrepresenting "themselves" as health professionals."*

- 2) **Enforcement Action.** The Board currently has the authority to take enforcement action against an individual for unlicensed practice, but not a business. For unlicensed practice, the disciplinary action would be a citation and fine. If the fine were not paid, they can be referred to either the Franchise Tax Board or a collection agency for collection.
- 3) **Fiscal Impact.** It is unknown how frequently this provision would be violated. These cases would likely need to be investigated either by Board staff, or DCA's Division of Investigation. If there were a number of these complaints, then there would likely be a fiscal impact.
- 4) **Related Legislation.** SB 579 (Padilla) would require state government to appoint a mental health and artificial intelligence working group by July 1, 2026, to examine the role of artificial intelligence in mental health treatment.
- 5) **Staff Recommended Position.** Staff recommends that the Board consider taking a "support" position on this bill.

## 6) Support and Opposition

### Support:

- California Medical Association (Co-Sponsor)
- SEIU California (Co-Sponsor)
- American Association of Clinical Urologists
- American College of Obstetricians & Gynecologists - District IX
- California Academy of Child and Adolescent Psychiatry
- California Alliance of Child and Family Services
- California Association of Orthodontists
- California Board of Psychology
- California Chapter of The American College of Emergency Physicians
- California Dental Association
- California Nurses Association
- California Orthopedic Association
- California Psychological Association
- California Radiological Society
- California Retired Teachers Association
- California Youth Empowerment Network
- County Behavioral Health Directors Association (CBHDA)
- Kaiser Permanente
- Oakland Privacy
- SEIU California State Council
- Steinberg Institute

### Opposition:

- None at this time

## 7) History

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| 04/21/25 | Re-referred to Com. on P. & C.P.   |
| 04/10/25 | From committee chair, with author's amendments: Amend, and re-refer to Com. on P. & C.P. Read second time and amended.   |
| 04/01/25 | From committee: Do pass and re-refer to Com. on P. & C.P. (Ayes 17. Noes 0.) (April 1). Re-referred to Com. on P. & C.P. |
| 04/01/25 | Coauthors revised.   |
| 03/17/25 | Referred to Coms. on B. & P. and P. & C.P.   |
| 02/11/25 | From printer. May be heard in committee March 13.  |
| 02/10/25 | Read first time. To print.   |

AMENDED IN ASSEMBLY APRIL 10, 2025  
california legislature—2025–26 regular session

**ASSEMBLY BILL**

**No. 489**

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**Introduced by Assembly Member Bonta (Coauthors:  
Assembly Members Bains, Berman, Lowenthal, Pellerin,  
and Wilson)**

February 10, 2025

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An act to add Chapter 15.5 (commencing with Section 4999.8) to Division 2 of the Business and Professions Code, relating to healing arts.

**legislative counsel's digest**

AB 489, as amended, Bonta. Health care professions: deceptive terms or letters: artificial intelligence.

Existing law establishes various healing arts boards within the Department of Consumer Affairs that license and regulate various healing arts licensees. Existing laws, including, among others, the Medical Practice Act and the Dental Practice Act, make it a crime for a person who is not licensed as a specified health care professional to use certain words, letters, and phrases or any other terms that imply that they are authorized to practice that profession.

Existing law requires, with certain exemptions, a health facility, clinic, physician's office, or office of a group practice that uses generative artificial intelligence, as defined, to generate written or verbal patient communications pertaining to patient clinical information, as defined, to ensure that those communications include both (1) a disclaimer that indicates to the patient that a communication was generated by generative artificial intelligence, as specified, and (2) clear instructions describing how a patient may contact a human health care provider,

employee, or other appropriate person. Existing law provides that a violation of these provisions by a physician shall be subject to the jurisdiction of the Medical Board of California or the Osteopathic Medical Board of California, as appropriate.

This bill would make provisions of law that prohibit the use of specified terms, letters, or phrases to falsely indicate or imply possession of a license or certificate to practice a health care profession, as defined, enforceable against an entity who develops or deploys artificial intelligence (*AI*) or *generative artificial intelligence (GenAI)* technology that uses one or more of those terms, letters, or phrases in its advertising or functionality. The bill would prohibit the use by *AI or GenAI* technology of certain terms, letters, or phrases that indicate or imply that the ~~advice or care~~ *advice, care, reports, or assessments* being provided through *AI or GenAI* is being provided by a natural person with the appropriated health care license or certificate.

This bill would make a violation of these provisions subject to the jurisdiction of the appropriate health care profession board, and would make each use of a prohibited term, letter, or phrase punishable as a separate violation.

By expanding the scope of existing crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 15.5 (commencing with Section 4999.8)  
2 is added to Division 2 of the Business and Professions Code, to  
3 read:

4  
5 **Chapter 15.5. Health Advice From Artificial**  
6 **Intelligence**

7  
8 ~~4999.8. (a) For purposes of this chapter, “artificial~~

1 4999.8. For purposes of this chapter, the following definitions  
2 apply:

3 (a) “Artificial intelligence” or “AI” has the same meaning as  
4 set forth in Section 11546.45.5 of the Government Code.

5 (b) “Generative artificial intelligence” or “GenAI” has the  
6 same meaning as set forth in Section 11549.64 of the Government  
7 Code.

8 ~~(b) For purposes of this chapter, “health~~

9 (c) “Health care profession” means any profession that is the  
10 subject of licensure or regulation under this division or under any  
11 initiative act referred to in this division.

12 4999.9. (a) (1) A violation of this chapter is subject to the  
13 jurisdiction of the appropriate health care professional licensing  
14 board or enforcement agency.

15 (2) The appropriate health care professional licensing board  
16 may pursue an injunction or restraining order to enforce the  
17 provisions of this chapter, as authorized by Section 125.5 of the  
18 Business and Professions Code.

19 (3) Nothing in this section limits the authority for a health care  
20 professional licensing board or enforcement agency to pursue any  
21 remedy otherwise authorized under the law.

22 (b) Any provision of this division that prohibits the use of  
23 specified terms, letters, or phrases to indicate or imply possession  
24 of a license or certificate to practice a health care profession,  
25 without at that time having the appropriate license or certificate  
26 required for that practice or profession, shall be enforceable against  
27 a person or entity who develops or deploys a system or device that  
28 uses one or more of those terms, letters, or phrases in the  
29 advertising or functionality of an artificial intelligence *or*  
30 *generative artificial intelligence* system, program, device, or similar  
31 technology.

32 (c) The use of a term, letter, or phrase in the advertising or  
33 functionality of an AI *or GenAI* system, program, device, or similar  
34 technology that indicates or implies that the ~~care or advice~~ *care,*  
35 *advice, reports, or assessments* being offered through the AI *or*  
36 *GenAI* technology is being provided by a natural person in  
37 possession of the appropriate license or certificate to practice as a  
38 health care professional, is prohibited.

39 (d) Each use of a prohibited term, letter, or phrase shall  
40 constitute a separate violation of this chapter.

1 SEC. 2. No reimbursement is required by this act pursuant to  
2 Section 6 of Article XIII B of the California Constitution because  
3 the only costs that may be incurred by a local agency or school  
4 district will be incurred because this act creates a new crime or  
5 infraction, eliminates a crime or infraction, or changes the penalty  
6 for a crime or infraction, within the meaning of Section 17556 of  
7 the Government Code, or changes the definition of a crime within  
8 the meaning of Section 6 of Article XIII B of the California  
9 Constitution.

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