California passes Legislation Addressing Misrepresentation from Chatbots

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On September 8th, the California legislature passed AB 489, which seeks to prohibit AI and generative AI (GenAI) systems from misrepresenting themselves as licensed or certified healthcare professionals. The bill now heads to Governor Newsom's desk for signature.

The legislation comes in response to growing concerns about the integration of AI technologies into clinical settings, particularly the rise of AI-powered therapy chatbots that may appear to patients as offering professional medical advice. Under AB 489, AI and GenAI systems would be barred from using any terms, letters, or phrases—whether in advertising or functionality—that suggest the advice, care, reports, or assessments they provide are coming from a licensed human healthcare provider. This includes titles such as "M.D." or "Dr.", which are already protected under California law against improper use by unlicensed individuals. The bill clarifies that these existing prohibitions now explicitly extend to individuals or entities that develop or deploy AI technologies.

As proposed, each violation of the law would be treated as a separate offense, enforceable by the appropriate state professional licensing board. The legislation would also authorize these boards to seek injunctions or restraining orders against violators.