

California Attorney General issues two advisories applying existing law to AI

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[Skip to main content](#)

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Press Release

Attorney General Bonta Issues Legal Advisories on the Applic...

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Existing laws protect Californians' rights and place obligations on entities that develop and use AI

OAKLAND — California Attorney General Rob Bonta today issued two legal advisories, reminding consumers of their rights, and advising businesses and healthcare entities who develop, sell, or use artificial intelligence (AI) about their obligations under California law. Although AI technology is developing rapidly, entities must comply with existing California laws, as well as new laws that went into effect on January 1, 2025. The first legal advisory advises consumers and entities about their rights and obligations under the state's consumer protection, civil rights, competition, and data privacy laws; the second advisory provides guidance specific to healthcare entities about their obligations under California law. The advisories shared today provide guidance but are not intended to be comprehensive and do not identify all laws that may apply to the development and use of AI.

"California is an economic powerhouse built in large part on technological innovation. And right alongside that economic might is a strong commitment to economic justice, workers' rights, and competitive markets. We're not successful in spite of that commitment — we're successful because of it," said Attorney General Bonta. "AI might be changing, innovating, and evolving quickly, but the fifth largest economy in the world is not the wild west; existing California laws apply to both the development and use of AI. Companies, including healthcare entities, are responsible for complying with new and existing California laws and must take full accountability for their actions, decisions, and products."

AI systems affect nearly all aspects of everyday life. Businesses use AI systems to evaluate consumers' credit risk and guide loan decisions, screen tenants for rentals, and target consumers with ads and offers. AI systems are used in the workplace to guide employment decisions, in educational settings to provide new learning systems, and are widespread in health care settings where they're used to guide medical diagnosis and treatment, healthcare provider operations, and insurance coverage decisions.

AI systems are novel and complex, and their inner workings are often not understood even by developers and entities that use AI, resulting in situations where AI tools have generated false information or biased and discriminatory results. Moreover, many consumers and patients are not aware of when and how AI systems are used in their lives or by institutions that they rely on, including how medical providers use AI to make decisions affecting health and healthcare.

In the legal advisories, Attorney General Bonta outlines existing California laws and explains how they are applicable to AI technology. Entities that develop, sell, or use AI have a duty to ensure they are in compliance with all state, federal, and local laws that may apply to their activities.

Application of Existing California Laws to Artificial Intelligence Advisory

This advisory provides an overview of many existing California laws that may apply to entities who develop, sell, or use AI, including consumer protection, civil rights, competition, data protection laws, and election misinformation laws.

This advisory also summarizes several new California AI laws that went into effect on January 1, 2025. These include laws regarding:

Disclosure Requirements for Businesses

Unauthorized Use of Likeness

Use of AI in Election and Campaign Materials

Prohibition and Reporting of Exploitative Uses of AI

Application of Existing California Law to Artificial Intelligence in Healthcare

AI tools have the potential to help improve patient and population health, increase health equity, reduce administrative burdens, and facilitate appropriate information sharing. At the same time, AI risks causing discrimination, denials of needed care and other misallocations of healthcare resources, and interference with patient autonomy and privacy. Beyond medical diagnosis and treatment decisions, AI systems are routinely used for tasks such as appointment scheduling, medical risk assessment, and bill processing.

This advisory provides guidance to healthcare providers, insurers, vendors, investors, and other healthcare entities that develop, sell, and use AI and other automated decision systems by detailing entities' obligations under California law, including under the state's consumer protection, civil rights, data privacy, and professional licensing laws.

AI used or developed for healthcare-related applications carries a potential risk of harm to patients, healthcare systems, or public health at large. As such, developers, researchers, providers, insurers, and related organizations should ensure that AI systems are tested, validated, and audited to ensure that their use is safe, ethical, and lawful, and reduces, rather than replicates or exaggerates, human error and biases. They should also be transparent with patients about whether patient information is being used to train AI and how providers are using AI to make decisions affecting health and healthcare.

The two advisories are not meant to be exhaustive, various other California laws — including tort, public nuisance, environmental protection, public health, business regulation, and criminal — apply to AI systems and to entities that use AI in their business activities.

The legal advisories can be found [here](#) , and [here](#) .

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