

AMENDED IN SENATE JUNE 27, 2024

AMENDED IN SENATE JUNE 18, 2024

AMENDED IN ASSEMBLY APRIL 25, 2024

AMENDED IN ASSEMBLY APRIL 11, 2024

AMENDED IN ASSEMBLY MARCH 21, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 3030

Introduced by Assembly Member Calderon

February 16, 2024

An act to add ~~Section 1316.9 to~~ *Chapter 2.13 (commencing with Section 1339.75) to Division 2 of the Health and Safety Code*, relating to health care services.

LEGISLATIVE COUNSEL'S DIGEST

AB 3030, as amended, Calderon. Health care services: artificial intelligence.

Existing law provides for the licensure and regulation of health facilities and clinics by the State Department of Public Health. ~~A violation of these provisions is a crime.~~ *Existing law, the Medical Practice Act, establishes the Medical Board of California for the licensing, regulation, and discipline of physicians and surgeons. Existing law, the Osteopathic Act, enacted by an initiative measure, establishes the Osteopathic Medical Board of California for the licensing and regulation of osteopathic physicians and surgeons.*

This bill would require a health facility, clinic, physician's office, or office of a group practice that uses generative artificial intelligence to

1 (B) For written communications involving continuous online
2 interactions, including chat-based telehealth, the disclaimer shall
3 be prominently displayed throughout the interaction.

4 (C) For audio communications, the disclaimer shall be provided
5 verbally at the start and the end of the interaction.

6 (D) For video communications, the disclaimer shall be
7 prominently displayed throughout the interaction.

8 (2) Clear instructions describing how a patient may contact a
9 human health care provider, employee of the health facility, clinic,
10 physician's office, or office of a group provider, or other
11 appropriate person.

12 (b) If a communication is generated by generative artificial
13 intelligence and read and reviewed by a human licensed or certified
14 health care provider, the requirements of subdivision (a) do not
15 apply.

16 (c) For purposes of this section, the following definitions apply:

17 (1) "Artificial intelligence" means an engineered or
18 machine-based system that varies in its level of autonomy and that
19 can, for explicit or implicit objectives, infer from the input it
20 receives how to generate outputs that can influence physical or
21 virtual environments.

22 (2) "Clinic" has the same meaning as defined in Section 1200.

23 (3) "Generative artificial intelligence" means artificial
24 intelligence that can generate derived synthetic content, including
25 images, videos, audio, text, and other digital content.

26 (4) "Health care provider" means a person licensed or certified
27 pursuant to Division 2 (commencing with Section 500) of the
28 Business and Professions Code.

29 (5) "Health facility" has the same meaning as defined in Section
30 1250.

31 (6) "Office of a group practice" means an office or offices in
32 which two or more physicians are legally organized as a
33 partnership, professional corporation, or not-for-profit corporation
34 licensed according to subdivision (a) of Section 1204.

35 (7) "Patient clinical information" means information relating
36 to the health status of a patient. This information does not include
37 administrative matters, including, but not limited to, appointment
38 scheduling, billing, or other clerical or business matters.

39 (8) "Physician's office" means an office of a physician in solo
40 practice.

1 (d) (1) A violation of this section by a licensed health care
2 facility is subject to the enforcement mechanisms described in
3 Article 3 (commencing with Section 1275) of Chapter 2.

4 (2) A violation of this section by a licensed clinic is subject to
5 the enforcement mechanisms described in Article 3 (commencing
6 with Section 1225) of Chapter 1.

7 (3) A violation of this section by a physician is subject to the
8 jurisdiction of the Medical Board of California or the Osteopathic
9 Medical Board of California, as appropriate.

10 SECTION 1. Section 1316.9 is added to the Health and Safety
11 Code, to read:

12 1316.9. ~~(a) A health facility, clinic, physician’s office, or office
13 of a group practice that uses generative artificial intelligence to
14 generate written or verbal patient communications pertaining to
15 patient clinical information shall ensure that those communications
16 include both of the following:~~

17 ~~(1) A disclaimer that indicates to the patient that the
18 communication was generated by generative artificial intelligence.~~

19 ~~(A) For written communications involving physical and digital
20 media, including letters, emails, and other occasional messages,
21 the disclaimer shall appear prominently at the beginning of each
22 communication.~~

23 ~~(B) For written communications involving continuous online
24 interactions, including chat-based telehealth, the disclaimer shall
25 be prominently displayed throughout the interaction.~~

26 ~~(C) For audio communications, the disclaimer shall be provided
27 verbally at the start and the end of the interaction.~~

28 ~~(D) For video communications, the disclaimer shall be
29 prominently displayed throughout the interaction.~~

30 ~~(2) Clear instructions describing how a patient may contact a
31 human health care provider, employee of the health facility, clinic,
32 physician’s office, or office of a group provider, or other
33 appropriate person.~~

34 ~~(b) If a written communication is generated by generative
35 artificial intelligence and reviewed by a human health care
36 provider, the disclaimer shall indicate that the communication was
37 generated by generative artificial intelligence and reviewed by a
38 human.~~

39 ~~(c) For purposes of this section, the following definitions apply:~~

1 (1) ~~“Artificial intelligence” means an engineered or~~
2 ~~machine-based system that varies in its level of autonomy and that~~
3 ~~can, for explicit or implicit objectives, infer from the input it~~
4 ~~receives how to generate outputs that can influence physical or~~
5 ~~virtual environments.~~

6 (2) ~~“Clinic” has the same meaning as defined in Section 1200.~~

7 (3) ~~“Generative artificial intelligence” means artificial~~
8 ~~intelligence that can generate derived synthetic content, including~~
9 ~~images, videos, audio, text, and other digital content.~~

10 (4) ~~“Health care provider” means a person licensed or certified~~
11 ~~pursuant to Division 2 (commencing with Section 500) of the~~
12 ~~Business and Professions Code.~~

13 (5) ~~“Health facility” has the same meaning as defined in Section~~
14 ~~1250.~~

15 (6) ~~“Office of a group practice” means an office or offices in~~
16 ~~which two or more physicians are legally organized as a~~
17 ~~partnership, professional corporation, or not-for-profit corporation~~
18 ~~licensed according to subdivision (a) of Section 1204.~~

19 (7) ~~“Patient clinical information” means information relating~~
20 ~~to the health status of a patient. This information does not include~~
21 ~~administrative matters, including, but not limited to, appointment~~
22 ~~scheduling, billing, or other clerical or business matters.~~

23 (8) ~~“Physician’s office” means an office of a physician in solo~~
24 ~~practice.~~

25 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
26 ~~Section 6 of Article XIII B of the California Constitution because~~
27 ~~the only costs that may be incurred by a local agency or school~~
28 ~~district will be incurred because this act creates a new crime or~~
29 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
30 ~~for a crime or infraction, within the meaning of Section 17556 of~~
31 ~~the Government Code, or changes the definition of a crime within~~
32 ~~the meaning of Section 6 of Article XIII B of the California~~
33 ~~Constitution.~~