

Tell Callers When They're Talking to AI

One sentence. It's the law in a growing number of states, and it's the right thing regardless.

TIME	COST	DIFFICULTY	AUDIT SIGNAL
15 minutes	Free	Easy	ai_disclosure_present

WHAT WE MEASURED

If your phone is answered by AI, we checked whether it identified itself as AI unprompted, and how quickly.

WHY IT MATTERS

If a human answers your phone, this doesn't apply to you and you'll score full points automatically.

If an **AI** answers your phone, you have two reasons to disclose it.

The legal one. A growing number of states now require it. Maine's law (10 M.R.S. § 1500-DD, effective September 2025) is the broadest: clear, conspicuous, proactive disclosure whenever the bot **may mislead** a reasonable consumer — any trade or commerce, no size threshold, and **no requirement that anyone was actually misled**. New Jersey requires proactive disclosure at the start of the interaction for sales and advertising. Utah's law provides a **safe harbor** if the AI discloses itself clearly at the outset. California's B.O.T. Act provides a similar safe harbor. Colorado, Oregon, Washington, Nebraska, Idaho and others have laws in various stages.

The practical one. Customers hate discovering it mid-call far more than they mind being told upfront. The complaint is never "they told me it was AI." It's always "I thought I was talking to a person."

The good news: the union of every state requirement collapses into one cheap behaviour.

FIX IT YOURSELF

1 Disclose in the first sentence

Not buried, not at the end, not only if asked. First sentence, before anything else.

Working script:

"Hi, thanks for calling [Business Name] — I'm an AI assistant. I can book appointments, answer questions about our services, or get you to a person. What can I help with?"

That single line satisfies Maine, New Jersey, Utah's safe harbor, Colorado's consumer-interaction notice, and California's safe harbor simultaneously. **Nobody has ever been penalized for over-disclosing.**

2 Offer the human path in the same breath

"...or get you to a person" does a lot of work. It reassures the caller who was about to hang up, and it satisfies the escalation requirement in every framework that has one.

Then honour it instantly — see *Guarantee a Customer Can Always Reach a Human*.

3 Never let the AI claim to be a person

No human first names presented as staff. No "let me check with my manager." No pretending to type. If a caller asks "am I talking to a real person?", the answer is an immediate, plain **no**.

This is where the legal exposure actually lives — the statutes target *intent to mislead*, and a bot with a fake human identity is the paradigm case.

4 If you're in healthcare, disclose twice

California's AB 3030 (effective January 2025) applies to health facilities, clinics, and physician practices using generative AI for patient communications about **clinical** information. For phone specifically, it requires the disclaimer **verbally at the start AND at the end** of the interaction, plus **clear instructions for contacting a human provider**.

It doesn't apply if a licensed human reviews the communication first, and it doesn't cover purely administrative content like scheduling or billing. If you're a medical or dental practice, take the safe route: disclose at both ends and always name the human path.

5 Handle recording consent separately

Recording consent and AI disclosure are independent legal obligations. Satisfying one does not satisfy the other.

Federal law is one-party consent, but these states require **all parties** to consent for phone recording: California, Connecticut, Delaware, Florida, Illinois, Maryland, Massachusetts, Montana, Nevada, New Hampshire, Oregon, Pennsylvania, Washington. Michigan is contested — announce anyway.

Interstate calls are legally unsettled. If any of your callers are out of state, behave as if you're in an all-party state at all times.

If you record, combine both into one opening line rather than two separate prompts:

"Hi, thanks for calling [Business] — I'm an AI assistant and this call may be recorded. I can book you in, answer questions, or get you to a person."

And you must have a real way to **stop recording** if the caller objects. An announcement with no opt-out is weak consent.

CHECK YOUR WORK

- ☐ Your AI identifies itself as AI in the first sentence.
- ☐ The human path is offered in the same greeting.
- ☐ The AI never claims to be a person, even when asked directly.
- ☐ Healthcare: disclosure at start AND end, plus human-contact instructions.
- ☐ If you record, that's announced too, with a way to opt out.

COMMON MISTAKES

- **Giving the AI a human name presented as staff.** This is the exact thing the statutes target.
- **Disclosing only when asked.** Maine, New Jersey and others require it proactively.
- **Two long separate prompts.** You'll lose callers before the menu. Combine them.
- **Assuming this is settled law.** It's changing fast. Date-stamp your policy and review it twice a year.

This fix is free. You can earn and keep any Agenarys Seal tier — including Platinum — without paying Agenarys anything beyond the audit itself. If you would rather have help doing it, we sell that. We never sell passage.

SOURCES & FURTHER READING

Maine 10 M.R.S. § 1500-DD (eff. September 2025)

New Jersey N.J.S.A. 56:8-18.2

Utah AI Policy Act (SB 149, amended by SB 226)

California B.O.T. Act, Bus. & Prof. Code §§ 17940–17943

California AB 3030 (eff. January 2025)

FCC Declaratory Ruling 24-17, February 2024

This guide is general information, not legal advice. Laws change frequently — confirm current requirements in your states with counsel.