

THIRD READING

Bill No: SB 1050
Author: Ashby (D)
Amended: 4/23/26
Vote: 21

SENATE PRIV., DIGITAL TECH. & CONS. PROT. COMMITTEE: 7-0, 4/6/26
AYES: Cabaldon, Gonzalez, McNerney, Padilla, Reyes, Umberg, Wiener
NO VOTE RECORDED: Jones, Ochoa Bogh

SENATE JUDICIARY COMMITTEE: 13-0, 4/21/26
AYES: Umberg, Niello, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern,
Valladares, Wahab, Weber Pierson, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/14/26
AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

SUBJECT: False advertising: synthetic digital performers

SOURCE: SAG-AFTRA

DIGEST: This bill makes it an unlawful practice for a person to create or publish an advertisement with a synthetic performer, as defined, without a clear and conspicuous disclosure that the performer is synthetic, and prohibits an advertising medium, as defined, from making an advertisement available if specified conditions are met.

ANALYSIS:

Existing law:

- 1) Establishes the California AI Transparency Act, which becomes operative, in part, on August 2, 2026, and requires certain “covered providers” to make an artificial intelligence (AI) detection tool available at no cost by which a person can assess whether content was created or altered by the provider’s GenAI system. (Business (Bus.) & Professions (Prof.) Code § 22757 et seq.)

- 2) Requires a covered provider to offer users the option to include in AI-generated image, video, or audio content created by its own generative AI system a manifest disclosure that meets specified criteria, including that it identifies the content as AI-generated content. (Bus. & Prof. Code § 22757.3(a).)
- 3) Requires a covered provider to include in AI-generated image, audio, and video content created by its generative AI system a latent disclosure that is detectable by the tool specified above and is, to the extent technically feasible, permanent or extraordinarily difficult to remove. (Bus. & Prof. Code § 22757.3(b).)
- 4) Requires a large online platform, starting January 1, 2027, to do one of the following:
 - a) Detect whether any provenance data that is compliant with widely adopted specifications adopted by an established standards-setting body is embedded into or attached to content distributed on the large online platform.
 - b) Provide a user interface to disclose the availability of system provenance data that reliably indicates that the content was generated or substantially altered by a GenAI system or captured by a capture device. The user interface shall make clearly and conspicuously available to users information sufficient to identify the content's authenticity, origin, or history of modification, including specified information such as whether provenance data is available.
 - c) Allow a user to inspect all available system provenance data that is compliant with widely adopted specifications adopted by an established standards-setting body in an easily accessible manner by any of several specified means. (Bus. & Prof. Code § 22757.3.1.)
- 5) Provides that violators of the above provisions are liable for a civil penalty in the amount of \$5,000 per violation to be collected in a civil action filed by the Attorney General, a city attorney, or a county counsel. Each day in violation is deemed a discrete violation. (Bus. & Prof. Code § 22757.4.)
- 6) Establishes the Unfair Competition Law (UCL), which provides a statutory cause of action for any unlawful, unfair, or fraudulent business act or practice and unfair, deceptive, untrue, or misleading advertising, including over the internet. (Bus. & Prof. Code § 17200 et seq.)
- 7) Establishes the False Advertising Law (FAL), which proscribes making or disseminating any statement that is known or should be known to be untrue or

misleading with intent to directly or indirectly dispose of real or personal property. (Bus. & Prof. Code § 17500 et seq.)

- 8) Provides remedies for individuals who have suffered damages as a result of fraud or deceit, including situations involving fraudulent misrepresentations. (Civil (Civ.) Code §§ 1709-1710, 1572-1573.)
- 9) Provides that any person who knowingly uses another's name, voice, signature, photograph, or likeness, in any manner, on or in products, merchandise, or goods, or for purposes of advertising or selling, or soliciting purchases of, products, merchandise, goods, or services, without that person's prior consent, or, in the case of a minor, the prior consent of their parent or legal guardian, shall be liable for any damages sustained by the person or persons injured as a result thereof. (Civ. Code § 3344(a).)

This bill:

- 1) Makes it unlawful for any person to create and cause to be published in an advertising medium an advertisement that includes a synthetic performer without a clear and conspicuous disclosure that the performer is synthetic.
- 2) Requires an advertising medium to not transmit, distribute, display, air, or otherwise make available an advertisement containing a synthetic performer if both of the following are met:
 - a) A court of competent jurisdiction has issued an order finding that the advertisement violates this chapter or enjoining the creator from publishing the advertisement, including, but not limited to, an injunction issued under Section 527 of the Code of Civil Procedure.
 - b) The advertising medium is served with the order and information reasonably sufficient to identify the advertisement.
- 3) Requires an advertising medium that receives an order described above to, as soon as commercially reasonable and technically feasible, remove, disable access to, or cease further dissemination of the advertisement and cease accepting payment for further dissemination of the advertisement.
- 4) A disclosure required by this section shall, at a minimum, satisfy all of the following:
 - a) Appear in close proximity to the synthetic performer.

- b) Be presented in a manner and duration sufficient for a reasonable consumer to understand that the performer is not a real human being.
 - c) Use wording substantially similar to “this performance features a synthetic digital performer,” or “no human performer is depicted.”
- 5) Defines the relevant terms:
- a) “Advertisement” means any video or audiovisual message, statement, audiovisual recording, digital communication, or other representation disseminated in any manner or by any means, including through online platforms, that is intended to induce, or that is reasonably expected to induce, the purchase of goods or services, as described in the FAL, excluding an audio-only advertisement.
 - b) “Advertising medium” means any broadcast station, cable operator, multichannel video programming distributor, online platform, streaming service, digital advertising network, publisher, or other person or entity that distributes, displays, transmits, or makes available an audiovisual advertisement to consumers in the state.
 - c) “Clear and conspicuous disclosure” means a disclosure that is difficult to miss, easily understandable, and presented in a manner that a reasonable consumer would notice, read, and comprehend, taking into account the medium, format, and context in which the advertisement appears.
 - d) “Synthetic performer” means a human-like digital figure, voice, or representation created in whole or in part using artificial intelligence, machine learning, or computational techniques that creates the impression that the asset is engaging in an audiovisual or visual performance of a human performer who is not recognizable as any identifiable natural performer.
- 6) Clarifies that it shall not be construed to do any of the following:
- a) Restrict or prohibit the creation, distribution, or exhibition of synthetic content.
 - b) Regulate the expressive or informational content of an advertisement, except to require the factual disclosure described in subdivision (b).
 - c) Affect or limit any rights or remedies available under Section 17200 or 17500 or any other law concerning deceptive, unfair, or misleading business practices.

- d) Apply to advertisements for expressive works, including, but not limited to, motion pictures, television programs, streaming content, documentaries, video games, or other similar audiovisual works, provided that the use of a synthetic performer in the advertisement or promotional material is consistent with its use in the expressive work.
 - e) Apply to an advertisement that uses artificial intelligence solely for language translation of a human performer.
- 7) Provides that a violation constitutes a violation of the FAL and may be enforced pursuant to the UCL.
- 8) Includes a severability clause.

Background

As AI models and applications become more sophisticated and integrated into our daily lives, more attention is being paid to where thoughtful regulation may be needed, including measures to ensure the safety and reliability of these systems. In addition, the rapid advancement of this technology, specifically the wide-scale introduction of GenAI models, has made it drastically cheaper and easier to produce synthetic content—audio, images, text, and video recordings that are not real, but that are so realistic that they are virtually impossible to distinguish from authentic content, including so-called “deepfakes.”

Existing law prohibits false advertising and falsely holding oneself out to have certain qualifications or to unlawfully use the likeness of another for commercial purposes. This bill seeks to address the increased usage of synthetic performers, specifically in advertisements, by making it unlawful for any person to create and publish an advertisement in an advertising medium that includes a synthetic performer without a clear and conspicuous disclosure that the performer is synthetic. It further requires an advertising medium not to make available an advertisement containing a synthetic performer and to cease dissemination of the advertisement if certain conditions are met.

This bill is sponsored by SAG-AFTRA. This bill is supported by various groups, including TechEquity Action and the California Initiative for Technology & Democracy. It is opposed by the Motion Picture Association and industry groups.

For a more thorough discussion, please see the Senate Privacy, Digital Technologies, and Consumer Protection Committee analysis of this bill.

Comment

According to the author:

California is home to the largest and most influential creative sector in the world. Hundreds of thousands of workers power the state's creative economy, which generates billions of dollars in economic activity. At the heart of this industry are the people who bring stories and brands to life. However, recent advances in artificial intelligence have led to the creation of human-like digital figures that convincingly appear, speak, move, and perform like real people. These 'synthetic performers' are increasingly used online and in advertisements to promote products and services, often without any disclosure to consumers. The absence of transparency threatens California's entertainment workforce and enables the continued deception of consumers.

California has long led the nation in protecting both workers and consumers. With the advent of AI and its impact on commercial media, the state must ensure existing advertising laws are updated to reflect new realities. SB 1050 addresses this issue by establishing a disclosure requirement for advertisements that include synthetic performers. The disclosure must be clear, conspicuous, and understandable to a reasonable consumer, and a violation of this requirement falls under the existing False Advertising Law. This bill is necessary to provide greater transparency and to protect workers and consumers.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

Unknown, significant to major cost pressure to the courts to the extent there are additional civil filings for new violations created by this bill. Actual costs would depend on the number of violations and the amount of court time required for each action, for example, advertisements without proper disclosure. Although courts are not funded based on workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts. The proposed FY 2026-07 Governor's budget would provide \$70 million General Fund support (Trial Court Trust Fund, General Fund).

SUPPORT: (Verified 5/13/26)

SAG-AFTRA (source)

California Federation of Labor Unions
California Initiative for Technology & Democracy
Entertainment Union Coalition
GenUp (Generation Up)
Music Artists Coalition
National AI Youth Council
TechEquity Action
Transparency Coalition.AI

OPPOSITION: (Verified 5/13/26)

American Advertising Federation Orange County
American Advertising Federation (AAF)
American Association of Advertising Agencies (4A'S)
Association of National Advertisers
CalBroadband
California Chamber of Commerce
Computer & Communications Industry Association
Motion Picture Association
TechNet

ARGUMENTS IN SUPPORT: SAG-AFTRA, the sponsor of the bill, writes:

Generative artificial intelligence models present unique opportunities and create serious risks. To maintain trust in a digital world, we need guardrails on certain synthetic creations. This bill is narrowly tailored to target the use of synthetics in advertisements. People deserve to know who is selling to them, and this bill provides that safeguard.

SB 1050 arrives amid increasing concerns over the proliferation of generative A.I. in media, where hyper-realistic clones, deepfake influencers and A.I. spokespersons have blurred the line between real and fake. This bill puts consumers first, providing a level of accountability and trust urgently needed in the digital world.

ARGUMENTS IN OPPOSITION: CalBroadband writes from an “Oppose Unless Amended” position:

SB 1050 would create exposure for broadcasters, cable operators, and video providers that air advertisements created by third parties. Unlike the creators of political advertisements, distributors:

- Do not have visibility into how content was produced or whether synthetic media was used.
- Can not independently verify whether an advertisement contains synthetic or manipulated media.
- Do not control whether required disclosures are included in the advertisement at the time it is produced.

Imposing liability on dissemination creates a risk that entities acting in good faith will be penalized for actions outside of their control.

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