

SENATE THIRD READING
SB 1050 (Ashby)
As Amended August 19, 2026
Majority vote

SUMMARY

Makes it unlawful for any person to create and cause to be published in an advertising medium an advertisement that prominently includes a "synthetic performer" without a clear and conspicuous disclosure that the advertisement includes a synthetic performer.

Major Provisions

- 1) Defines "synthetic performer" as a digital figure, voice, or representation created in whole or in part using generative artificial intelligence that creates the realistic impression of a human performance.
- 2) Requires the disclosure to use wording substantially similar to "this performance features a synthetic performer" or "no human performer is depicted."
- 3) Exempts advertisements for expressive works, where the use of the synthetic performer is consistent with its use in the expressive work, and advertisements in which generative artificial intelligence is used solely for language translation of a human performer.
- 4) Prohibits an advertising medium from continuing to transmit or display an advertisement after being served with a court order finding the advertisement violates these provisions, and requires the advertising medium to remove the advertisement and cease accepting payment as soon as commercially reasonable and technically feasible.
- 5) Provides that a violation constitutes a violation of the False Advertising Law (FAL), enforceable pursuant to the Unfair Competition Law (UCL) by public prosecutors and, in limited circumstances, injured private parties.

COMMENTS

This bill makes it unlawful for any person to create and cause to be published in an advertising medium that includes a synthetic performer – a human-like digital figure, voice, or representation created in whole or in part using GenAI that gives the impression of a human performer who is not recognizable as any identifiable natural performer – without a clear and conspicuous disclosure that the performer is synthetic. "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. Such disclosures must use wording substantially similar to "this performance features a synthetic digital performer," or "no human performer is depicted."

The bill prohibits an advertising medium from transmitting, distributing, displaying, airing, or otherwise making available an advertisement containing a synthetic performer if a court has issued an order finding the advertisement violates the bill, and the advertising medium is served with the order and information reasonably sufficient to identify the advertisement. Upon receipt of such an order, the bill requires the advertising medium, to the extent commercially reasonable

and technically feasible, to remove, disable access to, or cease further dissemination of the advertisement in this state, and to cease accepting payment for further dissemination of the advertisement. "Advertising medium" does not include entities that are not capable of removing, disabling access to, or ceasing further dissemination of an advertisement, ensuring that certain service providers merely acting as conduits for advertisements are not subject to these requirements.

The bill does not apply to advertisements for expressive works, such as motion pictures, television programs, and video games, provided that the use of a synthetic performer in the advertisement or promotional material is consistent with its use in the expressive work. A violation of the bill constitutes a violation of the FAL, enforceable pursuant to the UCL.

According to the Author

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.

Arguments in Support

According to the Screen Actors Guild – American Federation of Television and Radio Artists (SAG-AFTRA), the bill's sponsor:

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, deep-fake 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.

The transparency required by this measure also protects our creative community. Disclosure will provide advertisers and consumers with a clear choice when it comes to replacing human performers with synthetics.

Arguments in Opposition

TechNet, Chamber of Commerce, Computer and Communications Industry Association jointly write:

We share the goal of preventing deceptive advertising, including fake endorsements or uses of synthetic performers that falsely imply a real person's participation. But SB 1050 goes beyond deception by requiring labels even when the synthetic element would not affect a reasonable consumer's purchasing decision. As such, we respectfully write to suggest that several targeted amendments be considered and adopted before the bill can be effectively implemented, and we urge the committee to adopt them.

[. . .]

SB 1050 raises concerns related to overbroad definitions, rigid disclosure requirements, and a litigation-driven enforcement structure that could create uncertainty and unintended consequences without advancing meaningful consumer protection.

FISCAL COMMENTS

- 1) Potential court cost pressures of an unknown, but potentially significant amount (Trial Court Trust Fund (TCTF)), to the extent civil actions are filed to enforce the bill's new disclosure requirement. Actual costs would depend on the number of violations and the amount of court time each action requires. Although trial courts are not funded on a workload basis, increased pressure on the TCTF may create demand for increased General Fund support. The state provides approximately \$117.3 million in annual General Fund backfill to the TCTF in 2025-26.
- 2) Minor and absorbable costs to the Department of Justice (DOJ) to enforce the bill's provisions, as UCL enforcement is discretionary and falls within DOJ's baseline false advertising enforcement operations.

VOTES

SENATE FLOOR: 38-0-2

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Choi, Dahle

ASM PRIVACY AND CONSUMER PROTECTION: 13-2-0

YES: Bauer-Kahan, Macedo, Bryan, Hoover, Irwin, Lowenthal, McKinnor, Ortega, Pellerin, Petrie-Norris, Ward, Wicks, Wilson

NO: DeMaio, Patterson

ASM ARTS, ENTERTAINMENT, SPORTS, AND TOURISM: 9-0-0

YES: Ward, Lackey, Elhawary, Jeff Gonzalez, McKinnor, Ortega, Quirk-Silva, Valencia, Zbur

ASM JUDICIARY: 10-1-1

YES: Kalra, Macedo, Bauer-Kahan, Bryan, Connolly, Harabedian, Pacheco, Papan, Stefani, Zbur

NO: Sanchez

ABS, ABST OR NV: Dixon

ASM APPROPRIATIONS: 12-1-2

YES: Wicks, Hoover, Arambula, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

NO: Tangipa

ABS, ABST OR NV: Dixon, Ta

UPDATED

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