

**SENATE COMMITTEE ON
BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT**
Senator Angelique Ashby, Chair
2025 - 2026 Regular

Subject: Streaming services: commercial advertisements

SUMMARY: Prohibits a social media video service, music streaming service, or podcast streaming service that serves California consumers from transmitting the audio of commercial advertisements louder than the video content the advertisements accompany.

Existing law:

- 1) Beginning July 1, 2026, prohibits a video streaming service that serves California consumers from transmitting the audio of commercial advertisements louder than the video content the advertisements accompany, consistent with the regulations adopted by the Federal Communications Commission pursuant to the Commercial Advertisement Loudness Mitigation (CALM) Act (Public Law 111-311) for television broadcast stations, cable operators, and other multichannel video programming distributors. (Business and Professions Code (BPC) § 22776)
- 2) Defines “video programming” as having the same meaning as the term is defined in Section 613(h) of Title 47 of the United States Code, which is programming by, or generally considered comparable to programming provided by a television broadcast station, but not including consumer-generated media. (BPC § 22775)
- 3) Defines “video streaming service” as an entity that makes video programming or video content the entity makes available for users to view. Specifies that “video streaming service” does not include a television broadcast station, cable operator, or other multichannel video programming distributor, or an entity that serves video programming or video content without commercial advertisements.
- 4) States that the prohibition in 1) above does not create a private right of action. (BPC § 22775)
- 5) Existing federal law establishes standards for the transmission of commercial advertisements by a television broadcast station, cable operator, or other multichannel video programming distributor by requiring, within 1 year after December 15, 2010, the Federal Communications Commission (FCC) to establish a regulation for the "Recommended Practice: Techniques for Establishing and Maintaining Audio Loudness for Digital Television" (Advanced Television Systems Committee's (ATSC) A/85 Recommended Practice ("ATSC A/85 RP")) (47 U.S.C. § 621)

This bill:

- 1) Prohibits a social media video service, music streaming service, or podcast streaming service that serves California consumers from transmitting the audio of commercial advertisements louder than the content the advertisements accompany.
- 2) Defines “social media video service” to mean an internet website that is open to the public, allows a user to create an account, consists primarily of content that is user generated and not preselected by the provider, and provides a landing page, main feed, or search function that presents the user with video content generated by other users.

FISCAL EFFECT: Unknown. This bill is not keyed fiscal by Legislative Counsel.

COMMENTS:

1. **Purpose.** The Author is the Sponsor of this bill. According to the Author, “The CALM Act, a federal law passed in 2010 was designed to prevent excessive commercial loudness but predates the rise of streaming. As a result, streaming services are not explicitly regulated under the act, allowing them to increase advertisement volumes without restriction. This has led to frequent, jarring spikes in loudness during commercials, disrupting viewers' experiences and causing auditory discomfort. SB 576 (Umberg) closed the loophole for video streaming services, by prohibiting video streaming services from transmitting commercial advertisement audio at levels louder than primary video content. But not for social media platforms.”

The Author states “The way Californians consume media has evolved rapidly, with social media video, music, and podcast streaming platforms now central to how people access information and entertainment. Yet consumer protections have not kept pace with these changes. While federal law regulates the loudness of advertisements on traditional television and cable, and California has acted to close this gap for video streaming services, these safeguards still do not extend to social media video, music, or podcast streaming platforms. As a result, consumers are routinely subjected to sudden and disruptive spikes in advertisement volume, particularly while listening to podcasts or streaming music—often through headphones or in quiet environments. These abrupt increases in loudness can be jarring and uncomfortable, especially for seniors, children, and individuals with hearing sensitivities or auditory processing disorders.”

The Author notes “SB 96 builds on California's existing leadership in consumer protection by extending reasonable advertisement volume standards to social media video services, music streaming services, and podcast platforms that serve California consumers. By ensuring that commercial advertisements are not transmitted at a louder volume than the content they accompany, this bill promotes a more consistent and respectful listening experience across modern digital media. As streaming audio and video continue to grow in popularity, California must ensure that consumer protections evolve alongside technological change. SB 96 is a straightforward, commonsense measure that closes an existing gap in the law,

reduces unnecessary auditory disruption, and ensures fair advertising practices in today's digital media landscape."

The Author states that "Podcast streaming is becoming more commonly consumed form of media. As of November 2025, approximately 54% of U.S. adults have listened to a podcast in the past 12 months, with younger people being more likely to engage with this form of media. For unpaid subscriptions, ads are typically unskippable. The free version of Spotify, for example, averages 2-3 minutes of unskippable advertising per hour. Unskippable ads are now a standard part of short form video on major social platforms in the US. Reports in early 2025 documented extremely long unskippable YouTube ads, with verified cases of ad slots nearly one hour long and even close to three hours, before Google clarified that standard non-skippable in-stream ads are supposed to be capped at 15 seconds. Platforms are experimenting with unskippable formats that remove user control, as seen in Instagram's ad breaks which are only skippable at 10 seconds. Recent polling shows that over half of Instagram users say they would delete the app if unskippable ads became permanent, and 74% of people report being tired of social media ads, underscoring growing consumer frustration with intrusive ad practices."

2. **Background.** According to the FCC, Congress enacted the CALM Act to direct the FCC to establish rules to require commercials to have the same average volume as the programs they accompany. These rules went into effect on December 13, 2012. Specifically, the CALM Act directs the FCC to establish rules that require TV stations, cable operators, satellite TV providers or other multichannel video program distributors to apply the Advanced Television Systems Committee's (ATSC) A/85 Recommended Practice ("ATSC A/85 RP") to commercial advertisements they transmit to viewers. The ATSC A/85 RP is a set of methods to measure and control the audio loudness of digital programming, including commercials. This standard can be used by all broadcast television stations and pay TV providers. The ATSC practice does not set an absolute cap on loudness. Rather, it requires commercials to have the same average volume as the programming they accompany, so that the volume a consumer chooses is the one at which both the programming and the advertisements will air. The FCC relies on consumer complaints to monitor industry compliance.

In 2023, Senator Sheldon Whitehouse (D-RI) and Representative Anna G. Eshoo (D-CA) introduced legislation, S. 1127 and H.R. 2422, to extend the CALM Act's prohibitions to all ad-supported streaming services to ensure that the volume of commercials on streaming services is not louder than regular programming. It also grants the FCC the ability to investigate and enforce violations of the CALM Act by broadcast, cable, and satellite TV operators and requires a study analyzing the effectiveness of the CALM Act in moderating ad loudness. The measures were referred to their respective policy committees, but it appears no further action was taken.

3. **Implementation Issues and Policy Considerations.** This bill specifies certain prohibitions on activity by entities that serve consumers throughout the nation and world. Is it feasible for social media video services, music streaming services, or podcast streaming services to establish advertisement transmission standards only for California residents? Is this effort more appropriate for the federal government to

address by updating the CALM Act to include all ad-supported streaming services? This bill additionally lacks any type of enforcement mechanism and does not include a pathway for consumers to report a violation of the proposed prohibition. Will this bill even result in any meaningful change without enforcement? Will consumers just continue to report complaints and concerns about advertising volume to the FCC as they do today?

SUPPORT AND OPPOSITION:Support:

None received

Opposition:

None received

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