
THIRD READING

Bill No: SB 96
Author: Umberg (D)
Amended: 1/5/26
Vote: 21

SENATE BUS., PROF. & ECON. DEV. COMMITTEE: 9-0, 1/12/26

AYES: Ashby, Choi, Archuleta, Arreguín, Grayson, Niello, Smallwood-Cuevas, Umberg, Weber Pierson

NO VOTE RECORDED: Menjivar, Strickland

SUBJECT: Streaming services: commercial advertisements

SOURCE: Author

DIGEST: This bill 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.

ANALYSIS:

Existing law:

- 1) Prohibits, beginning July 1, 2026, 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.

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.

Comments

This bill specifies certain prohibitions on activity by entities that serve consumers throughout the nation and world. It is unclear whether it is feasible for social media video services, music streaming services, or podcast streaming services to establish advertisement transmission standards only for California residents. This effort may be 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 and it is unclear if this bill will result in any meaningful change without enforcement or whether consumers will just continue to report complaints and concerns about advertising volume to the FCC as they do today.

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

SUPPORT: (Verified 1/13/26)

None received

OPPOSITION: (Verified 1/13/26)

None received

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***** **END** *****