

Date of Hearing: June 23, 2026

ASSEMBLY COMMITTEE ON ARTS, ENTERTAINMENT, SPORTS, AND TOURISM

Christopher M. Ward, Chair

SB 1050 (Ashby) – As Amended June 11, 2026

SENATE VOTE: 38-0

SUBJECT: False advertising: synthetic performers

SUMMARY: SB 1050 would make it an unlawful advertising practice for a 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.

Specifically, **this bill:**

1) Provides the following definitions:

- a. “Advertisement” as any audio, 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 specified.
- b. “Advertising medium” as 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 audio or audiovisual advertisement to consumers in this state. Excludes entities not capable of removing, disabling access to, or ceasing further dissemination of an advertisement.
- c. “Clear and conspicuous disclosure” as 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. “Generative artificial intelligence” (GenAI) means an artificial intelligence system that can generate derived synthetic content, such as text, images, video, and audio, that emulates the structure and characteristics of the system’s training data.
- e. “Synthetic performer” as a human-like digital figure, voice, or representation created in whole or in part using GenAI, that creates the impression that the asset is engaging in an audio, audiovisual, or visual performance of a human performer who is not recognizable as any identifiable natural performer.

2) Makes it unlawful for any person to create and cause to be published in an advertising medium that prominently includes a synthetic performer without a clear and conspicuous disclosure that the performer is synthetic. Such disclosures must use wording substantially similar to “this performance features a synthetic digital performer,” or “no human performer is depicted.”

3) Provides that the bill is not intended 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.
 - c. Affect or limit rights available under other laws 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 audio or 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 in which the use of the GenAI solely involves the language translation of a human performer.
- 4) 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, requires the advertising medium, as 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.
 - 5) Provides that a violation of the bill constitutes a violation of the FAL, enforceable pursuant to the UCL.
 - 6) Provides that if SB 1146 (Gonzalez) and this bill are enacted, this bill does not apply to an entity that creates or causes the creation of an advertisement that includes a synthetic performer depicted as a health care provider to promote the sale of a health-related consumer product or service.
 - 7) Includes a severability clause.

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 and Professions Code (BPC) Section 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. (BPC 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. (BPC 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. (BPC 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. (BPC 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. (BPC 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. (BPC 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 Code (CIV) Sections 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 3344(a).)

FISCAL EFFECT: According to the Senate Committee on Appropriations, the fiscal impact of this bill is unknown. There could be 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 2026-27 Governor's budget would provide \$70 million General Fund support (Trial Court Trust Fund, General Fund).

COMMENTS:

- 1) Author's statement. 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."

- 2) Background. California is a national leader in commercial and advertising production. The state's advertising production ecosystem is anchored by major production centers in Los Angeles, San Francisco, and a variety of regions that offer distinctive locations and production infrastructure. Commercial production encompasses a wide range of activities, including television advertisements, online video campaigns, product photography, visual effects, branded entertainment, and content created for streaming and social media platforms. California's concentration of creative agencies, production companies, post-production facilities, technology firms, and skilled workers has historically allowed the state to maintain a competitive advantage in the advertising sector.

The industry supports tens of thousands of workers across a broad range of occupations, including directors, producers, camera operators, editors, visual effects artists, set designers, makeup artists, drivers, and production assistants. Commercial productions often employ a combination of union and nonunion labor depending on the size and scope of the project. Because commercial shoots are generally shorter than feature film or television productions, they create significant opportunities for freelance and project-based employment while generating demand for ancillary services such as catering, transportation, equipment rental, security, lodging, and location management.

The economic impact of commercial and advertising production extends well beyond the direct spending associated with filming. Production expenditures circulate through local economies as companies purchase goods and services, hire workers, and utilize public and private facilities. Commercial shoots generate revenue for local governments through permitting fees and taxes while supporting small businesses that serve production crews and talent. California's advertising production sector also contributes to the state's broader

creative economy, which is one of the largest in the world and a major source of high-wage employment.

- 3) Artificial Intelligence in the Entertainment Industry. GenAI is increasingly being adopted across the entertainment industry as a tool for content creation, production, localization, visual effects, and marketing. One of the most significant emerging applications is the creation of digital replicas, which are AI-generated representations of a performer's likeness, voice, movements, or other identifiable characteristics. Advances in machine learning, facial capture, voice synthesis, and computer-generated imagery now allow studios and production companies to create highly realistic digital versions of actors, musicians, broadcasters, and other performers. These technologies can be used to de-age performers, recreate historical appearances, dub content into multiple languages while preserving a performer's voice, or generate new performances without requiring the performer's physical presence on set.

A related development is the emergence of synthetic performers, which are entirely AI-generated characters that can sing, speak, act, or interact with audiences without being based on a specific human performer. Synthetic performers have appeared in music, advertising, gaming, virtual production, and social media, where they can operate continuously across multiple platforms and languages. Entertainment companies view these tools as opportunities to reduce production costs, expand creative possibilities, and produce content more efficiently. At the same time, GenAI raises important questions about intellectual property, rights of publicity, labor protections, compensation, and consumer transparency, particularly when audiences may have difficulty distinguishing between human and AI-generated performances.

The rapid advancement of digital replica and synthetic performer technologies has prompted significant policy and labor discussions throughout the entertainment sector. During the 2023 labor negotiations involving the SAG-AFTRA and the Alliance of Motion Picture and Television Producers, protections related to digital replicas became a central issue, resulting in contractual provisions governing consent, compensation, and disclosure requirements. Several states, including California, have also considered or enacted legislation addressing unauthorized digital replicas and AI-generated uses of performers' likenesses.

- 4) Arguments in support. According to the National Association of Voice Actors in support, "As GenAI technology becomes increasingly advanced, it has become more and more difficult to discern a synthetic performer from a human performer. For audio-only commercials that do not include a visual representation of the performer speaking, discerning an authentic human performance from a synthetic performance is even more difficult.

"This bill requires an advertisement using a synthetic performer to provide consumers with a 'clear and conspicuous disclosure' that identifies the performer in that advertisement as 'synthetic'. This disclosure is vital for consumer rights and protections to ensure consumers are not being misled by deceptive advertising practices. For voice actors whose voices are being used without their permission, disclosure provides an important tool to protect performers from serious reputational and professional harm."

- 5) Arguments in opposition. According to the California Broadcasters Association with an oppose unless amended position on the bill, “We share the goal of ensuring consumers are not misled and believe there is a path forward that accomplishes that objective without creating unintended consequences for broadcasters... the bill would impose liability on broadcasters for third-party content they neither create nor control. Broadcasters generally have no practical ability to determine how an advertisement was produced, whether synthetic media was used, or whether required disclosures were included during production. We respectfully suggest that liability for distributors be limited to circumstances where the broadcaster has actual knowledge of a violation and is provided notice and a reasonable opportunity to cure.”
- 6) Triple-referral. This bill was first heard by the Assembly’s Committee of Privacy and Consumer Protection, where it passed on a 13-2 vote. Should the bill pass from this committee, it will be re-referred to the Assembly Judiciary Committee.
- 7) Policy considerations. This committee held a joint informational hearing with the Assembly Committee on Privacy and Consumer Protection on May 28, 2024, on the usage of AI in the entertainment industry. We heard testimony not only from SAG-AFTRA member Jason George, but concept artists and designers Drew Leung and Tiana Oreglia. It is concerning to the committee, as the legislature looks for ways to support the state’s creative economy, the loss of wages and opportunities that can be associated with a company deciding to create a single project or commercial using GenAI instead of human artists and talent.

The purpose of recent legislation providing tax credits for film and television production, post-production, and commercials has been to keep jobs in the entertainment industry in California. While this bill does not contain language specific to in-state production, it is well received by the committee for advancing that cause. The clear takeaway is that if companies do not want to make the disclosure about the use of GenAI in their advertisements, dealing with the associated impacts that the disclosure could have on their potential consumers, all they need to do is employ a human performer.

- 8) Prior and related legislation:
 - a) AB 2403 (Elhawary), of 2026, would create a commercial production tax credit, administered by the California Film Commission (CFC), for qualified commercial production in California of costs exceeding \$500,000, up to \$15 million total in aggregate credits provided in a given fiscal year. Of note, the use of GenAI to create a commercial in its entirety, or using GenAI in a manner that replaces or diminishes the job functions customarily performed by a human worker in the production, would cause the production to be deemed ineligible for the credit. This bill is currently in the Senate Revenue and Taxation Committee.
 - b) SB 1111 (Ashby), of 2026, would ensure that “digital replicas” are incorporated into the right of publicity law and criminal false impersonation statutes. This bill is currently with the Assembly Committee on Public Safety.
 - c) SB 1142 (Becker), of 2026, would have enacted the Digital Dignity Act relating to personal digital rights. This bill was held in Senate Appropriations.

- d) SB 1146 (Gonzalez), of 2026, would require advertisements with digital replicas or synthetic performers that are depicted as a health care provider who is promoting a health-related service or product to include a clear and conspicuous disclosure indicating that the health care provider is AI generated. This bill is currently with the Assembly Committee on Judiciary.
- e) AB 853 (Wicks), Chapter 674, Statutes of 2025, requires large online platforms to develop a way for users to easily access provenance data of uploaded content. The bill would also require capture device manufacturers to include features on their products that enable users to include provenance data in the content that they capture.
- f) AB 1836 (Bauer-Kahan), Chapter 258, Statutes of 2024, establishes a specific cause of action for beneficiaries of deceased celebrities for the unauthorized use of a digital replica of the celebrity in audiovisual works or sound recordings.
- g) AB 2013 (Irwin), Chapter 817, Statutes of 2024, requires a developer of a GenAI system or service to publicly disclose specific information related to the system or service's training data, except as provided.
- h) AB 2602 (Kalra), Chapter 259, Statutes of 2024, provides that a provision in an agreement for the performance of personal or professional services is unenforceable as it relates to a new performance, fixed on or after January 1, 2025, if it contains a provision allowing for the use of a digital replica of an individual's voice or likeness; does not include a reasonably specific description of the digital replica's intended uses with limited exception; and is not negotiated with legal counsel or by a labor union.
- i) AB 2885 (Bauer-Kahan), Chapter 843, Statutes of 2024, defines "artificial intelligence" to mean "an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments."
- j) SB 942 (Becker) Chapter 291, Statutes of 2024, places obligations on businesses that provide GenAI systems to make accessible tools to detect whether specified content was generated by those systems. These "covered providers" are required to offer visible, and include imperceptible, markings on AI-generated content to identify it as such.

REGISTERED SUPPORT / OPPOSITION:

Support

California Federation of Labor Unions, AFL-CIO
California Initiative for Technology & Democracy, a Project of California Common CAUSE
Creators Coalition on AI
Music Artists Coalition (MAC)
National Association of Voice Actors
SAG-AFTRA
Techequity Action

Oppose Unless Amended

CalBroadband
California Broadcasters Association
California Chamber of Commerce
Computer & Communications Industry Association
Motion Picture Association
TechNet

Other

Reason Foundation

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