

Date of Hearing: July 1, 2026
Fiscal: No

ASSEMBLY COMMITTEE ON PRIVACY AND CONSUMER PROTECTION

Rebecca Bauer-Kahan, Chair
SB 96 (Umberg) – As Amended June 26, 2026

SENATE VOTE: 39-0

SUBJECT: Streaming services: commercial advertisements

SYNOPSIS

Anyone who has ever fallen asleep in front of the television in the early 2000s or earlier is undoubtedly familiar with waking up abruptly to a blaring advertisement, playing at a volume significantly louder than the program it accompanied. In 2010, Congress responded to these loud advertisements by passing the Commercial Advertisement Loudness Mitigation (CALM) Act, which authorized the Federal Communications Commission (FCC) to issue rules ensuring that the average volume of commercials does not exceed that of the programming they accompany. However, the CALM Act extends only to traditional television programming and does not cover advertisements aired on streaming services.

To address this loophole, SB 576 (Umberg, Stats. 2025, Ch. 336) extended the requirements of the CALM Act to streaming platforms. Specifically, SB 576 prohibits streaming platforms from transmitting commercial advertisements at a volume louder than the accompanying video content. However, SB 576 is limited to streaming platforms and does not include user-generated video platforms like YouTube, TikTok, or Instagram Reels. Nor does it cover audio streaming services that provide music and podcasts.

This author-sponsored bill expands SB 576 to include user-generated video streaming services, as well as music streaming and podcast streaming platforms.

This bill has no registered support or opposition.

EXISTING LAW:

- 1) Establishes, under federal law, standards for the transmission of commercial advertisements by a television broadcast station, cable operator, or other multichannel video programming distributor by requiring the Federal Communications Commission (FCC) to establish a regulation for establishing and maintaining audio loudness for digital television. (47 U.S.C. § 621.)
- 2) Defines “video programming” under federal law as programming by or generally considered comparable to programming provided by a television broadcast station, but not including consumer-generated media. (47 U.S.C. § 613(h).)
- 3) 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 FCC 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. (Bus. & Prof. Code, § 22776.)

THIS BILL:

- 1) Defines the following terms:
 - a. “Video streaming service” means an entity that makes available directly to the consumer, through a distribution method that uses internet protocol, either of the following:
 - i. Video programming;
 - ii. Video content the entity makes available for users to view.
 - b. Includes in the definition of “video streaming service” user-generated video streaming services.
 - c. Exempts 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 from the definition of “video streaming service.”
- 2) Prohibits, on or after January 1, 2027, a music streaming service, podcast streaming service, or video streaming service that serves consumers residing in the state from transmitting the audio of commercial advertisements louder than the content the advertisements accompany, consistent with federal regulations for television broadcast stations, cable operators, and other multichannel video programming distributors.

COMMENTS:

- 1) **Author’s statement.** According to the author:

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.

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.

2) **Crank it up!** Since the advent of the television, millions of Americans have enjoyed movies, shows, and sporting events from the comfort of their home. But soon after televisions began occupying American living rooms and attention spans, television advertisements came on the scene. Many of these television advertisements aired at noticeably higher volumes than the programs they accompanied, frustrating viewers and disrupting beloved programming. For many years, the challenge in addressing this issue was technological, as there was no reliable way to measure loudness or apply that measurement to regulate commercial volume. However, as television transitioned into the digital era, the problem of commercial loudness became even more pronounced. With digital TV, audio could be transmitted more crisply and clearly, making the volume discrepancies between programming and advertisements more jarring to viewers.

This issue came to a head in 2010, when the FCC received over 130,000 complaints – a 1,259% spike in complaints from the previous quarter – the vast majority of which concerned the excessively loud sound of commercials.¹ In response, Congress passed the CALM Act, a bipartisan effort spearheaded by Representative Anna Eshoo (D-CA).

The CALM Act required the FCC to adopt regulations based on the “Recommended Practice: Techniques for Establishing and Maintaining Audio Loudness for Digital Television.” These rules mandate that broadcasters use metadata-based techniques, to regulate the loudness of commercials.² Rather than setting a strict maximum volume, the FCC’s regulations require that the average loudness of commercials match that of the accompanying program. This means a commercial can still include spikes in volume, as long as its overall loudness remains consistent with the programming.

Despite these regulations, FCC enforcement remains limited. Additionally, a 2025 report published by the FCC highlighted a troubling rise in complaints about loud commercials, many related to streaming platforms.³ However, streaming platforms fall outside of the bounds of the FCC’s regulatory authority granted by the CALM Act, which does not cover commercials aired over the internet or via streaming services.

In 2023, Representative Eshoo and Senator Sheldon Whitehouse (D-RI) introduced legislation, H.R. 2422 and S. 1127, to modernize the CALM Act by extending its reach to streaming

¹ Daniel Michaels And Elizabeth Williamson, “Well, Hush My Mouth: Congress Is Moving Against LOUD Ads”, *The Wall Street Journal* (Dec. 1, 2010), https://www.wsj.com/articles/SB10001424052748704008704575638850947058366?gaa_at=eafs&gaa_n=ASWzDAgl8W7yTlc11ZzH4TfapCn8qlTzaeAN67pzNE1KJ0r2_plXATloaVVOA2v9QUw%3D&gaa_ts=6852376b&gaa_sig=yEOTKatZskkVEIOcXibyq5u9OrtKdYxwdqypPNiPWMT-Lo9XPz_tzkyZuQUSWp68gWC9LWC1Yuw5tEGRE-mO_A%3D%3D.

² The recommendations can be found at <https://www.atsc.org/atsc-documents/a85-techniques-for-establishing-and-maintaining-audio-loudness-for-digital-television/>.

³ Michael Kan, “Are TV Commercials Too Loud? FCC to Investigate, Eyes Streaming Services,” *PCMag*, (Feb. 27, 2025), <https://www.pcmag.com/news/are-tv-commercials-too-loud-fcc-to-investigate-eyes-streaming-services>.

services.⁴ These bills would have authorized the FCC to regulate and enforce loudness standards for streaming platforms, as well as to conduct a study on the effects of such regulation. Both bills died in their respective policy committees.

In California, SB 576 (Umberg, Stats. 2025, Ch. 336) was enacted to address the loophole left by the CALM Act for streaming services. The Act prohibits streaming platforms from transmitting audio commercial advertisements at a volume louder than the accompanying video content. However, SB 576 is limited to streaming services, and does not address other forms of internet advertisements, like those on podcast streaming platforms or on social media platforms like YouTube.

3) **Skip this ad in 30 seconds.** Anyone who has searched for a quick tutorial or funny cat video on YouTube has been met with the inescapable ad (or ads) before the content plays. Sometimes, these advertisements are paired with a small button in the corner that allows a viewer to skip an ad after some allotted time (usually anywhere from five seconds to 30 seconds). Other times, they cannot be skipped, and viewers must watch the full ad before returning to their video. For \$15.99 a month, users can get YouTube Premium, which offers an ad-free video viewing experience.⁵

YouTube is considered the ultimate online video platform. The site hosts over 122 million users daily, with the average user spending just under an hour a day on the platform.⁶ In that hour, anyone not paying for the premium subscription would be subject to numerous ads (the exact number depends on the length of the viewed videos, with shorter videos having a higher percentage of ads to content).⁷ How you watch the videos matters as well. The mobile app version of YouTube, available for either smartphones or tablets, reportedly delivers up to 50 percent more ads than desktop versions of the platform.⁸ Individuals who use ad-blockers to try and skirt YouTube's ads may be facing longer unskippable ads, with some users reporting unskippable ads that last several minutes to over half an hour.⁹

While YouTube is the most popular online video platform, it is by no means the only one. TikTok and Instagram Reels also offer users the opportunity to view other user-generated videos, and both also host ads that appear every few videos. Indeed, over half of all ads on Instagram appear on Reels, highlighting that platforms are turning toward these video formats as an effective form of marketing.¹⁰ Although YouTube may outpace both TikTok and Instagram on

⁴ "Sen. Whitehouse, Rep. Eshoo Reintroduce Bill to Stop Excessively Loud Commercials", *Sheldon Whitehouse* (Mar. 31, 2023), <https://www.whitehouse.senate.gov/news/release/sen-whitehouse-rep-eshoo-reintroduce-bill-to-stop-excessively-loud-commercials/>.

⁵ YouTube, "YouTube Premium: All YouTube. No interruptions." <https://www.youtube.com/premium>.

⁶ Sophie Wetherby, "How Many People Use YouTube In 2026? (Users & Demographics)", *Limelight Digital*, (Mar. 31, 2026), <https://www.limelightdigital.co.uk/youtube-statistics/>.

⁷ Malte, "How Much Time Do You Spend on YouTube Ads? Should You Rather Pay Cash? I Measured It." *Medium*, (Mar. 26, 2022), <https://medium.com/@malte/how-much-time-do-you-spend-on-youtube-ads-should-you-rather-pay-cash-i-measured-it-886d05673088>.

⁸ *Ibid.*

⁹ Hans-Christian Dirscherl & J. Lee, "Hours-long unskippable ads spotted on YouTube. What's going on?" *PCWorld*, (Jan. 28, 2025), <https://www.pcworld.com/article/2590352/hours-long-unskippable-ads-spotted-on-youtube-whats-going-on.html>.

¹⁰ Zach Vallese, "Most of Instagram's ads ran on Reels in 2025, data shows," *CNBC*, (Jan. 20, 2026), <https://www.cnb.com/2026/01/20/most-of-instagram-ads-ran-on-reels-in-2025-data-shows.html>.

the number of daily users, TikTok is leading the pack with the most amount of time spent on the app, with an average number of 81 minutes a day spent scrolling.¹¹

Social media platforms are not the only sources of video and audio entertainment. Some 73 percent of people say that they listen to music through licensed audio streaming services, with the average person listening to over 20 hours of music weekly.¹² Licensed audio streaming platforms like Spotify and Pandora offer both paid subscriptions and ad-enabled free versions. For Spotify, users relying on the free version have to listen to two to three minutes of unskippable ads for every hour of content, with ad rates increasing the longer the user listens.¹³ Pandora averages around six ads per hour of listening, roughly equaling the same amount of total ad time as Spotify.¹⁴ Podcast listeners using these ad-enabled streaming platforms have to contend with not only the platforms ads, but also the ads produced on behalf of the podcast. Given that over half of the U.S. adults have listened to a podcast in the last 12 months, establishing adequate safeguards against disruptive advertising on podcasting platforms may benefit millions of Americans who rely on podcasts for entertainment and information.¹⁵ Despite the hours spent listening to these ads across these streaming platforms, there currently are no regulations on the volume of these advertisements.

4) **What this bill would do.** This bill expands on the provisions established by SB 567 (Umberg, Ch. 336, Stat. 2025) that prohibited video streaming services like Netflix and Hulu from transmitting advertisements at an audio louder than the content that they accompany. This bill extends these audio limits to user-generated video streaming platforms, as well as for music streaming services and podcast streaming services.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

Analysis Prepared by: Kate Davis / P. & C.P. / (916) 319-2200

¹¹ *Ibid.*

¹² “IFPI’s global study finds we’re listening to more music in more ways than ever,” *IFPI*, (Dec. 11, 2023), <https://www.ifpi.org/ifpis-global-study-finds-were-listening-to-more-music-in-more-ways-than-ever/>.

¹³ California Learning Resource Network, “How often do ads play on Spotify?” (June 22, 2025), https://www.clrn.org/how-often-do-ads-play-on-spotify/#google_vignette.

¹⁴ Dan Kopf, “Pandora tested listeners’ tolerance for ads by experimenting on 35 million users,” *Quartz*, (July 20, 2022), <https://qz.com/1261831/pandora-tested-listeners-tolerance-for-advertisements-by-experimenting-on-35-million-users>.

¹⁵ “Podcasts and News Fact Sheet,” *Pew Research Center*, (Sept. 25, 2025), <https://www.pewresearch.org/journalism/fact-sheet/podcasts-and-news-fact-sheet/>.