

**ASSEMBLY BILL**

**No. 3050**

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**Introduced by Assembly Member Low**

February 16, 2024

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An act to add Section 11547.6 to the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 3050, as introduced, Low. Artificial intelligence.

Existing law requires the Secretary of Government Operations to develop a coordinated plan to, among other things, investigate the feasibility of, and obstacles to, developing standards and technologies for state departments to determine digital content provenance. For the purpose of informing that coordinated plan, existing law requires the secretary to evaluate, among other things, the impact of the proliferation of deepfakes, as defined.

This bill would require the Department of Technology to issue regulations to establish standards for watermarks to be included in covered AI-generated material, as defined. The bill would require the department's standard to, at minimum, require an AI-generating entity to include digital content provenance in the watermarks. The bill would prohibit an AI-generating entity from creating covered AI-generated material unless the material includes a watermark that meets the standards established by the department. The bill would provide that the prohibition becomes operative on the date that is one year after the date on which the department issues the regulations to establish standards for watermarks.

Under existing law, a person who knowingly uses another's name, voice, signature, photograph, or likeness, in any manner, on or in

products, merchandise, or goods, or for the purposes of advertising or selling, or soliciting purchases of, products, merchandise, goods, or services, without that person's prior consent is liable for any damages sustained by the person or persons injured as a result thereof and for the payment to the injured party of any profits attributable to that unauthorized use.

This bill would provide that an AI-generating entity or individual that creates a deepfake using a person's name, voice, signature, photograph, or likeness, in any manner, without permission from the person being depicted in the deepfake, is liable for the actual damages suffered by the person or persons as a result of the unauthorized use.

This bill would provide that an AI-generating entity that violates the provisions of this act is subject to a civil penalty assessed by the department in an amount, as determined by the department, not less than \$250 or more than \$500.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 11547.6 is added to the Government
- 2 Code, to read:
- 3 11547.6. (a) For purposes of this section:
- 4 (1) "Artificial intelligence" or "AI" means a machine or software
- 5 that has the capacity to mimic human cognitive functions,
- 6 including, but not limited to, learning, problem solving, and patter
- 7 recognition, which enables the machine or software to perform
- 8 tasks that normally require human intelligence. AI includes various
- 9 subfields, including, but not limited to, machine learning, natural
- 10 language processing, and large language models.
- 11 (2) "AI-generating entity" means an entity, including a business,
- 12 that generates, creates, or otherwise produces AI-generated
- 13 materials.
- 14 (3) "AI-generated materials" means content that is produced by
- 15 AI technology, including, but not limited to, text, images, audio,
- 16 or synthetic data.
- 17 (4) "Covered AI-generated material" means AI-generated
- 18 material that does any of the following:
- 19 (A) Impersonates a specific individual or group of individuals.

1 (B) Is represented as original material by an AI-generating entity  
2 that produced the material, including, but not limited to, artwork,  
3 songs, or news media.

4 (C) Meets criteria as established by the Department of  
5 Technology.

6 (5) “Business” has the same meaning as defined in Section  
7 1798.140 of the Civil Code.

8 (6) “Deepfake” and “digital content provenance” have the same  
9 meaning as those terms are defined in Section 11547.5.

10 (7) “Department” means the Department of Technology.

11 (b) (1) An AI-generating entity shall not create covered  
12 AI-generated material unless the material includes a watermark  
13 that meets the standards established by the department under  
14 subdivision (d).

15 (2) The requirement under paragraph (1) shall become operative  
16 on the date that is one year after the date on which the department  
17 issues the regulations to establish standards as required under  
18 subdivision (d).

19 (c) (1) An AI-generating entity or individual that creates a  
20 deepfake using a person’s name, voice, signature, photograph, or  
21 likeness, in any manner, without permission from the person being  
22 depicted in the deepfake, shall be liable for damages sustained by  
23 the person or persons injured as a result thereof.

24 (2) In an action brought under this section, the AI-generating  
25 entity that violates this section shall be liable to the injured person  
26 or persons the actual damages suffered by the person or persons  
27 as a result of the unauthorized use.

28 (d) The department shall issue regulations to establish standards  
29 for the watermarks required under subdivision (b). The  
30 department’s standards shall require, at minimum, an AI-generating  
31 entity to include digital content provenance in the watermarks.

32 (e) (1) An AI-generating entity that violates this section shall  
33 be subject to a civil penalty assessed by the department.

34 (2) The amount of the civil penalty, as determined by the  
35 department, shall be not less than two hundred fifty dollars (\$250)  
36 or more than five hundred dollars (\$500).