

HB 95 -- Redline

Printer's No. 3348 to Printer's No. 0078 -- An Act providing for disclosure of synthetic advertising content and for enforcement.

Deletions ~~struck~~ · Insertions underlined

~~PRIOR~~ PRINTER'S NO.

78 ~~PRINTER'S~~ THE NO. GENERAL ASSEMBLY OF PENNSYLVANIA HOUSE BILL Session of No.

~~3348~~ 95 ~~THE 2025 GENERAL INTRODUCED ASSEMBLY BY OF~~ PIELLI, PENNSYLVANIA KHAN, HOUSE MERSKI, BILLO'MARA, Session KENYATTA, GUENST, WAXMAN, CEPEDA-FREYTIZ, HARKINS, GIRAL, FREEMAN, HANBIDGE, HOHENSTEIN, BURGOS, SANCHEZ, DONAHUE, SHUSTERMAN, HOWARD, WEBSTER, NEILSON, HADDOCK, PROBST, OTTEN, BOROWSKI, HILL- EVANS AND STEELE, JANUARY 14, 2025 REFERRED TO COMMITTEE ON COMMUNICATIONS AND TECHNOLOGY, JANUARY 14, 2025 AN ACT Amending the act of No- December 17, 1968 (P.L.1224, No.387), and unfair or deceptive acts or practices in the conduct of any trade or commerce, giving the Attorney General and District Attorneys certain powers and duties and providing penalties," further providing for definitions.

~~95 2025 INTRODUCED BY PIELLI, KHAN, MERSKI, O'MARA, KENYATTA, GUENST, WAXMAN, CEPEDA-FREYTIZ, HARKINS, GIRAL, FREEMAN, HANBIDGE, HOHENSTEIN, BURGOS, SANCHEZ, DONAHUE, SHUSTERMAN, HOWARD, WEBSTER, NEILSON, HADDOCK, PROBST, OTTEN, BOROWSKI, HILL- EVANS, STEELE, FIEDLER, GREEN, MADDEN, WARREN, INGLIS AND CIRESI, JANUARY 14, 2025 AS REPORTED FROM COMMITTEE ON COMMUNICATIONS AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 5, 2026 AN ACT Amed titled "An act prohibiting unfair methods of competition <-- and unfair or deceptive acts or practices in the conduct of any trade or commerce, giving the Attorney General and District Attorneys certain powers and duties and providing penalties," further providing for definitions.~~

and ~~2025~~ HB0005PN3348 - 2 - (B) the statement or disclosure is not to be obscured in any 2025 HB0005PN0078 - 2 - manner.

~~PROVIDING 2025~~ HB0005PN0078 ~~FOR- DISCLOSURE~~ 3 OF- SYNTHETIC ADVERTISING CONTENT AND <-- FOR ENFORCEMENT, THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA HEREBY ENACTS AS FOLLOWS:

~~SECTION 1-~~

~~SHORT TITLE-~~

~~THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE ARTIFICIAL INTELLIGENCE TRANSPARENCY IN ADVERTISING ACT.~~

~~SECTION 2-~~

~~DEFINITIONS-~~

~~THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:~~

~~"ARTIFICIAL INTELLIGENCE" OR "AI," AS FOLLOWS:~~

~~(1) A MACHINE-BASED SYSTEM THAT CAN, FOR A GIVEN SET OF 2025~~ HB0005PN3348 - 3 - HUMAN-DEFINED OBJECTIVES, MAKE PREDICTIONS, RECOMMENDATIONS OR DECISIONS INFLUENCING REAL OR VIRTUAL ENVIRONMENTS, INCLUDING THE ABILITY TO:

~~(I) PERCEIVE REAL AND VIRTUAL ENVIRONMENTS;~~

~~(II) ABSTRACT PERCEPTIONS MADE UNDER SUBPARAGRAPH (I) INTO MODELS THROUGH ANALYSIS IN AN AUTOMATED MANNER;~~

~~AND (III) USE MODEL INFERENCE TO FORMULATE OPTIONS FOR INFORMATION OR ACTION BASED ON OUTCOMES UNDER SUBPARAGRAPHS (I) AND (II)-~~

~~(2) THE TERM INCLUDES GENERATIVE ARTIFICIAL INTELLIGENCE-~~

~~"CLEAR AND CONSPICUOUS." A STATEMENT OR DISCLOSURE THAT MEETS ALL OF THE FOLLOWING CRITERIA:~~

~~(1) THE STATEMENT OR DISCLOSURE IS DISCLOSED IN A SIZE, COLOR, CONTRAST, LOCATION, DURATION AND AUDIBILITY THAT IS READILY NOTICEABLE, READABLE, UNDERSTANDABLE AND CAPABLE OF BEING HEARD AND THAT IS PRESENTED IN THE LANGUAGE OR OTHER INTERACTION USED BY THE CONSUMER TO INTERACT WITH OR COMPREHEND THE DECEPTIVE SYNTHETIC CONTENT-~~

~~(2) THE STATEMENT OR DISCLOSURE DOES NOT CONTRADICT AND IS NOT INCONSISTENT WITH ANY OTHER INFORMATION WITH WHICH THE STATEMENT OR DISCLOSURE IS PRESENTED-~~

~~(3) IF THE STATEMENT OR DISCLOSURE MODIFIES, EXPLAINS OR CLARIFIES OTHER INFORMATION WITH WHICH THE STATEMENT OR DISCLOSURE IS PRESENTED-~~

~~(I) THE STATEMENT OR DISCLOSURE IS PRESENTED IN PROXIMITY TO THE INFORMATION THAT THE STATEMENT OR DISCLOSURE MODIFIES IN A MANNER THAT IS LIKELY TO BE NOTICED, READABLE AND UNDERSTANDABLE-~~

~~2025~~ HB0005PN3348 - 4 - ~~(II) THE STATEMENT OR DISCLOSURE IS NOT OBSCURED IN ANY MANNER-~~

~~(4) IF THE STATEMENT OR DISCLOSURE IS AN AUDIO STATEMENT OR DISCLOSURE, THE STATEMENT OR DISCLOSURE IS DELIVERED IN A VOLUME AND CADENCE SUFFICIENT FOR A CONSUMER TO HEAR AND COMPREHEND THE STATEMENT OR DISCLOSURE-~~

~~(5) IF THE STATEMENT OR DISCLOSURE IS A VISUAL STATEMENT OR DISCLOSURE, THE STATEMENT OR DISCLOSURE IS~~

~~OF A SIZE AND SHADE AND APPEARS ON THE SCREEN FOR A DURATION SUFFICIENT FOR A CONSUMER TO READ AND COMPREHEND THE STATEMENT OR DISCLOSURE.~~

~~(6) IF THE STATEMENT OR DISCLOSURE IS A PRINT ADVERTISEMENT OR PROMOTIONAL MATERIAL, INCLUDING A POINT-OF-SALE DISPLAY OR BROCHURE MATERIALS DIRECTED TO A CONSUMER, THE STATEMENT OR DISCLOSURE IS IN A TYPE SIZE AND LOCATION SUFFICIENTLY NOTICEABLE FOR A CONSUMER TO READ AND COMPREHEND THE STATEMENT OR DISCLOSURE IN A PRINT THAT CONTRASTS WITH THE BACKGROUND AGAINST WHICH THE STATEMENT OR DISCLOSURE APPEARS.~~

~~"GENERATIVE ARTIFICIAL INTELLIGENCE." THE CLASS OF MODELS THAT EMULATE THE STRUCTURE AND CHARACTERISTICS OF INPUT DATA IN ORDER TO GENERATE SYNTHETIC CONTENT, INCLUDING INFORMATION SUCH AS IMAGES, VIDEOS, AUDIO CLIPS OR TEXT, THAT HAS BEEN SIGNIFICANTLY MODIFIED OR GENERATED BY ALGORITHMS, INCLUDING BY ARTIFICIAL INTELLIGENCE.~~

~~"INTERNET SERVICE PROVIDER," AS DEFINED IN SECTION 2 OF THE ACT OF DECEMBER 17, 1968 (P.L.1224, NO.387), KNOWN AS THE UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION LAW.~~

~~"PERSON," AS DEFINED IN SECTION 2 OF THE UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION LAW.~~
~~20250HB00095PN3348 - 5 - "SYNTHETIC ADVERTISING CONTENT," AS FOLLOWS:~~

~~(1) ANY IMAGES, VIDEOS OR AUDIO CLIPS USED IN AN ADVERTISEMENT THAT HAVE BEEN SIGNIFICANTLY MODIFIED OR GENERATED BY ARTIFICIAL INTELLIGENCE, IN WHICH THE USE OF ARTIFICIAL INTELLIGENCE MATERIALLY ALTERS THE REPRESENTATION OR A REASONABLE CONSUMER'S PERCEPTION OF THE NATURE, ORIGIN, AUTHENTICITY, PERFORMANCE OR ENDORSEMENTS OF THE GOODS OR SERVICES BEING ADVERTISED.~~

~~(2) THE TERM DOES NOT INCLUDE CONTENT THAT IS:~~

~~(I) EVIDENTLY FICTIONAL BASED ON THE CONTENT OR CONTEXT OF THE DEPICTION;~~

~~(II) PARODY, SATIRE, COMMENTARY OR CRITICISM;~~

~~OR (III) LIMITED TO TEXT.~~

~~SECTION 3.~~

~~DISCLOSURE OF SYNTHETIC ADVERTISING CONTENT.~~

~~(A) DISCLOSURE REQUIRED. -- A PERSON MAY NOT KNOWINGLY OR WILLFULLY DISSEMINATE OR CAUSE TO BE DISSEMINATED AN ADVERTISEMENT CONTAINING SYNTHETIC ADVERTISING CONTENT WITHOUT CLEAR AND CONSPICUOUS DISCLOSURE.~~

~~A DISCLOSURE UNDER THIS SUBSECTION SHALL:~~

~~(1) STATE THAT THE ADVERTISEMENT CONTAINS CONTENT THAT WAS MODIFIED OR GENERATED USING ARTIFICIAL INTELLIGENCE;~~

~~(2) BE DISPLAYED IN THE FIRST INSTANCE WHENEVER THE SYNTHETIC ADVERTISING CONTENT IS PRESENTED TO THE CONSUMER;~~

~~(3) BE PRESENTED IN THE SAME MEDIUM AS THE ADVERTISEMENT FEATURING THE SYNTHETIC ADVERTISING CONTENT;~~

~~AND (4) TO THE EXTENT TECHNICALLY FEASIBLE, BE PERMANENT OR EXTRAORDINARILY DIFFICULT TO REMOVE FROM THE SYNTHETIC ADVERTISING CONTENT.~~

~~(B) CONSTRUCTION. -- DISCLOSURE OF THE USE OF ARTIFICIAL INTELLIGENCE UNDER SUBSECTION (A) SHALL NOT BE CONSTRUED TO 20250HB00095PN3348 - 6 - LIMIT RECOURSE UNDER LAW.~~

~~SECTION 4.~~

~~ENFORCEMENT.~~

~~A VIOLATION OF THIS ACT SHALL CONSTITUTE UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS OR PRACTICES UNDER THE ACT OF DECEMBER 17, 1968 (P.L.1224, NO.387), KNOWN AS THE UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION LAW, AND SHALL BE SUBJECT TO THE ENFORCEMENT PROVISIONS, CIVIL PENALTIES AND PRIVATE RIGHTS OF ACTION CONTAINED IN THAT ACT.~~

~~SECTION 5.~~

~~EXEMPTIONS.~~

~~THIS ACT SHALL NOT APPLY TO ANY MEDIUM USED FOR ADVERTISING, INCLUDING, A STREAMING SERVICE, VIDEO CONFERENCING SERVICE, RADIO OR TELEVISION STATION, CABLE OR SATELLITE TELEVISION OPERATOR, INTERNET SERVICE PROVIDER, NEWSPAPER OR OTHER PUBLICATION, MAGAZINE, PERIODICAL OR CIRCULAR, THAT, IN GOOD FAITH AND WITHOUT KNOWLEDGE OF THE PRESENCE OF SYNTHETIC ADVERTISING CONTENT, PUBLISHES, CAUSES TO BE PUBLISHED OR TAKES PART IN THE PUBLICATION OF SUCH ADVERTISEMENT.~~

~~SECTION 6.~~

~~EFFECTIVE DATE.~~

~~THIS ACT SHALL TAKE EFFECT IN ONE YEAR.~~

~~20250HB00095PN3348 - 7 -~~