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THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 806 Session of 2025

INTRODUCED BY PISCIOTTANO, PENNYCUICK, MILLER, KANE, TARTAGLIONE, FONTANA, HAYWOOD, HUGHES, VOGEL, COSTA, SAVAL, SANTARSIERO, GEBHARD, MALONE, BROOKS, BOSCOLA AND FARRY, JUNE 3, 2025

AS AMENDED ON THIRD CONSIDERATION, JUNE 10, 2026

AN ACT

Providing for unfair methods of competition and for enforcement and penalties.

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 Deceptive Advertising Act.

Section 2. Scope of act.

This act relates to deceptive advertising.

Section 3. 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."

(1) A machine-based system that can, for a given set of 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. All statements and disclosures shall be presented in the language or other interaction used by the consumer to interact with or comprehend the 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; and

(ii) the statement or disclosure is not to be

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.

"Synthetic content." Information, including an image, video, audio clip or text, that has been significantly modified or generated by artificial intelligence.

Section 4. Clear and conspicuous disclosure.

(a) Disclosure.--An advertiser may not ~~knowingly, recklessly or willfully~~ **<--** create and disseminate or cause to be created and disseminated an advertisement that uses synthetic content in a manner that creates a false consumer perception about the nature, origin or authenticity of the goods or services being

advertised, without clear and conspicuous disclosure. A disclosure under this section must state that the advertisement contains content that was modified or generated using artificial intelligence. This disclosure must be:

(1) Displayed in the first instance whenever the synthetic content is presented to the consumer.

(2) Presented in the same medium as the synthetic content.

(3) To the extent technically feasible, permanent or extraordinarily difficult to remove from the synthetic content.

(b) Exceptions.--Subsection (a) shall not include content that is:

(1) evidently fictional based on the content or context of the depiction;

(2) parody, satire, commentary or criticism; or

(3) limited to text.

(c) Construction.--Disclosure of the use of AI under subsection (a) shall not be construed to limit any recourse under law.

Section 5. Enforcement.

(a) Restraining prohibited acts.--Whenever the Attorney General or the appropriate district attorney has reason to believe that any person is using or is about to use any method, act or practice declared by section 4 to be unlawful, and that proceedings would be in the public interest, the Attorney General or a district attorney may bring an action in the name of the Commonwealth against the person to restrain by temporary or permanent injunction the use of the method, act or practice.

(b) Civil penalty.--The Attorney General or the appropriate

district attorney may bring a civil action for violations of this act.

(c) Damages.--A court of competent jurisdiction may award damages for a violation of this act. The court may award:

(1) A civil fine that does not exceed $3,000.

(2) Actual attorney fees and court costs.

Section 6. Effective date.

This act shall take effect in 60 days.