
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1044 Session of
2024

INTRODUCED BY DILLON, KANE, FONTANA, TARTAGLIONE, HAYWOOD,
COSTA, CAPPELLETTI AND BOSCOLA, MAY 16, 2024

REFERRED TO COMMUNICATIONS AND TECHNOLOGY, MAY 16, 2024

AN ACT

1 Amending the act of December 17, 1968 (P.L.1224, No.387),
2 entitled "An act prohibiting unfair methods of competition
3 and unfair or deceptive acts or practices in the conduct of
4 any trade or commerce, giving the Attorney General and
5 District Attorneys certain powers and duties and providing
6 penalties," further providing for definitions and for
7 unlawful acts or practices and exclusions.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 2(4) of the act of December 17, 1968
11 (P.L.1224, No.387), known as the Unfair Trade Practices and
12 Consumer Protection Law, is amended by adding a subclause and
13 the section is amended by adding clauses to read:

14 Section 2. Definitions.--As used in this act.

15 * * *

16 (4) "Unfair methods of competition" and "unfair or deceptive
17 acts or practices" mean any one or more of the following:

18 * * *

19 (xxii) Knowingly or recklessly creating, distributing or
20 publishing any content generated by artificial intelligence

1 without clear and conspicuous disclosure, including written
2 text, images, audio and video content and other forms of media.
3 A disclosure under this subclause must state that the content
4 was generated using artificial intelligence, must be presented
5 in a manner reasonably understandable and readily noticeable to
6 the consumer and must be presented in the same medium as the
7 content.

8 * * *

9 (14) "Artificial intelligence" means technology or tools
10 that use predictive algorithms to create new content, including
11 audio, code, images, text, simulations or videos.

12 (15) "Clear and conspicuous" means a statement or disclosure
13 that meets all of the following criteria:

14 (i) The statement or disclosure is disclosed in a size,
15 color, contrast, location, duration and audibility that is
16 readily noticeable, readable, understandable and capable of
17 being heard.

18 (ii) The statement or disclosure does not contradict and is
19 not inconsistent with any other information with which the
20 statement or disclosure is presented.

21 (iii) If the statement or disclosure modifies, explains or
22 clarifies other information with which the statement or
23 disclosure is presented:

24 (A) the statement or disclosure is presented in proximity to
25 the information that the statement or disclosure modifies in a
26 manner that is likely to be noticed, readable and
27 understandable; and

28 (B) the statement or disclosure is not to be obscured in any
29 manner.

30 (iv) If the statement or disclosure is an audio statement or

1 disclosure, the statement or disclosure is delivered in a volume
2 and cadence sufficient for a consumer to hear and comprehend the
3 statement or disclosure.

4 (v) If the statement or disclosure is a visual statement or
5 disclosure, the statement or disclosure is of a size and shade
6 and appears on the screen for a duration sufficient for a
7 consumer to read and comprehend the statement or disclosure.

8 (vi) If the statement or disclosure is a print advertisement
9 or promotional material, including a point-of-sale display or
10 brochure materials directed to a consumer, the statement or
11 disclosure is in a type size and location sufficiently
12 noticeable for a consumer to read and comprehend the statement
13 or disclosure in a print that contrasts with the background
14 against which the statement or disclosure appears.

15 Section 2. Section 3(a) of the act is amended to read:

16 Section 3. Unlawful Acts or Practices; Exclusions.--(a)
17 Unfair methods of competition and unfair or deceptive acts or
18 practices in the conduct of any trade or commerce as defined by
19 subclauses (i) through [(xxi)] (xxii) of clause (4) of section 2
20 of this act and regulations promulgated under section 3.1 of
21 this act are hereby declared unlawful. The provisions of this
22 act shall not apply to any owner, agent or employe of any radio
23 or television station, or to any owner, publisher, printer,
24 agent or employe of an Internet service provider or a newspaper
25 or other publication, periodical or circular, who, in good faith
26 and without knowledge of the falsity or deceptive character
27 thereof, publishes, causes to be published or takes part in the
28 publication of such advertisement.

29 * * *

30 Section 3. This act shall take effect in 60 days.