

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1598 Session of 2023

INTRODUCED BY PIELLI, MERSKI, O'MARA, MADDEN, HILL-EVANS, D. WILLIAMS, MALAGARI, DELLOSO, HOWARD, NEILSON, GERGELY, SANCHEZ, DONAHUE, HADDOCK, D. MILLER, CIRESI, SHUSTERMAN, KHAN, M. JONES, GREEN, SCOTT AND OTTEN, AUGUST 7, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 9, 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; AND PROVIDING FOR <--
8 CHILD SEXUAL ABUSE MATERIAL GENERATED BY ARTIFICIAL
9 INTELLIGENCE.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

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

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

17 * * *

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

20 * * *

1 (xxii) Knowingly or recklessly creating, distributing or
2 publishing any content generated by artificial intelligence
3 without clear and conspicuous disclosure, including written
4 text, images, audio and video content and other forms of media.
5 A disclosure under this subclause must state that the content
6 was generated using artificial intelligence, MUST BE DISPLAYED <--
7 IN THE FIRST INSTANCE WHEN THE CONTENT IS PRESENTED TO THE
8 CONSUMER, must be presented in a manner reasonably
9 understandable and readily noticeable to the consumer and must
10 be presented in the same medium as the content.

11 * * *

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

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

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

21 (ii) The statement or disclosure does not contradict and is
22 not inconsistent with any other information with which the
23 statement or disclosure is presented.

24 (iii) If the statement or disclosure modifies, explains or
25 clarifies other information with which the statement or
26 disclosure is presented:

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

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

3 (iv) If the statement or disclosure is an audio statement or
4 disclosure, the statement or disclosure is delivered in a volume
5 and cadence sufficient for a consumer to hear and comprehend the
6 statement or disclosure.

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

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

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

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

1 publication of such advertisement.

2 * * *

3 ~~Section 3. This act shall take effect in 60 days.~~ <--

4 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <--

5 SECTION 9.5. CHILD SEXUAL ABUSE MATERIAL GENERATED BY

6 ARTIFICIAL INTELLIGENCE.--IT SHALL NOT BE A DEFENSE FOR AN

7 OFFENSE RELATING TO CHILD PORNOGRAPHY OR CHILD SEXUAL ABUSE

8 MATERIAL THAT THE CREATION OF THE CHILD PORNOGRAPHY OR CHILD

9 SEXUAL ABUSE MATERIAL WAS GENERATED THROUGH ARTIFICIAL

10 INTELLIGENCE. IN ADDITION TO THE EXISTING AUTHORITY GRANTED TO

11 THE ATTORNEY GENERAL OR A DISTRICT ATTORNEY, THE ATTORNEY

12 GENERAL OR A DISTRICT ATTORNEY SHALL PROSECUTE AN OFFENSE

13 RELATING TO CHILD PORNOGRAPHY OR CHILD SEXUAL ABUSE MATERIAL

14 THAT WAS GENERATED THROUGH ARTIFICIAL INTELLIGENCE IN ACCORDANCE

15 WITH THE LAWS OF THIS COMMONWEALTH.

16 SECTION 4. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.