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

REFERRED TO COMMITTEE ON CONSUMER PROTECTION, TECHNOLOGY AND UTILITIES, AUGUST 7, 2023

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 a clause 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) Creating, distributing or publishing any content

generated by artificial intelligence without clear and
conspicuous disclosure, including written text, images, audio
and video content and other forms of media. A disclosure under
this subclause must state that the content was generated using
artificial intelligence and must be presented in a manner
reasonably understandable and readily noticeable to the
consumer.

* * *

(14) "Artificial intelligence" means an artificial system
that performs tasks under varying and unpredictable
circumstances without significant human oversight or can learn
from experience and improve such performance when exposed to
data sets, is developed in any context, including, but not
limited to, software or physical hardware, and solves tasks
requiring human-like perception, cognition, planning, learning,
communication or physical action, or is designed to think or act
like a human, including, but not limited to, a cognitive
architecture or neural network, or act rationally, including,
but not limited to, an intelligent software agent or embodied
robot that achieves goals using perception, planning, reasoning,
learning, communication, decision making or action, or a set of
techniques, including, but not limited to, machine learning,
that is designed to approximate a cognitive task.

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

Section 3. Unlawful Acts or Practices; Exclusions.--(a)
Unfair methods of competition and unfair or deceptive acts or
practices in the conduct of any trade or commerce as defined by
subclauses (i) through [(xxi)] (xxii) of clause (4) of section 2
of this act and regulations promulgated under section 3.1 of
this act are hereby declared unlawful. The provisions of this

1 act shall not apply to any owner, agent or employe of any radio

2 or television station, or to any owner, publisher, printer,

3 agent or employe of an Internet service provider or a newspaper

4 or other publication, periodical or circular, who, in good faith

5 and without knowledge of the falsity or deceptive character

6 thereof, publishes, causes to be published or takes part in the

7 publication of such advertisement.

8   * * *

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