

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 REPORTED FROM COMMITTEE ON CONSUMER PROTECTION, TECHNOLOGY AND UTILITIES, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 26, 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 a clause 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 * * *

1 (I) THE STATEMENT OR DISCLOSURE IS DISCLOSED IN A SIZE,
2 COLOR, CONTRAST, LOCATION, DURATION AND AUDIBILITY THAT IS
3 READILY NOTICEABLE, READABLE, UNDERSTANDABLE AND CAPABLE OF
4 BEING HEARD.

5 (II) THE STATEMENT OR DISCLOSURE DOES NOT CONTRADICT AND IS
6 NOT INCONSISTENT WITH ANY OTHER INFORMATION WITH WHICH THE
7 STATEMENT OR DISCLOSURE IS PRESENTED.

8 (III) IF THE STATEMENT OR DISCLOSURE MODIFIES, EXPLAINS OR
9 CLARIFIES OTHER INFORMATION WITH WHICH THE STATEMENT OR
10 DISCLOSURE IS PRESENTED:

11 (A) THE STATEMENT OR DISCLOSURE IS PRESENTED IN PROXIMITY TO
12 THE INFORMATION THAT THE STATEMENT OR DISCLOSURE MODIFIES IN A
13 MANNER THAT IS LIKELY TO BE NOTICED, READABLE AND
14 UNDERSTANDABLE; AND

15 (B) THE STATEMENT OR DISCLOSURE IS NOT TO BE OBSCURED IN ANY
16 MANNER.

17 (IV) IF THE STATEMENT OR DISCLOSURE IS AN AUDIO STATEMENT OR
18 DISCLOSURE, THE STATEMENT OR DISCLOSURE IS DELIVERED IN A VOLUME
19 AND CADENCE SUFFICIENT FOR A CONSUMER TO HEAR AND COMPREHEND THE
20 STATEMENT OR DISCLOSURE.

21 (V) IF THE STATEMENT OR DISCLOSURE IS A VISUAL STATEMENT OR
22 DISCLOSURE, THE STATEMENT OR DISCLOSURE IS OF A SIZE AND SHADE
23 AND APPEARS ON THE SCREEN FOR A DURATION SUFFICIENT FOR A
24 CONSUMER TO READ AND COMPREHEND THE STATEMENT OR DISCLOSURE.

25 (VI) IF THE STATEMENT OR DISCLOSURE IS A PRINT ADVERTISEMENT
26 OR PROMOTIONAL MATERIAL, INCLUDING A POINT-OF-SALE DISPLAY OR
27 BROCHURE MATERIALS DIRECTED TO A CONSUMER, THE STATEMENT OR
28 DISCLOSURE IS IN A TYPE SIZE AND LOCATION SUFFICIENTLY
29 NOTICEABLE FOR A CONSUMER TO READ AND COMPREHEND THE STATEMENT
30 OR DISCLOSURE IN A PRINT THAT CONTRASTS WITH THE BACKGROUND

1 AGAINST WHICH THE STATEMENT OR DISCLOSURE APPEARS.

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

3 Section 3. Unlawful Acts or Practices; Exclusions.--(a)

4 Unfair methods of competition and unfair or deceptive acts or

5 practices in the conduct of any trade or commerce as defined by

6 subclauses (i) through [~~(xxi)~~] (xxii) of clause (4) of section 2

7 of this act and regulations promulgated under section 3.1 of

8 this act are hereby declared unlawful. The provisions of this

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

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

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

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

13 and without knowledge of the falsity or deceptive character

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

15 publication of such advertisement.

16 * * *

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