

Protection for Broadcasters Regarding Liability and AI-generated Advertisements



Issue Summary

Across various state legislatures, there is a concerning trend of passing overly broad artificial intelligence (AI) legislation that fails to make clear who is liable for any deceptive AI-created content in advertising. Some legislation has failed to indicate that it is the advertiser, not the broadcaster, who is responsible. The broadcaster is merely fulfilling its contractual responsibilities when airing a spot provided by the advertiser.

The Kansas Association of Broadcasters is addressing this issue by advocating to ensure any such legislation clearly provides that broadcasters are not subject to legal action for airing an advertisement containing deceptive AI-content, ensuring unambiguous guidance on liability.

Kansas AI Advertising Legislation Should Consider the Following:

1. Clarity in Responsibility:

- Any legislation seeking to criminalize or provide civil penalties or other liability for advertisements containing deceptive AI content should explicitly state that liability for AI-generated content in advertisements rests with the organization or individual purchasing the airtime and providing the spot.

2. Protection for Broadcasters under Federal Law:

- Federal law prohibits stations from modifying political spots from candidates and obligates them to air the political ads unaltered. This is referred to as the "No Censorship Rule." Because they cannot modify such ads, federal law protects them from liability for airing them.

3. Access for Federal Candidates:

- Federal law requires stations to air ads from federal candidates, and the "No Censorship Rule" states that stations cannot turn away any federal candidate based solely on the content of their advertisement. Once again, federal law protects stations from liability for airing such ads.

How you can help

The Kansas Association of Broadcasters urges legislators to consider the above points. By ensuring fairness, clarity, and protecting broadcasters, legislation can strike a balance between encouraging AI innovation and upholding the principles of transparency and accountability for those producing and placing such ads.