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ACLU OF RI POSITION: OPPOSE

TESTIMONY ON 26-H 7543, RELATING TO COMMERCIAL LAW – GENERAL REGULATORY PROVISIONS – INTERNET ACCESS AND ADVERTISING BY FACSIMILE April 8, 2026

The ACLU of Rhode Island opposes this legislation which would require media generated by artificial intelligence (“AI”) posted on a public platform to be labeled disclosing that it was generated by AI.

Mandating the disclosure of AI-generated media raises significant First Amendment concerns. While the U.S. Supreme Court has held that the government may compel disclosure of “purely factual and uncontroversial” information in the context of *commercial speech*, *Zauderer v. Off. of Disciplinary Counsel of Sup. Ct. of Ohio*, 471 U.S. 626, 651 (1985), most AI-generated media shared online does not constitute commercial speech and therefore falls outside this scope.

The bill makes a violation of this disclosure requirement for profit or for trade a deceptive trade practice, but the legislation seeks to require disclosure of “*any and all*” media generated by AI. §6-47-2.1(a) (emphasis added). Such disclosure requirement essentially compels any speaker to include this mandated message in their expression, including core political speech, postings of satire or parody, and a wide range of other protected speech. The First Amendment protects not only the right to speak, but also the right to refrain from speaking. The use of AI does not take this speech outside the basic protections of the First Amendment any more than the use of a ghostwriter, Photoshop, or other visual aids to create content on the Internet.

Even in the context of “trade or profit,” much AI will not in any way be deceptive, and yet the creators will face potentially harsh civil penalties merely for their use of this technology. This requirement risks chilling lawful expression and could lead to self-censorship. The bill’s scope could easily lead some to not share their content at all. For all these reasons, we urge rejection of this legislation.

Thank you for considering our views.