

# AI + Marketing Regulatory Tracker

Updated May 2026 (Revised May 7) | US Federal · EU · State · Industry

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Monthly Regulatory Digest Not legal advice.  
Verify all dates before acting.

## RECENT DEVELOPMENTS — LAST 30 DAYS (REVISED MAY 7, 2026)

UPDATED ▲ UPDATED  
MAY 7

May 7, 2026

### EU Digital Omnibus Provisional Agreement Reached — High-Risk Deadlines Extended

The European Parliament and Council reached a provisional agreement on the Digital Omnibus on AI on May 7, 2026. The agreement extends the high-risk AI system compliance deadline from August 2, 2026 to December 2, 2027 (stand-alone systems) and August 2, 2028 (AI embedded in regulated products such as medical devices, machinery, and vehicles). The grace period for implementing AI-generated content transparency solutions was reduced from six months to three months, setting a new transparency deadline of December 2, 2026. The agreement adds a new prohibition on AI systems that generate non-consensual intimate content or CSAM. The provisional agreement must still be formally endorsed by the Council and Parliament before legal/linguistic revision and formal adoption, expected in the coming weeks.

#### MARKETER IMPACT:

The Annex III high-risk compliance workstreams — conformity assessments, bias testing, technical documentation for employment-adjacent AI — can be reprioritized to the December 2, 2027 deadline. However, Article 50 transparency obligations (AI chatbot disclosure, machine-readable labeling of AI-generated content) now have a December 2, 2026 deadline — tighter than previously assumed. Do not treat the high-risk extension as blanket relief. Transparency compliance for marketing content and chatbots is still a 2026 priority.

Official source: [consilium.europa.eu](https://consilium.europa.eu) — *Provisional Agreement Press Release, May 7, 2026*

#### GUIDANCE

March 20, 2026

### White House Releases National AI Policy Framework Blueprint

The White House released a legislative blueprint calling on Congress to enact a national AI framework that would preempt conflicting state AI laws. The blueprint reinforces Trump's December 2025 executive order directing the AG to challenge state regulations through an AI Litigation Task Force, and conditions \$42 billion in BEAD broadband funding on states repealing AI laws deemed 'burdensome.' The FTC's March 11 policy statement on AI and Section 5 was issued in parallel.

#### MARKETER IMPACT:

State-level compliance obligations — Colorado, Illinois, New York, Texas — remain fully enforceable while this plays out. Federal preemption takes years of litigation. Do not pause state compliance work based on the framework blueprint; it is aspirational legislation, not current law.

Official source: [whitehouse.gov](https://whitehouse.gov) — *National AI Policy Framework*

UPDATED ▲ UPDATED  
MAY 7

May 1, 2026

### Colorado: SB 189 Introduced — AI Act Rewrite and January 2027 Start Date

Colorado Senate Bill 189 was introduced May 1, 2026, representing the legislature's third attempt to rewrite the state's landmark AI law (SB 24-205). Key changes: companies would no longer be required to disclose how AI systems reach decisions, but must still notify consumers when AI is used in consequential decisions (hiring, loans, housing), provide an appeal pathway, and retain records for three years. Effective date shifts to January 1, 2027. A Colorado Magistrate Judge ordered April 27 that the AG cannot enforce the original law until rulemaking is complete. The DOJ has joined xAI's federal lawsuit challenging the original law. The legislature must pass SB 189 before session ends in May.

#### MARKETER IMPACT:

Do not treat SB 189 as settled law. Maintain preparation for core transparency obligations (consumer notice, appeal rights, record-keeping) that survive in both versions. Drop the bias audit and impact assessment workstreams pending the outcome.

Official source: [coloradosun.com](https://coloradosun.com) — *Colorado AI Compromise Bill*; [littler.com](https://littler.com) — *Colorado AI Law Enforcement Blocked*

## FTC & FEDERAL GUIDANCE

**IN FORCE**

Ongoing — updated March 2026

## FTC 'Operation AI Comply' — Enforcement Continues Under New Administration

The FTC's 'Operation AI Comply' enforcement initiative is continuing under the current administration. The Growth Cave case was resolved January 27, 2026, with a \$48.6 million settlement over claims that its AI software would automate 'nearly 100%' of course-building tasks when users were required to perform most work manually. The Air AI case (deceptive claims about autonomous AI sales agents) remains pending. Core enforcement focus: performance and efficacy claims, AI-washing in marketing materials, and deceptive income/earnings projections.

### MARKETER IMPACT:

The Growth Cave settlement scale underlines that enforcement has moved well beyond warning letters. Deceptive claims about what your AI tools can do — including vendor-supplied marketing language you repeat — remain an active enforcement target. Review all AI product claims in your own marketing before regulators do it for you.

Official source: [beneschlaw.com](https://www.beneschlaw.com) — *FTC Operation AI Comply (2026 update)*

**IN FORCE**

January 2026

## FTC Consumer Review Rule — Active Enforcement Phase

The FTC issued warning letters to 10 companies for potential violations of the Consumer Review Rule, which bans fake, incentivised, or undisclosed AI-generated reviews. The rule also prohibits tying employee compensation to specific review sentiment and requires disclosure when employees or AI systems author reviews.

### MARKETER IMPACT:

AI-generated testimonials and reviews are squarely in scope. Any campaign using AI to generate customer-facing social proof must include clear disclosure. Enforcement letters signal the FTC has moved from education to penalty phase.

Official source: [ftc.gov](https://www.ftc.gov) — *Consumer Review Fairness Rule*

**IN FORCE**

Ongoing (updated 2023, enforced 2024+)

## FTC Endorsement Guidelines — AI and Influencer Applicability

The FTC's updated Endorsement Guides explicitly address AI-generated endorsements and virtual influencers. Material connections between brands and AI-generated personas must be disclosed. The guides cover social media, native advertising, and sponsored content regardless of whether a real human or AI persona is involved.

### MARKETER IMPACT:

AI influencers, synthetic spokespeople, and AI-assisted testimonial generation all require FTC-compliant disclosure language. 'Paid partnership' alone may be insufficient if the persona itself is AI-generated.

Official source: [ftc.gov](https://www.ftc.gov) — *Endorsement Guides: What People Are Asking*

## EU AI ACT

**IN FORCE**

August 2, 2025

## EU AI Act: GPAI Model Obligations In Force (Unchanged)

Obligations for providers of General-Purpose AI (GPAI) models remain active and are unaffected by the Digital Omnibus agreement. Any AI model capable of generating text, audio, images, or video must maintain technical documentation, publish a training data summary, and establish a copyright compliance policy.

### MARKETER IMPACT:

If your martech stack includes foundation models (image generation, copywriting AI, synthetic video), your vendors should have GPAI compliance documentation. Request model cards and training data summaries before renewing contracts. These obligations are not extended by the Omnibus.

Official source: [digital-strategy.ec.europa.eu](https://digital-strategy.ec.europa.eu) — *Guidelines for GPAI Providers*

**UPDATED ▲ UPDATED**  
**MAY 7**

December 2, 2026 — REVISED FROM AUGUST 2, 2026

### EU AI Act: AI-Generated Content Transparency — December 2, 2026 Deadline

The Digital Omnibus provisional agreement reduced the grace period for implementing transparency solutions for AI-generated content from six months to three months. The new deadline for Article 50 transparency obligations is December 2, 2026. These obligations require disclosure when consumers interact with AI chatbots, and machine-readable labeling of AI-generated content including synthetic audio, images, video, and text. Deepfakes and AI-generated public-interest content must carry visible labels.

#### MARKETER IMPACT:

AI chatbots, synthetic creative, and AI-personalized offers for EU consumers require transparency compliance by December 2, 2026 — not August 2026, but not 2027. This is the obligation most marketing teams need to prioritize. Do not confuse the high-risk deadline extension with relief from transparency obligations.

Official source: [consilium.europa.eu](https://consilium.europa.eu) — Digital Omnibus Provisional Agreement, May 7, 2026

**UPDATED ▲ UPDATED**  
**MAY 7**

December 2, 2027 (stand-alone) / August 2, 2028 (embedded)

### EU AI Act: High-Risk System Obligations — Extended by Digital Omnibus

The Digital Omnibus provisional agreement extends the compliance deadline for Annex III high-risk AI systems. Stand-alone high-risk systems (including employment-adjacent AI: recruitment, candidate selection, performance evaluation, worker monitoring) must comply by December 2, 2027. High-risk AI systems embedded in regulated products (medical devices, machinery, vehicles, toys, lifts) must comply by August 2, 2028. Conformity assessments, technical documentation, bias testing, human oversight mechanisms, and EU database registration requirements all apply from these new dates.

#### MARKETER IMPACT:

Compliance workstreams for Annex III obligations (conformity assessments, bias audits, technical documentation for employment-adjacent AI) can be reprioritized to December 2027. However, do not abandon preparation — the documentation gap between what vendors can currently provide and what compliance requires remains real. Use the extended timeline to build proper governance infrastructure rather than to delay.

Official source: [consilium.europa.eu](https://consilium.europa.eu) — Digital Omnibus Provisional Agreement, May 7, 2026

**IN FORCE**

February 2, 2025

### EU AI Act: Prohibited Practices (Expanded by Omnibus Agreement)

Prohibited practices under the EU AI Act have been banned since February 2025. These include subliminal manipulation, exploitation of psychological vulnerabilities in advertising, AI-based social scoring, and certain forms of biometric categorization for ad targeting. The Digital Omnibus provisional agreement adds a new prohibition on AI systems that generate, manipulate, or reproduce non-consensual intimate content or CSAM.

#### MARKETER IMPACT:

Psychological-profiling-based ad targeting, dark-pattern AI optimization, and emotion-detection in advertising may constitute prohibited practices for EU audiences. The new nudification prohibition is relevant for any brand working with AI image generation platforms — confirm your vendor's compliance posture.

Official source: [artificialintelligenceact.eu](https://artificialintelligenceact.eu) — Article 5 (Prohibited Practices)

**US STATE LAWS**

**EFFECTIVE SOON**

Effective June 9, 2026

### New York: AI Synthetic Performers Disclosure Law (S.8420-A)

New York requires conspicuous disclosure whenever a digitally-created 'synthetic performer' — an AI-generated human-like figure not based on a real identifiable person — appears in a commercial advertisement. Penalties: \$1,000 per first violation, \$5,000 for subsequent violations. Exemptions apply for audio-only ads and expressive works. A companion bill also strengthens New York's right-of-publicity framework, requiring consent from heirs or executors for commercial use of a deceased person's likeness or digital replica.

**MARKETER IMPACT:**

Any ad featuring an AI-generated model, spokesperson, or background performer shown to New York consumers requires a disclosure. The law does not specify format; plan for visible on-screen text. Review UGC and influencer campaigns using AI face generation. This is the most urgent near-term compliance item — 33 days to the June 9 deadline.

Official source: [nysenate.gov](https://nysenate.gov) — S.8420-A (2025)

**IN FORCE**

Effective January 1, 2026

### California: AB 2013 — Generative AI Training Data Transparency

Developers of generative AI systems used in California must publicly post detailed information about the datasets used to train their models, including data sources, collection methods, and whether personal data was included. Applies to systems generating text, images, audio, or video for commercial use.

**MARKETER IMPACT:**

When evaluating AI vendors, check their AB 2013 compliance documentation. Lack of transparency docs is a procurement red flag.

Official source: [leginfo.legislature.ca.gov](https://leginfo.legislature.ca.gov) — AB-2013

**UPDATED ▲ UPDATED  
MAY 7**

Effective January 1, 2027 — pending SB 189 passage

### Colorado: AI Act Rewrite Underway — Enforcement Blocked, SB 189 Introduced

Colorado SB 24-205 remains nominally effective June 30, 2026, but enforcement has been temporarily blocked by a court order issued April 27, 2026. Senate Bill 189, introduced May 1, 2026, would replace the original law with a lighter-touch Automated Decision Making Technology (ADMT) framework focused on consumer notice, appeal rights, human review, and data retention — without bias audit or risk impact assessment requirements. The DOJ has joined xAI's First Amendment lawsuit against the original law. The legislature must pass SB 189 before the session ends in May.

**MARKETER IMPACT:**

Maintain preparation for core transparency requirements (consumer notice, appeal pathway, three-year record retention) that survive in both versions. Drop the bias audit workstream pending the outcome. The court-ordered enforcement block provides short-term relief but is not a permanent stay.

Official source: [coloradosun.com](https://coloradosun.com) — Colorado AI Compromise Bill; [littler.com](https://littler.com) — Colorado AI Law Enforcement Blocked

**IN FORCE**

Effective January 1, 2026

### Texas: Responsible AI Governance Act (TRAIGA)

TRAIGA focuses primarily on state agency AI use with a lighter-touch approach for the private sector. Private companies face intent-based liability with prohibitions and safe harbors rather than affirmative compliance mandates.

**MARKETER IMPACT:**

Lower compliance burden than Colorado, but documented AI governance is still important. Knowing misuse is harder to defend — keep records of AI policy decisions for Texas-facing campaigns.

Official source: [capitol.texas.gov](https://capitol.texas.gov) — HB 1709 (TRAIGA)

**IN FORCE***Effective January 1, 2026***Illinois: AI Employment Discrimination Amendment (H.B. 3773)**

Illinois amended its Human Rights Act to explicitly cover AI-driven discrimination in employment decisions including hiring, firing, discipline, tenure, and training. Directly relevant for marketing teams deploying AI recruitment advertising or platforms that use AI to screen job applicants from ad-driven traffic.

**MARKETER IMPACT:**

AI-driven job advertising and candidate targeting falls under this law. Audit any programmatic job advertising that uses AI audience optimization in Illinois.

*Official source: [ilga.gov](http://ilga.gov) — HB 3773 (Illinois General Assembly)*

**INDUSTRY SELF-REGULATION****INDUSTRY***January 2026***IAB: AI Transparency and Disclosure Framework**

The Interactive Advertising Bureau released the industry's first AI Transparency and Disclosure Framework. The framework takes a risk-based, materiality-driven approach: disclosure is required only when AI materially affects authenticity, identity, or representation in ways that could mislead consumers. Routine production tasks can proceed without disclosure.

**MARKETER IMPACT:**

The materiality test gives brands a practical filter: if your AI use could mislead a reasonable consumer about who or what they are engaging with, label it. Adopt this framework now — and note that the EU AI Act's December 2026 transparency deadline aligns closely with where this framework's requirements point.

*Official source: [iab.com](http://iab.com) — AI Transparency and Disclosure Framework*

**UPCOMING***2026 (in development)***IAB Tech Lab: Agentic Advertising Protocol Standards**

IAB Tech Lab is developing Agentic Protocol SDKs to establish consent, identity, and attribution standards for AI agent-to-agent advertising transactions — where AI buying agents interact with AI selling agents without human involvement in individual decisions.

**MARKETER IMPACT:**

Monitor IAB Tech Lab developments before deploying fully autonomous AI campaign management tools.

*Official source: [iabtechlab.com](http://iabtechlab.com) — Agentic Advertising and AI*

**KEY DATES AHEAD — UPDATED MAY 7, 2026**

DATE	EVENT	STATUS
~May 2026	Colorado legislative session ends	SB 189 must pass before session closes or original law stands
Jun 9, 2026	NY Synthetic Performers Disclosure Law — IN EFFECT	All ads featuring AI-generated performers shown to NY consumers require disclosure
Jun 30, 2026	Colorado original AI Act deadline (nominally)	Enforcement blocked by court order; SB 189 would move effective date to Jan 2027
Aug 2, 2026	EU AI Act: GP AI enforcement powers fully active	GP AI documentation obligations already in force since Aug 2025; full enforcement powers now active
Dec 2, 2026	EU AI Act: Article 50 transparency deadline — NEW DATE	AI chatbot disclosure + AI-generated content labeling for EU consumers — reduced from 6-month to 3-month grace period
Jan 1, 2027	Colorado SB 189 ADMT framework (if enacted)	Consumer notice, appeal rights, human review, 3-year record retention
Aug 2, 2027	EU AI Act: Regulatory sandbox deadline	Extended from original date by Omnibus agreement

<b>Dec 2, 2027</b>	EU AI Act: High-risk stand-alone AI systems — EXTENDED	Conformity assessments, bias testing, technical documentation for employment-adjacent AI — extended from Aug 2, 2026
<b>Aug 2, 2028</b>	EU AI Act: High-risk AI in regulated products — EXTENDED	AI embedded in medical devices, machinery, vehicles — new deadline under Omnibus agreement