ETHICORE ADVISORS

AI + Marketing Regulatory Tracker

November 2026 — Complete Reference (Updated 12 November 2026)

Complete reference covering all active and upcoming AI regulations relevant to marketing and advertising. Updated monthly. Not legal advice — verify with qualified counsel for your specific situation. From Guardrails: How To Embrace AI in Your Business Without Damaging Your Brand by Craig McDonogh (October 2026).

NOVEMBER 2026: MONTH AT A GLANCE

Developments tracked	**17**	Jurisdictions	**4 (EU, US Federal, US State, Global)**
URGENT actions	**1**	HIGH priority actions	**3**
New laws/portals active this week	**2**	Upcoming hard deadlines	**3**
Political developments	**1**	Corporate enforcement actions	**4**

EUROPEAN UNION

Regulation	Jurisdiction	In Force	Status	Marketing Impact
EU AI Act Art. 50 — Watermarking (Legacy Systems)	EU / EEA + any org serving EU users	2 Dec 2026	URGENT	Providers of generative AI systems deployed before August 2 must implement C2PA-compliant machine-readable marking by December 2. A visible label alone does not satisfy Article 50(2). Organizations using third-party AI APIs own their own compliance obligations regardless of vendor status. Penalty: up to EUR 15M or 3% of global annual turnover. 20 days remain.
EU AI Act Art. 5 — New Prohibitions	EU / EEA	2 Dec 2026	DEC 2026	From December 2: AI systems that generate or manipulate realistic sexual imagery of an identifiable person without their explicit, informed consent are prohibited. AI systems that generate child sexual abuse material are prohibited. Both apply to providers (where this is an intended or foreseeable purpose) and deployers (where they use a system for this purpose). Audit your generative image stack now.
EU AI Act Art. 50 — Chatbot Disclosure	EU / EEA + any org serving EU users	2 Aug 2026	IN FORCE	All AI chatbots and virtual assistants must disclose to users they are interacting with AI before meaningful engagement begins. Enforcement began August 2.

Regulation	Jurisdiction	In Force	Status	Marketing Impact
EU AI Act Art. 50 — Post-Aug AI Content Transparency	EU / EEA + any org serving EU users	2 Aug 2026	IN FORCE	AI-generated images, video, audio, and text that could mislead must carry machine-readable C2PA watermarking. Applies immediately to all content deployed after August 2. Includes paid and organic social.
EU AI Act — GPAI Monthly Risk Evaluations	EU / EEA — frontier model providers	2 Aug 2026	IN FORCE	Providers of models above 10^25 FLOPs training threshold must file monthly systemic risk evaluations with EU AI Office. If your vendor is in scope, confirm they are filing.
EU AI Enforcement Implementing Regulation	EU / EEA	Feedback closed 9 Nov 2026	NEW NOV	Draft implementing regulation on Commission enforcement procedures (Articles 75c and 75d) closed its public feedback period November 9. Covers evidence access, confidentiality protections, submission requirements, and five-year penalty limitation periods. Not yet adopted. Organizations in scope of EU AI Act enforcement proceedings should track this.
EU AI Act Annex III High-Risk Obligations (Omnibus deferral)	EU / EEA	2 Dec 2027	2027+	Employment, credit, education, and housing AI bias audit and conformity assessment obligations deferred to December 2027. Build audit readiness now.
EDPB — Smart Glasses with Facial Recognition	EU / EEA	Oct 2026	IN FORCE	EDPB opinion: AI-enabled smart glasses with facial recognition capabilities require explicit user consent under GDPR even in passive recording modes. Review your experiential and retail AI capture technology.

UNITED STATES — FEDERAL

Regulation	Jurisdiction	In Force	Status	Marketing Impact
US Midterm Results — Regulatory Reset	US Federal	3 Nov 2026	POLITICAL	Democrats flipped House and Senate November 3. Federal preemption strategy (blocking state AI laws via permissive federal framework) is dead as near-term strategy. State laws in CA, NY, CT, CO, IL, and TX are the operative compliance floor. Democratic AI oversight agenda: AI select committee, mandatory pre-deployment safety testing, enhanced transparency rules, AI Kill Switch Act committee hearing. AI-generated election content is highest-probability near-term legislation.
FTC Section 6(b) — AI-Driven Personalized Pricing	US Federal	Oct 2026	ENFORCEMENT	FTC issued 6(b) orders to major retailers and platforms requiring disclosure of AI-driven personalized pricing. If your e-commerce or marketing stack dynamically adjusts prices by user profile, review your disclosure obligations now.

Regulation	Jurisdiction	In Force	Status	Marketing Impact
ChatGPT Ads / Businesses in ChatGPT	US Federal / FTC jurisdiction	11 Nov 2026	NEW NOV	OpenAI launched Businesses in ChatGPT November 11: verified profiles, product feeds, Business Agents, and sponsored placements. FTC Section 5 unfair and deceptive practices authority applies to AI advertising. Sponsored AI answers without transparent commercial disclosure face the same enforcement exposure as undisclosed influencer posts. Consult legal before committing spend to ChatGPT Ads.
NIST SP 800-100 Rev. 1 — AI Risk Management	US Federal	Comment period closes 15 Dec 2026	PENDING	Comment period on revised NIST AI risk management guidance closes December 15. Organizations with AI governance programs should review the draft and consider submitting comments. This framework will shape voluntary compliance expectations across the industry.
Anthropic S-1A — RSI Warning Disclosure	US Federal	Oct 2026	FILING	Anthropic's pre-IPO S-1A filing disclosed a Responsible Scaling Index as a material risk factor — first time a frontier AI lab has disclosed AI safety frameworks to securities regulators. Sets precedent for how AI safety posture may be treated as investor-material information.
Take It Down Act — NCII Removal	US Federal	19 May 2026	IN FORCE	Platforms must remove non-consensual AI-generated intimate imagery within 48 hours of verified complaint. Confirm you have a compliant NCII removal process if you run any content platform or UGC environment.

UNITED STATES — STATE LAWS

Regulation	Jurisdiction	In Force	Status	Marketing Impact
New York RAISE Act — Registration Portal Open	New York	Portal open 10 Nov; register by 1 Jan 2027	NEW NOV	New York's RAISE Act registration portal opened November 10. Frontier AI developers earning over $500M annually (OpenAI, Anthropic, Google DeepMind, Meta) must register with the DIGIT Office by January 1, 2027. Requirements: publish safety frameworks, report critical safety incidents within 72 hours, issue model transparency reports. Penalties: $1M per violation, $3M for subsequent violations. For marketing teams: the frameworks your AI vendors publish to satisfy RAISE become your due-diligence documentation — read them.

Regulation	Jurisdiction	In Force	Status	Marketing Impact
New York S 9051B — AI Companion Chatbot Law	New York	1 Jan 2027	SIGNED	Signed October 28. Effective January 1, 2027. Requires AI companion chatbots to disclose AI nature, prohibits emotional manipulation, mandates crisis intervention protocols. First US state law to authorize algorithmic disgorgement — courts may order deletion of AI models trained on unlawfully obtained data.
Nine-State AG Suits vs. OpenAI	AZ, AR, ID, IA, KS, MT, NE, WV, TX	Oct 14-23 2026	ENFORCEMENT	Nine state AGs filed coordinated consumer protection actions October 14-23. Core allegations: safety claims did not match internal testing; inaccurate capability claims; children's data violations; sycophantic engagement-maximizing design. Iowa seeks penalties up to $40,000 per violation. Theory of liability: your public AI governance claims can be tested under existing consumer protection law. If your organization has made public AI governance claims, they face the same scrutiny.
GM $220M Data Settlement — 36 States	36 US States	Oct 2026	SETTLEMENT	GM paid $220M across 36 states for selling driver behavior and location data to insurance companies without adequate disclosure. Direct precedent for any marketing stack collecting mobility, behavioral, or location data. Verify your data-sharing agreements explicitly name and limit downstream use.
California AG Subpoena — OpenAI Cybersecurity	California	Oct 2026	ENFORCEMENT	California AG subpoenaed OpenAI for documentation on cybersecurity risks and incident history. If OpenAI is in your AI stack, monitor outcomes. May expand disclosure expectations for AI vendors contracting with California-exposed organizations.
California SB 813 / AB 1405 — AI Evaluators and Auditors	California	Sep 2026	IN FORCE	California created certified AI evaluators and registered AI auditors. These roles will independently assess AI systems for bias, safety, and compliance. If your organization uses AI in consequential decisions in California, certified evaluator review may become a standard due-diligence step.
California SB 53 — Transparency in Frontier AI Act	California	1 Jan 2026	IN FORCE	Large frontier AI developers must publish AI safety and security frameworks, report safety incidents, and provide transparency disclosures. Ask your frontier model vendors for their published safety framework.

Regulation	Jurisdiction	In Force	Status	Marketing Impact
California SB 1000 (CAITA) — Whistleblower, AEDT, Synthetic Content	California	1 Oct 2026	IN FORCE	Three obligations in force from October 1: (1) Whistleblower protections for frontier AI developer employees; (2) AEDT obligations for AI in hiring, performance, and promotion; (3) Synthetic content transparency for covered providers.
Connecticut AIRT Act Phase 1	Connecticut	1 Oct 2026	IN FORCE	Transparency and accountability requirements for AI-assisted consequential decisions in force from October 1. Connecticut joins CA, CO, IL, NY, and TX. Six states with enforceable AI laws, all operating independently of federal law.

STATE LAW STATUS SUMMARY

State	Primary Law	In Force	AEDT	Synthetic Content	Companion AI	AI Evaluators
California	SB 1000 / AB 2013 / SB 53 / SB 813	Oct 1, 2026	Yes	Yes	No	Yes
Connecticut	AIRT Act Phase 1	Oct 1, 2026	Yes	No	No	No
Colorado	SB 205	Feb 1, 2026	Yes	No	No	No
Illinois	AIAB / AEIA	Jan 1, 2026	Yes	No	No	No
New York	RAISE Act / S 9051B	Jan 1, 2027 (chatbot)	Partial	No	Jan 1, 2027	No
Texas	TRAIGA	Sep 1, 2025	Yes	No	No	No

GLOBAL / OTHER JURISDICTIONS

Regulation	Jurisdiction	In Force	Status	Marketing Impact
UK Regulating for Growth Bill — Autumn Committee Stage	United Kingdom	Royal Assent expected 2027	COMMITTEE	UK's first statutory AI framework is in autumn committee stage in the Commons. Principles-based, sector-agnostic: existing regulators (ICO, FCA, CMA, Ofcom, MHRA) will enforce within their sectors. Applies to any AI product sold into the UK including products built outside the UK. Phased commencement through statutory instruments after Royal Assent. Penalty regime not yet specified in published text.
UK Frontier AI Curbs — Extended Beyond Financial Sector	United Kingdom	May 2026	IN FORCE	UK government cross-industry guidance (published May 15) extended frontier AI risk management obligations from PRA-regulated banks and insurers to all sectors including retail, healthcare, and logistics. Firms running frontier models in production now have affirmative risk management duties. Guidance status (voluntary vs. regulatory expectation) should be confirmed with UK counsel.

Regulation	Jurisdiction	In Force	Status	Marketing Impact
Canada — CPPA Children's Privacy Amendments	Canada	Expected Q1 2027	PENDING	Canadian Parliament advancing amendments to CPPA strengthening children's data protections with explicit AI provisions. Watch for passage in Q1 2027. If you market to Canadian youth audiences or use AI targeting in Canada, begin compliance planning.

DEADLINES AND CALENDAR

Deadline	Jurisdiction	Obligation	Priority
December 2, 2026	EU / EEA	Article 50 watermarking — all pre-Aug 2 AI tools must implement C2PA machine-readable marking. New Article 5 prohibitions on NCII and CSAM generation also activate.	URGENT
December 15, 2026	US Federal	NIST SP 800-100 Rev. 1 comment period closes. Submit comments if your organization has an AI governance program.	MEDIUM
January 1, 2027	New York	RAISE Act developer registration deadline (frontier AI developers >$500M revenue). New York S 9051B AI companion chatbot law takes effect. Both require action before year-end.	HIGH
Q1 2027	United Kingdom	UK Regulating for Growth Bill expected Royal Assent. Begin sector-specific regulator mapping.	MEDIUM
December 2, 2027	EU / EEA	Annex III High-Risk AI obligations (Omnibus deferral) take effect. Employment, credit, education, housing AI bias audit and conformity assessment.	MONITOR

ACTION CHECKLIST

Action	Owner	Deadline	Priority
Audit all AI content tools deployed before August 2 for C2PA watermarking compliance — escalate immediately if not in place	Legal / Tech	2 Dec 2026	URGENT
Verify legal team has reviewed ChatGPT Ads plans against FTC Section 5 disclosure obligations before committing spend	Legal / Marketing	Before spend	HIGH
Brief legal team on nine-state AG OpenAI suits — audit all public AI governance and safety claims your organization has made	Legal	This week	HIGH
Review all third-party data-sharing agreements for downstream use limitations (GM $220M settlement precedent)	Legal / Privacy	30 Nov 2026	HIGH
Identify frontier AI vendors in your stack and confirm they will meet New York RAISE Act registration by January 1, 2027	Procurement / Legal	15 Dec 2026	MEDIUM
Map which UK sectoral regulator will oversee your AI use in advance of UK Regulating for Growth Bill Royal Assent	Legal	Q1 2027	MEDIUM
Submit comments on NIST SP 800-100 Rev. 1 if your organization has an AI governance program	Legal / Policy	15 Dec 2026	MEDIUM

Action	Owner	Deadline	Priority
Review New York S 9051B companion chatbot obligations for any AI tools in your stack — effective January 1	Legal / Product	Dec 2026	MEDIUM
Read RAISE Act safety frameworks when published by your AI vendors — these are your due-diligence documentation	Procurement	Jan 2027	MEDIUM
Monitor nine-state AG OpenAI litigation outcomes — liability theory may expand to your AI marketing claims	Legal	Ongoing	MONITOR
Track Anthropic S-1A precedent — establish process for evaluating AI vendor securities filings as risk signals	Legal / Finance	Ongoing	MONITOR