BILL

No. 76

An Act to Prevent the Deceptive Use of Artificial Intelligence and to make related amendments to other Acts

TABLE OF CONTENTS

1 Short title
2 Definitions and interpretation
3 Prohibition re deceptive use of synthetic media
4 Disclosure of synthetic media
5 Application of laws to synthetic media
6 Relationship to other laws
7 Action
8 Remedies
9 Closed hearing
10 Regulations

RELATED AMENDMENTS

11 SS 2013, c C-30.2 amended
12 SS 1996, c E-6.01 amended
13 SS 2015, c L-30.11 amended
14 RSS 1978, c P-24 amended

COMING INTO FORCE

15 Coming into force

(Assented to)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Prevention of Deceptive Artificial Intelligence Act*.

Definitions and interpretation

2(1) In this Act:

"court" means the Court of King's Bench;

"deceptive use" means the creation, publication, distribution or use of synthetic media with the intent to cause another person to reasonably believe that the content is authentic or that it accurately depicts, records or represents a person, an event or conduct, if that belief is reasonably likely to result in:

(a) substantial physical, psychological, reputational or economic harm to a person; or

(b) a significant risk to public safety;

"identifiable individual" means a real individual who can be identified, directly or indirectly, from the content considered alone or in combination with other information;

"prescribed" means prescribed in the regulations;

"synthetic media" means any content, including audio, visual, audiovisual or digital output, that:

(a) is generated, synthesized or materially altered, including through the use of artificial intelligence or any other prescribed technological means; and

(b) produces, reproduces, imitates or fabricates:

(i) the image, likeness, voice or identity of a person; or

(ii) an event or conduct.

(2) For the purposes of the definition of "synthetic media" in subsection (1), content is materially altered if the alteration is likely to mislead a person into reasonably believing that the content is authentic.

Prohibition re deceptive use of synthetic media

3(1) No person shall knowingly engage in a deceptive use of synthetic media.

(2) Without limiting the application of subsection (1), conduct that may constitute a deceptive use includes:

(a) attributing to an identifiable individual words, conduct or characteristics that the individual did not express or exhibit; or

(b) impersonating an identifiable individual:

(i) without lawful authority; or

(ii) without the individual's consent, if that consent is required by law.

(3) Nothing in this Act limits lawful uses of synthetic media, including parody or satire, unless the use constitutes a deceptive use within the meaning of this Act.

Disclosure of synthetic media

4(1) A person who creates, publishes, distributes or uses synthetic media that is reasonably likely to cause a person to believe that the content is authentic or that it accurately depicts, records or represents a person, an event or conduct shall ensure that the content:

(a) is accompanied by a clear and prominent disclosure stating that the content contains synthetic media; and

(b) if technically feasible, includes a persistent and, when applicable, machine-readable marking indicating that the content contains synthetic media.

(2) A disclosure required pursuant to subsection (1) must be presented in a manner that is:

(a) appropriate to the medium through which the content is made available; and

(b) reasonably likely to come to the attention of a person encountering the content.

(3) Subsection (1) does not apply if, having regard to all the circumstances, the artificial nature of the content would be apparent to a reasonable person.

Application of laws to synthetic media

5(1) In the application of any enactment or rule of law, a person does not avoid liability or other legal consequence solely because an act, omission, representation or communication was carried out by means of synthetic media.

(2) Subsection (1) applies whether the content is:

(a) wholly synthetic; or

(b) derived in whole or in part from authentic source material.

Relationship to other laws

6 This Act is in addition to, and does not limit, any right, remedy, prohibition, obligation or cause of action available pursuant to any other enactment or rule of law.

Action

7(1) It is a tort for a person to engage in a deceptive use of synthetic media.

(2) An action pursuant to this section may be commenced in court without proof of damage.

(3) In determining whether a person has engaged in a deceptive use of synthetic media, the court may consider:

(a) the nature, content and context of the synthetic media;

(b) whether the synthetic media depicts, records, represents or purports to depict, record or represent an identifiable individual;

(c) whether the synthetic media was accompanied by a disclosure that complied with section 4; and

(d) any other factor that the court considers relevant.

(4) It is not a defence to an action pursuant to this section that:

(a) the synthetic media was generated, synthesized or materially altered, in whole or in part, by automated systems or artificial intelligence;

(b) the defendant did not personally create the synthetic media, if the defendant knowingly published, distributed or used the synthetic media in a manner that constitutes a deceptive use; or

(c) the plaintiff consented to the creation of the image, likeness, voice or other representation from which the synthetic media was derived, unless the plaintiff also consented to the deceptive use complained of.

Remedies

8(1) In this section, **"internet intermediary"** means an internet intermediary as defined in *The Protection From Human Trafficking Act*.

(2) In an action pursuant to section 7, the court may do one or more of the following:

(a) award damages to the plaintiff, including general, special, aggravated and punitive damages;

(b) with respect to any profits that have accrued to the defendant as a result of the deceptive use of synthetic media:

(i) order the defendant to account to the plaintiff for those profits; and

(ii) make an order in favour of the plaintiff with respect to the recovery of those profits from the defendant;

(c) with respect to all or part of the synthetic media that is the subject of the action:

(i) declare the creation, publication, distribution or use of the synthetic media to be unlawful;

(ii) order the defendant to make every reasonable effort to make the synthetic media unavailable to others, including by:

(A) destroying all copies of the synthetic media in the defendant's possession or control;

(B) having the synthetic media removed from any online platform operated by an internet intermediary; and

(C) having the synthetic media de-indexed from any internet search engine; and

(iii) order any internet intermediary or other person or organization to make every reasonable effort to remove, disable access to or de-index all publications that include the synthetic media;

(d) issue an injunction on any terms and with any conditions that the court determines to be appropriate to prevent the continued creation, publication, distribution or use of the synthetic media;

(e) order the defendant to publish a correction, retraction, notice or other statement in a form approved by the court;

(f) order the defendant to identify any person to whom the synthetic media was provided or distributed, to the extent reasonably known by the defendant;

(g) make any other order that the court considers just, reasonable and proportionate in the circumstances.

(3) In awarding damages pursuant to clause (2)(a), the court must not have regard to any order made pursuant to clause (2)(b).

Closed hearing

9 Without limiting any other power of the court, in an action pursuant to section 7, the court may:

(a) exclude the public from the hearing or any part of the hearing; or

(b) prohibit the publication of:

(i) any matter connected with the action or given in evidence at the hearing; or

(ii) any document filed with the court.

Regulations

10 The Lieutenant Governor in Council may make regulations:

(a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;

(b) prescribing technologies, processes or methods, or classes of technologies, processes or methods, for the purposes of clarifying the application of this Act to content that is generated, synthesized or materially altered;

(c) respecting standards or indicators for determining whether content has been generated, synthesized or materially altered;

(d) respecting the form, manner, timing, duration and placement of disclosures required pursuant to section 4, including standards for prominence, clarity, accessibility, technical format and language requirements;

(e) respecting technical or operational standards for identifying, labelling, water marking or otherwise marking synthetic media;

(f) prescribing factors to be considered in determining whether a use of synthetic media constitutes a deceptive use;

(g) exempting classes of persons, activities or circumstances from all or any provision of this Act and prescribing conditions applicable to those exemptions;

(h) respecting measures to detect, prevent or mitigate deceptive uses of synthetic media;

(i) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;

(j) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

RELATED AMENDMENTS

SS 2013, c C-30.2 amended

11(1) *The Consumer Protection and Business Practices Act* is amended in the manner set forth in this section.

(2) The following clause is added after clause 2(j):

"(k) **'synthetic media'** means synthetic media as defined in *The Prevention of Deceptive Artificial Intelligence Act***".**

(3) The following clauses are added after clause 7(s):

"(t) using synthetic media to falsely represent that a person endorses, uses, recommends, sponsors or approves goods or services;

"(u) using synthetic media in making a representation described in clause (a) or (c)**".**

SS 1996, c E-6.01 amended

12(1) *The Election Act, 1996* is amended in the manner set forth in this section.

(2) The following clause is added after clause 2(1)(nn):

"(nn.1) **'synthetic media'** means synthetic media as defined in *The Prevention of Deceptive Artificial Intelligence Act***".**

(3) The following subclause is added after subclause 215(1)(a)(v):

"(vi) an image, likeness, voice or other representation that is synthetic media**".**

(4) The following subsections are added after subsection 215(2):

"(2.1) No person shall knowingly distribute or knowingly cause to be distributed an advertisement that contains synthetic media unless the advertisement includes a clear and prominent disclosure stating that the advertisement contains synthetic media, which disclosure must:

(a) be reasonably understandable to an ordinary voter and presented in a manner appropriate to the format of the advertisement, including:

(i) in the case of a visual or audiovisual advertisement, appear on the face of the advertisement for a duration sufficient to be noticed, read and understood by a reasonable viewer or listener;

(ii) in the case of an audio advertisement, be spoken clearly at the beginning or end of the advertisement for a duration sufficient to be heard and understood by a reasonable listener;

(b) be immediately associated with the synthetic media and presented in a clear and prominent manner that ensures the disclosure's visibility and audibility; and

(c) meet any other prescribed requirements.

"(2.2) Subsection (2.1) does not apply if the advertisement is reasonably recognizable by an ordinary voter as parody or satire**".**

(5) Clause 266(1)(h) is amended by striking out "subsections 215(2) or (3)**" and substituting "**subsection 215(2), (2.1) or (3)**".**

(6) The following clause is added after clause 287(1)(b.1):

"(b.2) respecting the form, manner, timing, duration and placement of disclosures required pursuant to subsection 215(2.1), including standards for prominence, clarity, accessibility, technical format and language requirements**".**

SS 2015, c L-30.11 amended

13(1) *The Local Government Election Act, 2015* is amended in the manner set forth in this section.

(2) Subsection 2(1) is amended by adding the following definition in alphabetical order:

" 'synthetic media' means synthetic media as defined in *The Prevention of Deceptive Artificial Intelligence Act*".

(3) The following subclause is added after subclause 182(1)(a)(v):

"(vi) an image, likeness, voice or other representation that is synthetic media**".**

(4) The following subsections are added after subsection 182(2):

"(2.1) No person shall knowingly distribute or knowingly cause to be distributed an advertisement that contains synthetic media unless the advertisement includes a clear and prominent disclosure stating that the advertisement contains synthetic media, which disclosure must:

(a) be reasonably understandable to an ordinary voter and presented in a manner appropriate to the format of the advertisement, including:

(i) in the case of a visual or audiovisual advertisement, appear on the face of the advertisement for a duration sufficient to be noticed, read and understood by a reasonable viewer or listener;

(ii) in the case of an audio advertisement, be spoken clearly at the beginning or end of the advertisement for a duration sufficient to be heard and understood by a reasonable listener;

(b) be immediately associated with the synthetic media and presented in a clear and prominent manner that ensures the disclosure's visibility and audibility; and

(c) meet any other requirements prescribed in the regulations.

"(2.2) Subsection (2.1) does not apply if the advertisement is reasonably recognizable by an ordinary voter as parody or satire**".**

(5) Subsection 182(3) is amended by adding "or (2.1)**" after "**subsection (2)**".**

(6) The following clause is added after clause 186(l):

"(l.1) respecting the form, manner, timing, duration and placement of disclosures required pursuant to subsection 182(2.1), including standards for prominence, clarity, accessibility, technical format and language requirements**".**

RSS 1978, c P-24 amended

14(1) *The Privacy Act* is amended in the manner set forth in this section.

(2) The following section is added after section 1:

"Interpretation

1.1 In this Act, **'deceptive use'**, **'identifiable individual'** and **'synthetic media'** have the same meaning as in *The Prevention of Deceptive Artificial Intelligence Act***".**

(3) Section 3 is amended:

(a) by striking out "or**" after clause (c);**

(b) by adding "or**" after clause (d); and**

(c) by adding the following clause after clause (d):

"(e) use of an image, likeness, voice, recording, photograph, video, representation, communication or other form of expression or information that is prescribed in the regulations as synthetic media, so as to depict the person as doing or saying something that the person did not do or say**".**

(4) The following section is added after section 3:

"Synthetic media and violation of privacy

3.1(1) For greater certainty, conduct involving a deceptive use of synthetic media may constitute a violation of privacy.

(2) Without limiting subsection (1), conduct that may constitute a deceptive use includes:

(a) attributing to an identifiable individual words, conduct or characteristics that the individual did not express or exhibit;

(b) impersonating an identifiable individual:

(i) without lawful authority; or

(ii) without the individual's consent, if that consent is required by law; or

(c) conduct that is sexual in nature**".**

(5) Section 7.1 is repealed and the following substituted:

"Definition – intimate image

7.1 In this Act, **'intimate image'** means a visual recording of a person, whether or not the person is identifiable or whether or not the image has been altered in any way, made by any means or is synthetic media, including a photograph, film or video recording:

(a) in which the person in the image is or is depicted as:

(i) nude or exposing his or her genital organs or anal region or her breasts; or

(ii) engaging in explicit sexual activity;

(b) that was recorded in circumstances that gave rise to a reasonable expectation of privacy with respect to the image; and

(c) if the image has been distributed, in which the person who is or is depicted in the image retained a reasonable expectation of privacy at the time it was distributed**".**

(6) The following section is added after section 8:

"Damages

8.1 In awarding damages in an action pursuant to this Act for violation of privacy or for the non-consensual distribution of an intimate image, the court shall treat the involvement of a minor as an aggravating factor and may award aggravated damages**".**

COMING INTO FORCE

Coming into force

15 This Act comes into force by order of the Lieutenant Governor in Council.

THIRD SESSION

Thirtieth Legislature

SASKATCHEWAN

BILL

No. 76

An Act to Prevent the Deceptive Use of Artificial Intelligence and to make related amendments to other Acts

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Received and read the

First time

Second time

Third time

And passed

Honourable Tim McLeod

Printed under the authority of
The Speaker of the Legislative Assembly
of Saskatchewan
2026