PROGRAM MATERIALS
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"It's the Time of the Season": Recent Developments in TCPA and State Telemarketing Litigation and Legislation

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“It’s the Time of the Season”: Recent Developments in TCPA and State Telemarketing Litigation and Legislation

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September 15, 2026

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Dan Blynn focuses his practice on telemarketing and false advertising litigation, and complex consumer class actions in federal and state courts. Dan assists clients with advertising substantiation investigations, and inquiries from the Federal Trade Commission (FTC) and state attorneys general. He also counsels clients on a variety of advertising and telemarketing-related matters. Dan has served as an expert witness on telemarketing issues as well. His clients range from Fortune 100 companies to small "mom and pop" businesses, including office supply companies, retail goods manufacturers, solar and other energy companies, home security companies, staffing services companies, cable news networks, e-commerce companies, clothing companies, calling and text messaging platform providers, and a host of other large and small businesses across a number of industries.

Raul Rojo focuses his practice on consumer litigation and regulatory enforcement, with experience spanning all stages of complex investigations and civil litigation. Raul brings a unique blend of government and courtroom experience, having served as an attorney at the Enforcement Bureau of the Federal Communications Commission (FCC) and as a prosecutor in the Philadelphia District Attorney's Office.

The Telephone Consumer Protection Act

THE TCPA

Telephone Consumer Protection Act (TCPA) (47 U.S.C. § 227; 47 C.F.R. § 64.1200)
Regulates and restricts ***outbound*** calls/texts (***informational and telemarketing***)
Do Not Call requirements for telephone solicitations; courts are divided over private DNC claims based on texts
Consent requirements for autodialed calls/texts to cell phones (telemarketing and non-telemarketing)
Consent requirements for artificial voice and prerecorded message calls to landlines and cell phones (telemarketing and non-telemarketing)
Disclosure requirements (identification and nature of call)
Caller ID requirements
Prohibits unsolicited fax advertisements
Prohibits calls/texts before 8:00 am and after 9:00 pm “local time of the called party”

ENFORCEMENT

Telephone Consumer Protection Act (TCPA) (47 U.S.C. § 227)
FCC, states, and private plaintiffs enforce
FCC fines: up to approx. $25,000 per violation
Private lawsuits (often class actions): • $500 per call/text (for autodialer & prerecorded messages) • “Up to” $500 per call/text (for do not call) • Enhanced damages (up to 3x) for “willful or knowing” violations • No cap on damages • Damages aggregated in class actions (subject to constitutional limitations)

- **Top 10 TCPA class action settlements between about $14 million and $76 million.**

- **Notable TCPA jury verdicts:**
  $925 million (overturned/remanded on appeal) (ViSalus);
  $267 million (Rash Curtis & Assocs.).

Federal Developments Under the Telephone Consumer Protection Act

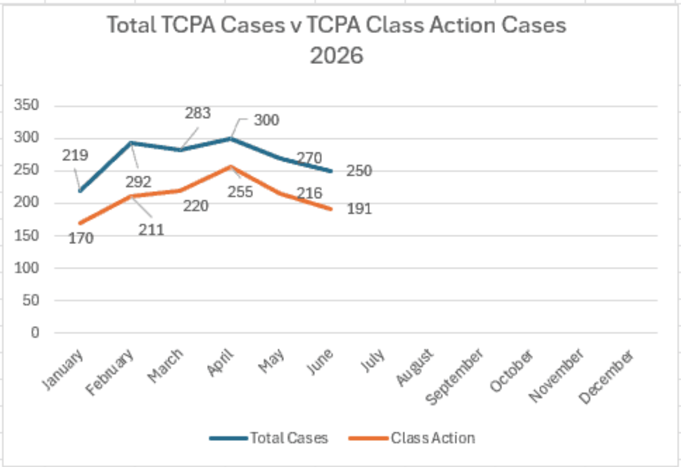
- **Recent FCC Proposed Rulemakings and Developments**
  - Proposed Amendments to Consent Revocation Rules (Jan. 6, 2026)
    - **“One-As-to-All”**: previously adopted would require that an opt-out request made in response to one type of call or text message apply to ***all*** types of calls and text messages from the same caller/sender.
      - Set to become effective Apr. 11, 2026 but, on Jan. 6, 2026, FCC found good cause to delay implementation until Jan. 31, 2027.
        - Agency seeks comment on rule modifications aimed at balancing consumers’ ability to stop unwanted calls and texts while continuing to receive those they desired (*e.g.*, communications from pharmacies and banks; customers of a business who also are employees of that business).
        - “Would requiring consumers to revoke consent separately for each business unit . . . or other sub-division of a caller create an undue burden[?]”
      - Note—change from previous draft order that would have eliminated the rule in its entirety.
    - **Methods of Revocation**: seeks comment on current “reasonable means” standard for revocation.
      - Due to ambiguity and compliance challenges, FCC considering whether to permit businesses to dictate means of revocations (*e.g.*, prescribed text response keywords; web portals; dedicated phone lines and email addresses).
    - **IDNC Lists**: businesses must continue to honor do-not-call requests for five years under the TCPA.
      - Earlier draft proposed rule suggested eliminating IDNC requirements.

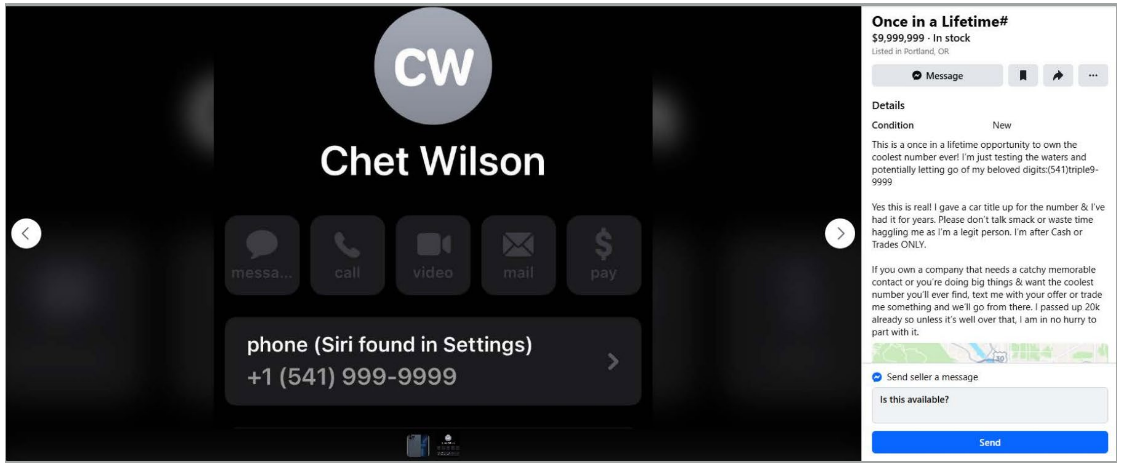
Federal Developments Under the Telephone Consumer Protection Act

- **Recent FCC Proposed Rulemakings and Developments (cont.)**
  - **One-to-One Consent Rule** (Order, Jan. 24, 2025)
    - Would have required that consumers provide "prior express written consent" to one seller at a time in order to receive certain types of "logically and topically associated" telemarketing calls and text messages.
    - FCC stayed the rule before its Jan. 27, 2025 effective date.
      - That same day, the Eleventh Circuit vacated the rule, holding that the FCC exceeded its statutory authority because the rule conflicted with the ordinary meaning of ‘prior express consent’ (Insurance Marketing Coalition Limited v. FCC, 127 F.4th 303 (11th Cir. 2025)).
  - **Call Abandonment Rules** (October 29, 2025)
    - The FNPRM seeks comment on eliminating the FCC’s call-abandonment rules. Those rules remain in effect and require unanswered telemarketing calls to ring for at least 15 seconds or four rings and limit abandoned calls to 3% of calls answered by a person.
  - **“Delete, Delete, Delete”** (Fifth Direct Final Rule, Nov. 24, 2025)
    - “We have identified approximately 21 rule provisions and rule parts . . . That plainly no longer serve the public interest . . .”
      - The FCC concluded that prior notice and comment was unnecessary under the APA but allowed comments before the identified rules took effect on March 16, 2026.
    - Not TCPA-specific but indicates the FCC’s view of regulations under current administration.

Federal Developments Under the Telephone Consumer Protection Act

- **Litigation Trends and Notable Rulings**
  - Through June 2026, TCPA filings were up 34.3% year over year.
  - In June 2026, putative class actions represented 76.4% of TCPA filings.
  - More prerecorded message and DNC claims (text messages and calls).
    - Sharp increase in reassigned/wrong number cases (especially with "honey pot" plaintiffs).
    - Hundreds of putative "quiet hours" class actions.





Gryphon.AI, Regulatory Report: August 2026 (citing WebRecon June 2026 data).

Federal Developments Under the Telephone Consumer Protection Act

- **Litigation Trends and Notable Rulings**
  - *McLaughlin Chiropractic Assocs., Inc. v. McKesson Corp.*, 606 U.S. 146 (2025) (Hobbs Act does not make FCC orders binding on courts).
    - Are cell phones “residential” for DNC purposes?
      - Courts still split.
    - Are text messages “calls” subject to the DNC rules?
      - **Ninth Circuit:** texts are “calls” under § 227(b). Howard v. Republican National Committee, 164 F.4th 1119 (9th Cir. 2026).
      - **Seventh Circuit:** § 227(c)(5)’s private right of action does not cover texts. *Steidinger v. Blackstone Medical Services*, No. 25-2398 (7th Cir. July 14, 2026).
    - Does providing a telephone number constitute “prior express consent” for autodialed or prerecorded calls or texts?
      - Fifth Circuit held that the TCPA requires prior express consent—not written consent—and that Bradford consented through his ongoing service relationship. Bradford v. Sovereign Pest Control of Texas, Inc., No. 24-20379 (5th Cir. Feb. 25, 2026).
  - “Emergency Exception” litigation.

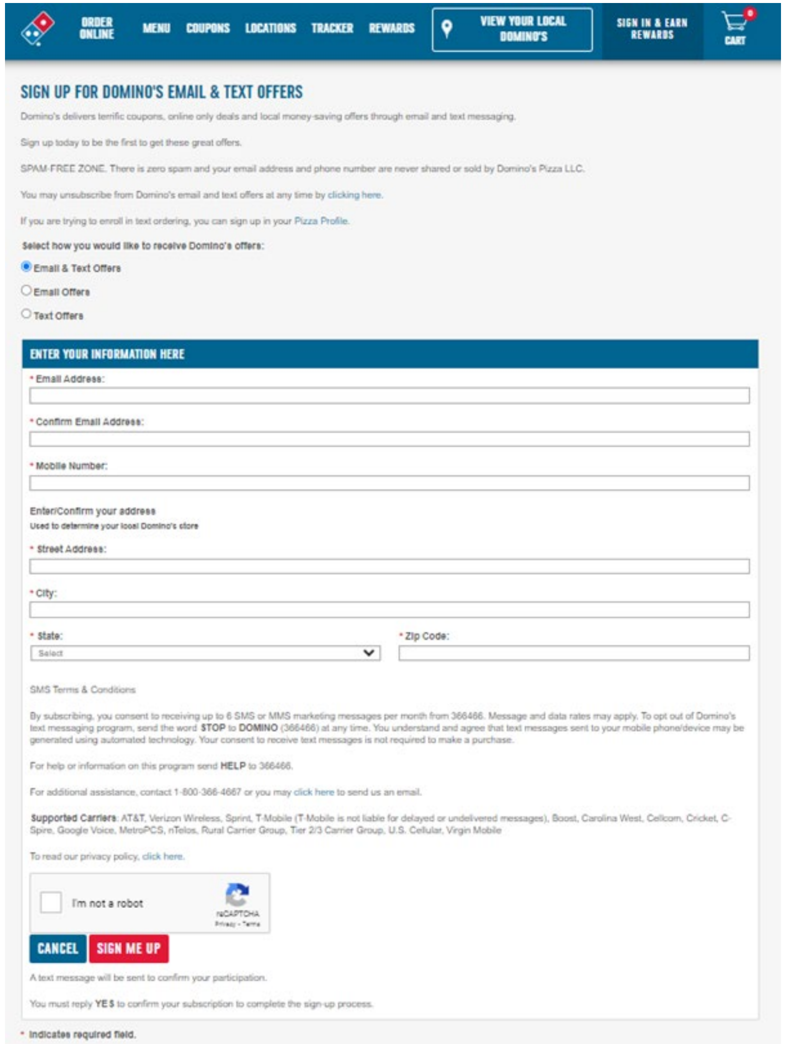
Federal Developments Under the Telephone Consumer Protection Act

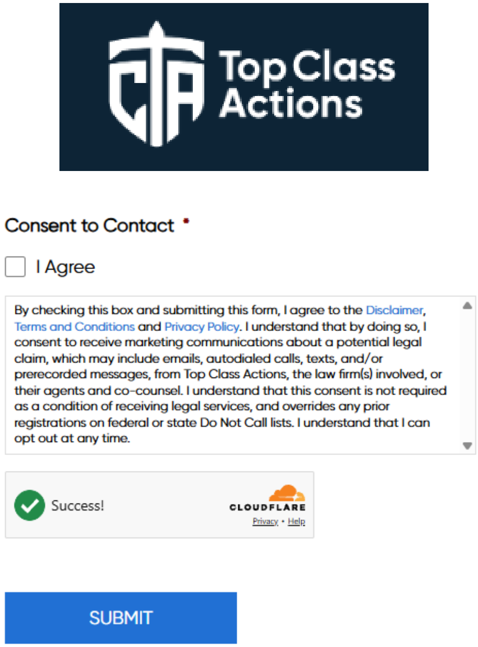
- **Compliance Best Practices**
  - Obtain prior express *written* consent whenever possible.
    - FCC 2015 Order: "We note that some businesses include, in their call-to-action displays for on-demand texting programs, the *small amount of wording necessary* to make the disclosures required by the Commission's rules concerning prior express written consent[.]" *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Declaratory Ruling and Order, FCC 15-72, 30 FCC Rcd 7961, 8016 n.363 (2015)
  - Example of prior express written consent disclosures:
    - "By clicking the 'Get a Free Quote' button below, I agree that XYZ may contact me via text messages, phone calls, or artificial or pre-recorded messages, from time to time, to the phone number provided by me using automated technology about XYZ offers. Consent is not required to make a purchase."
  - "Clear and conspicuous"
    - Place the disclosure immediately above or next to the consent button—not solely in linked terms and conditions.
    - Make the disclosure readable, clear, and separate from advertising copy on both desktop and mobile.
    - Require an affirmative action and preserve the exact disclosure, telephone number, timestamp, and proof of assent.

Federal Developments Under the Telephone Consumer Protection Act

- Examples of prior express written consent disclosures:

~ Form approved in *Kravets v. Anthropologie, Inc.*, 2022 WL 1978712 (S.D. Fla. June 3, 2022)





Federal Developments Under the Telephone Consumer Protection Act

- **Compliance Best Practices**
  - Scrub against the National Reassigned Number Database.
    - Pros: Limited safe harbor for reassigned number violations.
    - Cons: Subscription, integration, and recordkeeping costs.
  - National Do Not Call safe harbor for inadvertent errors.
    - Establish/maintain written do not call policies and procedures.
      - Including a do not call policy to be provided to consumers upon demand (usually short).
    - Train relevant personnel on do not call policies and procedures.
    - Maintain an internal do not call list.
    - Use National Do Not Call Registry data obtained no more than 31 days before the call and check applicable state lists.
    - Monitor and enforce compliance.
  - Honor all do not call/text requests as soon as reasonably possible but not more than ten days from the request.
    - Do not remove telephone numbers from the internal do not call list (unless subsequent prior express written consent).
  - Vet authorized third-party telemarketers (and require advance notice/vetting of any affiliates that they may use).
  - Consult telemarketing compliance counsel to stay up to date on best practices.

Federal Developments Under the Telephone Consumer Protection Act

- **FCC Calling and Text Messaging Rules—Subject to Circuit-Specific Case Law**

	Cell Phones (Business and Residential)		Residential Lines	
	Telemarketing	Non-telemarketing	Telemarketing	Non-telemarketing
Autodialer (calls and text messages)	Prior express ***written*** consent	Prior express consent	No consent required	No consent required
Prerecorded messages (calls)	Prior express ***written*** consent	Prior express consent	Prior express written consent	No consent required
Live operator (no autodialer and no prerecorded messages)	No consent required (unless on a do not call list)	No consent required	No consent required (unless on a do not call list)	No consent required
Number on the National Do Not Call Registry (calls and text messages)	Prior express ***written*** consent, prior express invitation or permission, OR an established business relationship	No consent, invitation or permission, or established business relationship required (do not call rules apply only to telemarketing calls/text messages)	Prior express written consent, prior express invitation or permission, OR an established business relationship	No consent or established business relationship required (do not call rules apply only to telemarketing calls/text messages)
Number on the Internal Do Not Call Registry (calls and text messages)	Prior express ***written*** consent	No consent or established business relationship required (do not call rules apply only to telemarketing calls/text messages)	Prior express ***written*** consent	No consent or established business relationship required (do not call rules apply only to telemarketing calls/text messages)

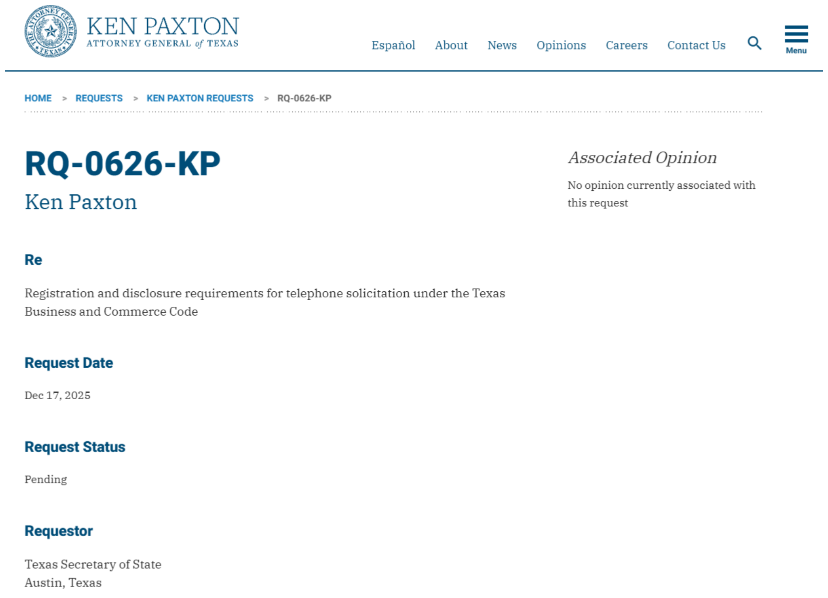
State Telemarketing Laws and Developments

TEXAS TELEMARKETING REGISTRATION ACT

WHATABURGER

TEXAS TELEMARKETING REGISTRATION ACT

- **Texas S.B. 140 – amendments to Texas Telemarketing Registration Act (“TTRA”) and Mini-TCPA**
  - Went into effect Sept. 1, 2025.
  - Extended TTRA to text messaging.
    - Must hold a state telemarketing registration if telemarketing from Texas or to a consumer located in Texas.
    - Violation of Texas telemarketing law constitutes a violation of the state deceptive trade practices act.
    - Statutory damages: $500 to $1,500 per violation ($5,000/violation in action by Texas Attorney General).
  - Legal challenge against the State in Western District of Texas in 2025.
    - Main argument: no registration necessary when only texting or calling consumers who have provided consent.
    - Parties entered into a settlement; jointly submitted a proposed order; order entered on Nov. 17, 2025.
      - State acknowledges (for regulatory enforcement purposes) that no registration is needed where telemarketing only to consumers who have agreed to receive such communications.
      - Secretary of State provided new FAQs and requested an opinion letter from the Attorney General (Dec. 2025).
      - Process to withdraw registration application if not yet acted upon.



THE FLORIDA TELEPHONE SOLICITATION ACT

Florida man made bombs to blow up Target stores to lower their stock and buy cheap shares because Florida
clickorlando.com/news/florida-m ...

RETWEETS 12 LIKES 7

THE FLORIDA TELEPHONE SOLICITATION ACT

- Florida Telephone Solicitation Act (FTSA), Fla. Stat. § 501.059
  - July 2021 version: “No person shall make or knowingly allow a telephonic sales call to be made if such call involved an automated system for the selection ***or*** dialing of telephone numbers or the playing of a recorded message when a connection is completed to a number called”.
    - No definition or explanation of what constitutes “an automated system for the selection or dialing of telephone numbers”.
  - Made clear that the FTSA applies to telemarketing calls, text messages, and ringless voicemail technology (within definition of “telephonic sales call”).
    - Unsolicited ringless voicemails have been unlawful in Florida since July 2018.
  - “Prior express written consent” required for “telephonic sales calls” that are autodialed or deliver a prerecorded message.
  - ***Private right of action***
    - Between July 2021 and July 2025, there were over 600 FTSA complaints filed, many styled as putative class actions.

THE FLORIDA TELEPHONE SOLICITATION ACT

- May 2023 FTSA amendments passed:
  - Revised what constitutes an autodialer: ". . . automatic system for selection ***and*** dialing of telephone numbers . . ."
    - Thus, now, a calling or text messaging platform must both automatically select numbers and dial them, no different than technology in the late 1970s and early-to-mid-1980s.
  - FTSA applies only to "***unsolicited*** telephonic sales calls," including text messages, whereas the former provision broadly applied to "telephonic sales calls" generally.
    - "Unsolicited telephonic sales calls" expressly excludes, among other things, telemarketing calls and marketing text messages made or sent "[i]n response to an express request of the person called" or "[t]o a person with whom the telephone solicitor has a[n EBR]".
  - Created an easy and commonsense self-help requirement and safe harbor before a consumer may file suit based on text messages.
    - Would-be plaintiff affirmatively "must notify the telephone solicitor that the called party does not wish to receive text messages from the telephone solicitor by replying 'STOP' to the number from which the called party received text messages from the telephone solicitor."
      - 15-day grace period during which the telemarketer must stop sending text messages to the consumer after receiving a "STOP" request.

THE FLORIDA TELEPHONE SOLICITATION ACT

- Notable Decisions and Open Issues:
  - Do the 2023 amendments apply retroactively?
    - "The amendments made by this act apply to any suit filed on or after the effective date of this act and to any putative class action not certified on or before the effective date of this act"

- *Germain v. Mario's Air Conditioning and Heating, Inc.*, 2024 WL 3028750 (M.D. Fla. June 17, 2024) (applying amended FTSA to dismiss putative class claim filed before amendment because no class had yet been certified).
- *Holton v. eXp Realty, LLC*, 710 F. Supp. 3d 1127 (M.D. Fla. Dec. 28, 2023) (striking FTSA class allegations on grounds that the FTSA's May 2023 amendments apply retroactively to pending uncertified class actions).
- *Gadke v. N.Y. Tribeca Grp.*, 2024 WL 168329 (E.D.N.Y. Jan. 16, 2024) ("Plaintiff has not moved for class certification, so the amendment applies to his action.").

- *Smith v. Rocky Brands*, 2023 Fla. Cir. LEXIS 1053 (Fla. Cir. Ct. Sept. 12, 2023) ("the Court finds it would be improper to apply the amendment to Section 501.059 of the Florida Statutes to a case filed before the legislation was passed into law").
- *Fiallo v. El Car Wash, LLC*, 2023 Fla. Cir. LEXIS 1230 (Oct. 3, 2023) (same).

THE FLORIDA TELEPHONE SOLICITATION ACT

- Notable Decisions and Open Issues:
  - Are statutory damages capped per action or per call/text that violates the FTSA?

- *Soto Leigue v. Everglades College Inc.*, No. 2022-008872-CA-01, Order Granting Def.'s Mot. for J. on the Pleadings (Fla. Cir. Ct. Jan. 3, 2024) ("The TCPA expressly provides to recovery of 'actual monetary damages or up to $500 per violation.' The Florida Legislature, however, did not use that same language in the FTSA. . . . Accordingly, the Court grants judgment on the pleadings in favor of Defendant as to Plaintiff's claim that Plaintiff is entitled to recover multiple statutory penalties.").

- *Moffet v. Everglades College, Inc.*, 2024 WL 1657195 (M.D. Fla. Mar. 4, 2024) ("Defendant contends that as a matter of law, class members are, at most, one statutory penalty regardless of how many calls the person received. . . . [I]t is recommended that Defendant's argument on the matter of statutory interpretation be rejected[.]"), *R & R adopted in part*, 2024 WL 3342265 (M.D. Fla. June 5, 2024) ("Because the FTSA does not apply to Everglades's [sic] communications, I need not consider the parties' other interpretive dispute—whether the FTSA imposes statutory liability on a 'per violation' or 'per action' basis.").

THE FLORIDA TELEPHONE SOLICITATION ACT

- Notable Decisions and Open Issues:
  - Does the FTSA's requirement that caller ID telephone numbers be "capable of receiving telephone calls" from the recipient extend to text messages using short codes (Fla. Stat. § 501.059(8)(b))?

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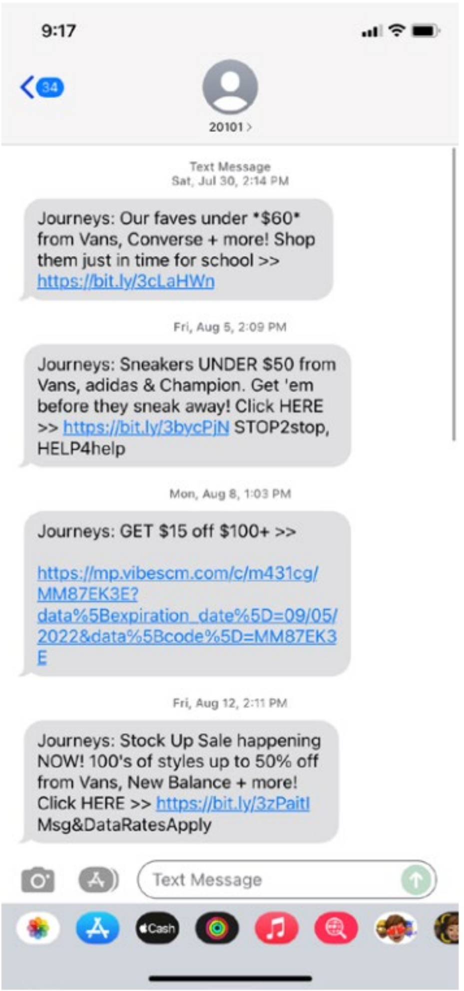
  - *Grajales v. Genesco, Inc.*, 2023 WL 5522698 (M.D. Fla. Aug. 28, 2023) (denying motion to dismiss, which argued that subsection 8(b) is limited to telephone calls and not text messages), *mot. to certify interlocutory appeal denied*, 2023 WL 7135899 (M.D. Fla. Oct. 31, 2023).

Exhibit A



THE OKLAHOMA TELEPHONE SOLICITATION ACT

THE OKLAHOMA TELEPHONE SOLICITATION ACT

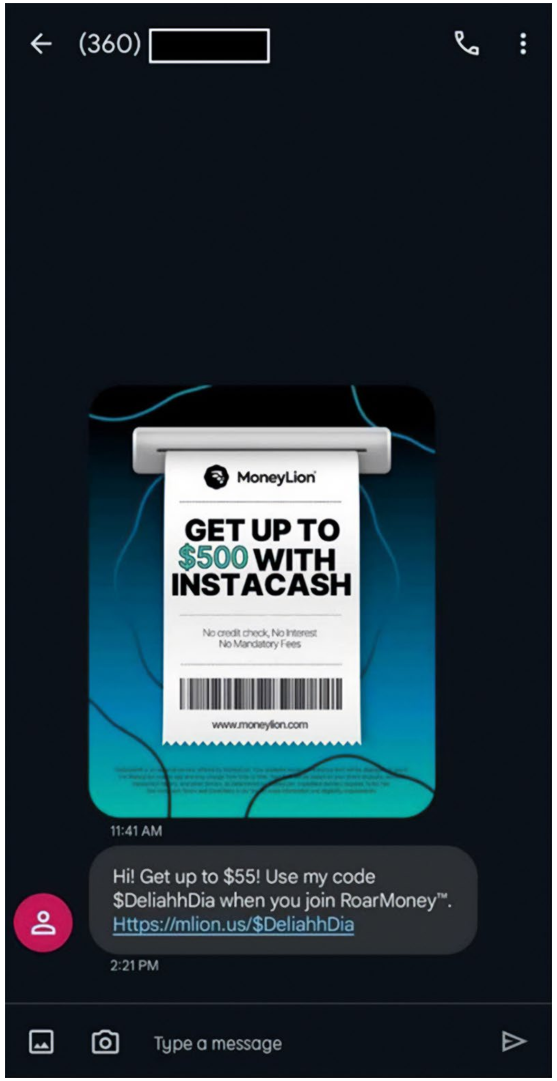
- Oklahoma Telephone Solicitation Act (OTSA), 15 Okla. Stat. § § 775C.1, *et seq*.
  - Became effective Nov. 1, 2022.
  - Patterned after the July 2021 version of the FTSA.
    - Key provision: "A person may not make or knowingly allow a commercial telephonic sales call to be made if such call involves ***an automated system for the selection <u>or</u> dialing of telephone numbers*** or the playing of a recorded message when a connection is completed to a number called ***without the prior express written consent*** of the called party".
    - Rebuttable presumption that a call to an Oklahoma area code is received in the state.
    - Call time restrictions: between 8:00 am and 8:00 pm at the called party's local time.
    - No more than three calls on the same topic to the same individual within 24 hours.

THE OKLAHOMA TELEPHONE SOLICITATION ACT

- Important difference between OTSA and FTSA:
  - "*Exempt from this act are the following*: . . . A person soliciting business from prospective consumers who have an ***existing business relationship*** with or who have previously purchased from the business enterprise for which the solicitor is calling if the solicitor is operating under the same business enterprise". 15 Okla. Stat. § 775C.5(20).
  - In other words, if there is an EBR between the seller and consumer, telemarketing communications to that consumer are not subject to the OTSA even without that consumers' prior express written consent.
    - EBR not defined within the statute, but is defined in a different Oklahoma telemarketing law (15 Okla. Stat. § 775B.2(3) (relationship formed within preceding 24 months or an existing relationship).
- Legal community was bracing for a Florida-like wave of litigation, but relatively few filings.

WASHINGTON STATE COMMERCIAL ELECTRONIC MAIL ACT (CEMA)

- Broader than TCPA.
  - Liability not only on initiator of text messages but also on any party that “assists in the transmission” of a text that violates CEMA (*i.e.*, “substantial assistance” enabling another to “formulate, compose, send, or transmit” a text message”).
- Recent litigation updates/trends:
  - Recruitment/job opportunity texts can qualify as “electronic commercial text messages” under CEMA because employees contribute to business growth and prosperity (*Aaland v. CRST Home Solutions, LLC*, 575 P.3d 1279 (Wash. Ct. App. 2025), *pet. for review denied*, 2026 WL 265498 (Wash. Feb. 2, 2026).
  - Refer-a-friend programs.
    - “Substantial assistance” interpreted expansively—can apply where a company creates the “chain of events” that leads to the sending of a text message (like incentivizing consumers to send promotional text messages to their friends).
    - Cases filed against MoneyLion (fintech platform); Block, Inc. (parent of Cash App mobile application); Capital One; and others.



AMENDED PENNSYLVANIA TELEMARKETER REGISTRATION ACT

- Amended Pennsylvania Telemarketer Registration Act (PTRA), 73 Pa. Stat. §§ 2241–2250
  - Signed into law on July 20, 2026; becomes effective on Oct. 18, 2026.
  - Generally requires that, 30 days prior to telemarketing, the telemarketer obtain a state telemarketing registration.
    - Numerous exceptions, such as certain retail business establishments or where there is a transaction-based EBR.
  - Replaces "express request" with "prior express written consent" standard.
  - "Telephone solicitation" includes text messages and ringless voicemails.
    - Includes calls to residential, business, and wireless numbers.
      - Excludes calls where there is prior express written consent or an EBR.
  - New call time restrictions: only between 9:00 am and 7:00 pm, and no Sundays (or on holidays).
  - Note: ***no*** private right of action to enforce Pennsylvania's telemarketing law.
    - "The PTRA vests enforcement authority with Pennsylvania's Attorney General, not individual consumers." *Shelton v. FCS Cap. LLC*, 2019 WL 6726404, at *3 (E.D. Pa. Dec. 11, 2019).

MARYLAND STOP THE SPAM CALLS ACT OF 2023

- Md. Com. Law §§ 14-4501, *et seq*.
- Near carbon copy of the pre-2023 amendment FTSA
- Contains the same prohibition on the making of a “telephone solicitation” using “an automated system for the selection ***or*** dialing of telephone numbers” without the “prior express written consent” of the “called party”
- Law went into effect on Jan. 1, 2024.
  - But few complaints have been filed.

MAINE TELEPHONE SOLICITATION ACT

- Amendment to 10 M.R.S.A. § 1499-B; went into effect on July 16, 2024.
- Prohibits:
  - "[I]nitiat[ing] a telephone sales call to a consumer if that consumer's telephone number has been on the national or state do-not-call registry, established by the Federal Trade Commission, for at least 3 months prior to the date the call is made ***or to fail to use the reassigned numbers database to verify that a consumer's telephone number has not been reassigned prior to initiating a telephone sales call to that consumer***".
    - Cannot telemarket without first accessing and scrubbing against the National Reassigned Number Database.
- Statute does ***not*** apply to:
  - Telemarketing call made in response to/at the "express request" of the called party".
  - Telemarketing call where an EBR exists.

RECENTLY-INTRODUCED LEGISLATION

- **Pennsylvania H.B. 2255** **(introduced Mar. 3, 2026)**
  - Amends the state’s telemarketing law add in provisions relating to the use of artificial intelligence in telemarketing.
    - Would generally prohibit the use of AI to:
      - Make a telemarketing call;
      - Mimic the voice of a human on a telemarketing call;
      - Select telephone numbers to which to telemarket;
      - Change a telephone number to disguise the origin of the telemarketing call; and/or
      - Otherwise interact with a consumer during a telemarketing call.
    - No movement since introduction.

RECENTLY-INTRODUCED LEGISLATION

- **New York S.B. 9642 (introduced Mar. 31, 2026)**
  - Broadens the state's autodialer law.
    - No longer would be limited to "automatic dialing-announcing devices" ("ADADs") which store telephone numbers, dial those numbers, and disseminate a prerecorded message.
      - Bill proposes new definition of "automatic dialing device": "equipment that makes a series of calls to stored telephone numbers . . . Except for equipment that requires a human to dial or place each individual cale one call at a time, and requires such human to remain on each call."
  - New definition of "robocall," which includes text messages.
    - Robocalls are placed using an automatic dialing device ***OR*** use an artificial or prerecorded voice.
  - Permits "robocalls" where, among other things, a the called party has provided "prior express consent."
    - "'[P]rior express consent' for a call means that the purpose of the call must be closely related to the purpose for which the telephone number was originally provided by the called party."
  - No movement since introduction.

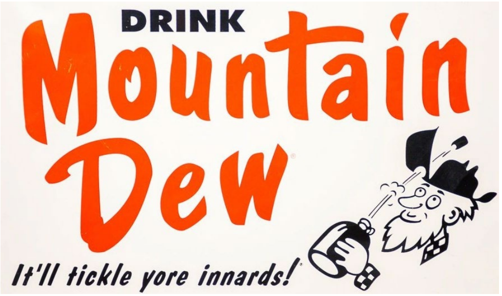
RECENTLY-INTRODUCED LEGISLATION

- **Alabama H.B. 427 (introduced Feb. 12, 2026).**
  - Authorizes business and cellular telephone numbers to be registered on state DNC.
  - Telemarketers cannot use misleading caller ID information.
  - Prohibits telemarketing calls between 8:00 pm and 8:00 am.
  - Prohibits more than three telemarketing calls to a person over a 24-hour period.
  - Authorizes recipients of telephone solicitations to seek up to $20,000 per violation (increased from existing damages of $2,000 per violation).
  - No movement since March 5, 2026 when it was reported out of committee.

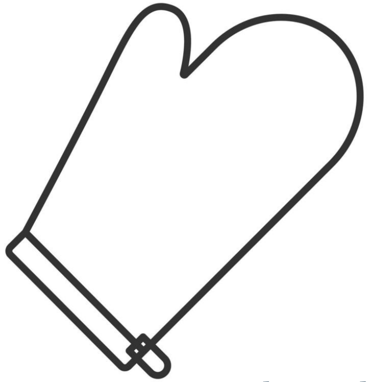
- **California Assembly Bill 1865 (introduced Feb. 11, 2026; amended in Assembly Mar. 17, 2026).**
  - Would prohibit the sending of a marketing text message to a recipient between 9:00 pm and 9:00 am, ***regardless*** of whether the recipient has consented to receive a marketing text message.
    - "For the purposes of this subdivision, a sender shall adjust message timing ***to Pacific standard time***."
  - Damages awardable: $500 per text message (plus attorneys' fees and costs) in private litigation.
  - Held under submission in Assembly Appropriations on May 14, 2026, and did not advance before the legislative deadline.

RECENTLY-INTRODUCED LEGISLATION

- **Tennessee H.B. 2225 (introduced Feb. 2, 2026)/S.B. 2209 (cross-filed Feb. 5, 2026)**
  - Cannot telemarket (calls and text messages) to numbers on the NDNC or any Tennessee DNC.
  - Disclosure requirements (identify the telephone solicitor and individual making the solicitation at the beginning of the call; if requested, provide the recipient with a telephone number/address at which the solicitor may be contacted).
  - Written DNC procedures; training and monitoring on those procedures.
  - Prohibits telemarketing calls/marketing text messages between 9:00 pm and 8:00 am based on the subscriber's local time zone.
  - Must inquire as to whether the recipient is under 18 years old.
  - H.B. 2225/S.B. 2209 did not pass before adjournment.
- **Tennessee H.B. 2408/S.B. 2659 — Public Chapter 1029 Effective July 1, 2026**
  - Applies to telephone solicitations using an automated telephone dialing system to deliver artificial or prerecorded voice messages to Tennessee residential subscribers.
  - Requires callers to maintain monthly records of the number of covered solicitations.
  - Beginning October 1, 2026, callers making at least 500 covered solicitations per month must submit records to the Tennessee Public Utility Commission at least every six months and upon request.
  - Prohibits more than 10,000 covered solicitations per month.
  - A violation is an unfair or deceptive act under the Tennessee Consumer Protection Act, with a civil penalty of at least $1,000 per violation.

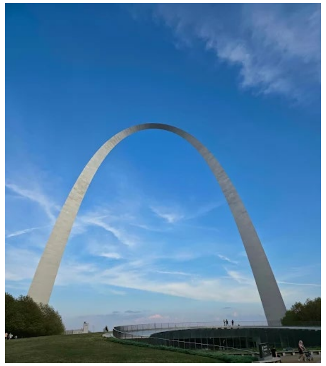


RECENTLY-INTRODUCED LEGISLATION



- **Michigan S.B. 351 (introduced June 4, 2025; passed the State Senate Jan. 29, 2026)**
  - The Michigan Telephone Solicitation Act.
    - Prohibits “telephone solicitations” that use a prerecorded message, in whole or in part, or to a residential number appearing on the NDNC.
      - “Telephone solicitations” do not include, among other things, communications where the subscriber has provided “express verifiable authorization”; to existing customers (who are not on the telemarketer’s IDNC).
    - Disclosure of identity at the beginning of calls and in text messages.
    - Contains “ADAD” restrictions.
      - ADAD is defined to mean devices that “automatically select[ ] or dial[ ] numbers.”
        - Different than traditional “automatic dialing and announcing devices” which require both autodialing and the use of prerecorded messages.
    - Rebuttable presumption that solicitations made to telephone numbers with Michigan area codes is made to a residential telephone subscriber in the state.
    - Private enforcement – civil action seeking the greater of actual damages or $1,000; reasonable attorneys’ fees and costs. ***NOTE***: missing “per violation”-type language.
      - Attorney General enforcement – civil penalties of up to “$25,000 for each violation.”
  - Passed the State Senate Jan. 29, 2026, but no real movement since Feb. 3, 2026.

RECENTLY-INTRODUCED LEGISLATION



- **Missouri**
  - **H.B. 3052 (introduced Jan. 22, 2026)/S.B. 1297 (introduced Jan. 27, 2026)**
    - Allows businesses to register their telephone numbers on the state No-Call List.
      - Contains prior express invitation or permission, and EBR exceptions (like the TCPA's DNC rules).
    - H.B. referred to Emerging Issues Committee on May 15, 2026; S.B. died on May 15, 2026.
  - **H.B. 2658 (filed Jan. 5, 2026)**
    - Requires scrubbing against the RND.
      - If a number is on the RND, that invalidates previous EBRs.
    - Passed House on Apr. 2, 2026; pending in Senate since Apr. 8, 2026 with no movement.
  - **H.B. 2147 (filed Dec. 3, 2025)**
    - Precludes "call spoofing" to businesses and establishes the state Caller ID Anti-Spoofing Act.
      - "Call spoofing" is defined as "knowingly transmitting misleading or inaccurate caller identification information with the intent to defraud, cause harm, harass, or wrongfully obtain anything of value."
    - Passed House on Feb. 18, 2026.

RECENTLY-INTRODUCED LEGISLATION

- **Arizona H.B. 2246 (filed Jan. 12, 2026)**
  - Adds a definition for "telephone call" – "any communication, contact ***or attempt to communicate*** with a person" by telephone.
  - The bill did not advance after January 20, 2026, and died when the Legislature adjourned in June 2026.

RECENTLY-INTRODUCED LEGISLATION

- **New Hampshire H.B. 1154 (introduced Jan. 7, 2026)**
  - Restricts unsolicited marketing text messages.
    - Exceptions:
      - The recipient's prior express written invitation or permission.
      - EBR with the recipient.
      - The recipient has voluntarily agreed to make their telephone number available in a directory, advertisement, or on a website.
  - Civil penalties of not less than $250 and not more than $2,000 "per incident."
  - No movement since Feb. 19, 2026.

Questions?

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