



Gryphon ONE AI-Empowered Engagement

The Comprehensive Marketing Compliance Checklist for 2026

Protect your organization from debilitating TCPA/DNC
fines and preserve consumer trust.



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Staying compliant can be a daunting task for companies, especially those operating in highly regulated industries. With TCPA class action lawsuits more than doubling in 2025, the regulatory landscape is shifting more than ever, making it increasingly difficult to keep up and remain compliant.

The stakes are also extremely high: non-compliance can lead to hefty fines ranging from \$500 to \$1,500 per dial, loss of consumer trust, potential litigation, and more.

That's why we created The Comprehensive Marketing Compliance Checklist to help navigate these challenges and safeguard your organization in 2026. This guide is designed to help enterprises understand the different laws surrounding regulatory compliance, mitigate risks, and ensure their marketing efforts are effective, compliant, and sustainable.

Use this checklist as your go-to resource to protect your organization and maintain consumer trust.

What's inside:

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-  National Do Not Call Registry
-  State Do Not Call Lists
-  Internal Do Not Call Lists
-  State Telemarketing Regulations
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Telephone Consumer Protection Act

The TCPA was established to regulate telemarketing calls and text messages in the U.S. and protect consumers from being bombarded with unsolicited and pre-recorded messages by placing restrictions around the use of an automated telephone dialing system (ATDS) as well as maintaining and adhering to Do Not Call (DNC) lists. The TCPA also regulates wireless telemarketing calls, the Reassigned Numbers Database, call curfews, established business relationships, express written consent, emergency purpose exemptions, call frequency, holiday calling bans, purpose disclosures, and more.

If your organization violates the guidelines of the TCPA, you are at risk of the following:

- \$500 for each violation of the TCPA
- \$1,500 for each violation if it is proven that your business knowingly and willfully violated the TCPA

Since there is no cap on statutory damages under the TCPA, even minor penalties, when multiplied across thousands of violations, can swiftly lead to millions of dollars in total fines and litigation costs.



National Do Not Call Registry

The National Do Not Call (DNC) Registry is maintained by the federal government and allows consumers to register their residential and wireless phone numbers to prevent telemarketers from contacting them. If a consumer receives a call to their number and that number has been registered on the National Registry for at least 31 days, they can report the violation to the Federal Trade Commission (FTC).

Following DNC regulations is critical, as placing an illegal call to a consumer or making an illegal robocall can put your organization at risk for fines of up to \$43,792 per call.

Once you register your phone number on the national DNC list, it never expires, and you never have to re-register it.

Having a system to automate this process can save your organization valuable time spent on manually cross-checking numbers against the DNC registry and millions of dollars in fines for DNC violations.



State Do Not Call Lists

Eleven states operate their own do not call lists in addition to the National DNC Registry. It's important to know that consumers in these states can register their phone numbers on both their state's DNC list and the National DNC Registry. To prevent DNC violations, your sales organization must comply with both the National Registry and any relevant individual state lists.

The states that operate their own DNC lists are: Colorado, Florida, Indiana, Louisiana, Massachusetts, Missouri, Oklahoma, Pennsylvania, Tennessee, Texas, and Wyoming.



Internal Do Not Call Lists

In addition to national and state-level do not call lists; organizations must also maintain and adhere to their own internal do not call list. Telemarketers are responsible for maintaining their own do not call lists, meaning full accountability falls on your team to honor a consumer request.

If properly updating and maintaining this list with subscribers' names and phone numbers is a cause for concern with your outbound marketing efforts, an automated compliance solution may be right for your organization.



State Telemarketing Regulations

Many states are enacting their own telemarketing laws that differ from the TCPA. These state laws often vary from the TCPA regarding call frequency, consent requirements, the definition of an ATDS, as well as minimum and maximum penalties per incident.

The following states have telemarketing legislation that differs from federal TCPA regulations: Arizona, Connecticut, Florida, Maine, Maryland, New Jersey, New York, Oklahoma, Oregon, Tennessee, Texas, Utah, and Washington. Since the Federal TCPA does not override state laws, your organization must be aware of these specific state restrictions when calling or texting consumers in any of these states to avoid expensive fines.

Additionally, eight states have supplementary telemarketing legislation that works in conjunction with the federal TCPA: Florida, Maryland, Michigan, Missouri, Pennsylvania, Tennessee, Utah, and Wisconsin.



Robocalls and ATDS Restrictions

The TCPA mandates specific consent requirements if your organization utilizes an ATDS (often referred to as an autodialer or robodialer), or even a phone system with the potential to act as an ATDS, for making outbound calls or texts. For both telemarketing and informational calls/text messages directed to residential phone numbers, you are required to obtain prior express written consent.

It is important to note that the TCPA's definition of an ATDS has undergone changes over time and can differ from state to state. Presently, the law defines an ATDS as "equipment which has the capacity – (A) to store or produce telephone numbers to be called, using a random or sequential number generator, and (B) to dial such numbers."



Wireless Restrictions

As more people are choosing remote or hybrid work and using their personal wireless numbers to conduct business, organizations must be more cognizant than ever of wireless restrictions. The TCPA prohibits telemarketers from calling wireless phone numbers using an ATDS unless the caller has obtained prior express consent, or if the call is being placed for emergency purposes.

Seems straightforward enough, right? Not so much. TCPA wireless restrictions apply to all wireless numbers, residential and business. This means that even if a number is being used for business purposes and is provided to you as such, you are at risk of a violation if you do not have prior express consent.



Business vs. Residential Phone Numbers

Contacting a business number does not enact TCPA or DNC restrictions. However, under the TCPA, it is prohibited to make calls to wireless numbers using an ATDS. That means if you contact a business number that happens to also be a mobile phone, you are at risk of a violation unless you have prior consent.

Your organization can look up a number to identify whether it is a business or consumer line. However, how much time and resources are you willing and able to expand double-checking every number? And how will this slow down your sales process?



Emergency Purpose Exemptions

Under the TCPA's emergency purposes exemptions to consent requirements, calls made to both residential landlines and mobile phones for "emergency purposes" do not require consent, with "emergency purposes" defined as "calls made necessary in any situation affecting the health and safety of consumers." For example, a state of emergency may be triggered in the case of a hurricane or a public health emergency.

Additionally, it is important to be aware of individual state guidelines. In New York, the New York Disaster Emergency Restrictions under the Nuisance Call Act mandate that it is unlawful for telemarketers doing business in the state to knowingly place an unsolicited telemarketing call to any person during a declared state of emergency.

What does this mean for your business? Like Federal and State Do Not Call lists, it is important to keep up with both federal and state emergency purpose exemptions that may impact your outbound telemarketing efforts.



Curfews and Holiday Calling Hours

The TCPA generally prohibits businesses from calling consumers before 8 am or after 9 pm local time. However, call curfews vary by state, so it's crucial to know each state's specific rules before dialing. Currently, 20 states have curfews different from the federal TCPA.

Additionally, there are regulations about contacting consumers on both federal and state holidays. Calling numbers in certain states on holidays could violate that state's specific restrictions. Since different states have restrictions on various holidays each month, your organization must stay updated on these changes.

Manually determining who you can and can't call can waste significant time and resources. A software solution that automatically screens every phone number against TCPA, state, federal, and other Do Not Call lists can simplify this process, allowing you to focus on sales without compliance worries.



Reassigned Numbers Database

The Reassigned Numbers Database (RND) was created by the FCC to prevent consumers from receiving unwanted calls intended for previous owners of their phone numbers. Under the TCPA, consent is associated with the consumer being called, not the phone number. If your organization previously obtained consent to contact a consumer at a specific number, and that number gets reassigned to someone new, then you can be held liable for unsolicited calling. To avoid calling reassigned numbers, organizations must scrub their contact databases using the RND to identify these numbers before calling or texting.

It is a requirement in Maine that telemarketers must scrub every number against the RND before contacting them in an effort to

further reduce unwanted calls. This puts a huge burden on telemarketers calling or texting consumers in Maine, elevating the potential for fines, penalties, and audits due to non-compliance.

If this sounds complicated to manage, it's because it is. According to the FCC, approximately 37 million telephone numbers in the United States are reassigned to new subscribers each year. This means that about 100,000 phone numbers are reassigned every day. Utilizing a compliance solution that can identify reassigned numbers is the only way to play it safe and avoid violations.



Established Business Relationships

If your organization is placing outbound calls to existing customers, note that exemptions for established business relationships (EBRs) can override the National Do Not Call list. There are two types of EBRs: a transaction EBR and an inquiry EBR. An EBR exemption can be used to place calls to Do Not Call numbers in the following scenarios:

- **Transaction EBR:** Calls placed to Do Not Call numbers where there is a relationship between the entity making the call and a consumer, based on the consumer's purchase or transaction with the entity making the call within the 18 months immediately preceding the date of the telephone call, and neither party has previously terminated the relationship.
- **Inquiry EBR:** Calls placed to Do Not Call numbers on the basis of the consumer's inquiry or application regarding products or services offered by the entity making the call within the 3 months immediately preceding the date of the call, and neither party has previously terminated the relationship.

Is your organization managing EBRs to their fullest extent in order to maximize your reach?





Revocation of Consent

The Federal Communications Commission updated the Telephone Consumer Protection Act to require businesses to allow consumers to revoke consent for robocalls and robotexts through “any reasonable means.” This includes replying “stop” to a text message, using an automated system during a call, or contacting a designated phone number or website. Callers can no longer designate an exclusive method for consent revocation. Standardized keywords like “stop,” “quit,” “end,” “revoke,” “opt out,” “cancel,” or “unsubscribe” must be honored as explicit revocations when used in a reply text.

This rule also mandates that businesses honor these requests within 10 business days or sooner.

Is your organization protected from dangerous TCPA and DNC violation fines and penalties?

Compliance with the TCPA and various federal, state, and internal Do Not Call lists is a complex, dynamic, and non-negotiable requirement for all organizations engaging in outbound calling or texting. Non-compliance exposes your business to catastrophic financial penalties and liability. Attempting to manually track the intersection of DNC registries, state-specific ATDS restrictions, call curfews, the Reassigned Numbers Database, and the nuanced rules governing consent revocation introduces significant human error and operational lag.

Protecting your organization requires moving beyond manual processes to implement an automated, real-time compliance solution that scrubs every number against all applicable laws at the moment of contact, ensuring every dial is legal and minimizing your exposure to debilitating litigation and fines.

Gryphon ONE AI-Empowered Engagement

The Gryphon ONE platform delivers the visibility and automated actions that combine regulatory knowledge with interaction insights in real time.

With Gryphon AI, customers:

- Prevent and track contact interaction risks before, during, and after customer interactions- across all channels
- Monitor their regulatory risk exposure in real-time
- Identify how much audience reach they are losing (and the cost) due to over-suppression
- Access audit-ready logs at any time
- Gain visibility across the entire contact compliance process- and flexibility integrate data where needed

About Gryphon AI

Gryphon AI empowers marketing, customer service, and sales organizations to deliver meaningful revenue growth, enhanced customer experience, and essential risk mitigation by seamlessly balancing regulatory compliance and business-specific objectives throughout every interaction.

Request a demo or get in contact the Gryphon AI team at (617) 279-2609 or by visiting www.gryphon.ai today.



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