

# STATE OF NEW YORK

6758--A

2021-2022 Regular Sessions

## IN ASSEMBLY

March 29, 2021

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Consumer Affairs and Protection -- recommitted to the Committee on Consumer Affairs and Protection in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to requiring advertisements to disclose the use of synthetic media

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 396-b of the general business law, as added by  
2 chapter 1031 of the laws of 1965, is amended to read as follows:

3 § 396-b. Advertisements. 1. For purposes of this section, the follow-  
4 ing terms shall have the following meanings:

5 (a) "Synthetic media" means a computer-generated voice, photograph,  
6 image, or likeness created or modified through the use of artificial  
7 intelligence and intended to produce or reproduce a human voice, photo-  
8 graph, image, or likeness, or a video created or modified through an  
9 artificial intelligence algorithm that is created to produce or  
10 reproduce a human likeness.

11 2. Any person, firm, corporation or association, or agent or employee  
12 thereof, hereinafter called person, who, being engaged in the business  
13 of dealing in any property, makes, publishes, disseminates, circulates  
14 or places before the public or causes, directly or indirectly, to be  
15 made, published, disseminated, circulated or placed before the public,  
16 in this state, any advertisement respecting any such property, in any  
17 newspaper, magazine, or other publication, or over any radio station or  
18 television station, unless it is stated in any such advertisement that  
19 the advertiser is a dealer in such property or from the context of any  
20 such advertisement, it plainly appears that such person is a dealer in  
21 such property so offered for sale in any such advertisement; or when  
22 placing or causing any such advertisement to appear in any newspaper,

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 magazine or other publication or radio or television station as  
2 described in this section, if requested by the publisher of any such  
3 newspaper, magazine or other publication or owner or operator of such  
4 radio or television station or any agent or representative thereof to  
5 file with such owner or operator, publisher, agent or representative  
6 thereof his true name, or where he is transacting business under a name  
7 other than the true name pursuant to law, then the name under which such  
8 business is transacted, and each business address wherein any business  
9 is transacted by him, in the class of property advertised or to be  
10 advertised for sale in such advertisement, shall make any false state-  
11 ment in relation to any of such items; or if requested by the publisher  
12 of any such newspaper, magazine or other publication or owner or opera-  
13 tor of such radio or television station or any agent or representative  
14 thereof to file with such owner, operator, publisher, agent or represen-  
15 tative thereof a statement showing whether he is causing such advertise-  
16 ment to appear or is offering to make such sale or disposition or trans-  
17 action, as herein set forth, as principal or agent, and if as agent, to  
18 set forth such information as is specified in this section, in relation  
19 to his principal as well as in relation to himself, shall make any false  
20 statement in relation to any of such items; is guilty of a misdemeanor.

21 3. Any person engaged in the business of dealing in any property or  
22 service who makes, publishes, disseminates, circulates or places before  
23 the public or causes, directly or indirectly, to be made, published,  
24 disseminated, circulated or placed before the public any advertisement  
25 respecting any such property or service, in any medium or media in which  
26 such advertisement appears, shall disclose in such advertisement if  
27 synthetic media is in such advertisement.

28 (a) If synthetic media has been used in any advertisement under this  
29 section to create a model that appears to depict a natural person, such  
30 advertisement shall include a disclaimer which clearly states that such  
31 models featured in such advertisement are synthetic, do not depict a  
32 natural person, and are generated to create a human likeness.

33 (b) It shall not be a defense to an action under this or any other law  
34 that the disclaimer required under paragraph (a) of this subdivision has  
35 been included if the synthetic media depicts a natural person without  
36 such natural person's consent.

37 (c) A violation of this subdivision shall result in a civil penalty of  
38 one thousand dollars for a first violation, and five thousand dollars  
39 for any subsequent violation.

40 4. Nothing in this section shall limit or reduce any rights any person  
41 may have under section fifty, fifty-f, or fifty-one of the civil rights  
42 law or under any other law.

43 5. Nothing in this section shall be construed to limit, or to enlarge,  
44 the protections that 47 U.S.C. section 230 confers on an interactive  
45 computer service for content provided by another information content  
46 provider, as such terms are defined in 47 U.S.C. section 230.

47 § 2. This act shall take effect immediately.