

# STATE OF NEW YORK

10652

## IN ASSEMBLY

July 22, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Vanel) --  
read once and referred to the Committee on Consumer Affairs and  
Protection

AN ACT to amend the general business law, in relation to unauthorized  
depictions of public officials generated by artificial intelligence

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

1 Section 1. The general business law is amended by adding a new section  
2 390-f to read as follows:

3 § 390-f. Unauthorized depictions of public officials generated by  
4 artificial intelligence. 1. As used in this section, the following terms  
5 shall have the following meanings:

6 (a) "Visual or audio generative artificial intelligence system" or  
7 "covered system" shall mean any artificial intelligence system that is  
8 accessible to New York residents whose primary function is to generate  
9 visual or auditory media.

10 (b) "Artificial intelligence" shall mean a machine-based system that  
11 can, for a given set of human-defined objectives, make predictions,  
12 recommendations, or decisions influencing real or virtual environments.  
13 Artificial intelligence systems use machine- and human-based inputs to  
14 perceive real and virtual environments; abstract such perceptions into  
15 models through analysis in an automated manner; and use model inference  
16 to formulate options for information or action. This definition includes  
17 but is not limited to systems that use machine learning, large language  
18 models, natural language processing, and computer vision technologies,  
19 including generative artificial intelligence.

20 (c) "Covered person" shall mean any person holding a public office or  
21 a candidate for public office. In the context of notice, covered person  
22 shall include the covered person's agent, employee or representative  
23 acting at the direction of the covered person.

24 2. The owner, licensee or operator of a visual or audio generative  
25 artificial intelligence system shall implement a reasonable method to  
26 prohibit its users from creating unauthorized realistic depictions of a  
27 covered person within sixty days of being notified by such covered

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

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1 person that such covered person does not want a realistic depiction of  
2 themselves to be generated by the owner, licensee or operator's system.  
3 An implemented method to prevent the unauthorized creation of realistic  
4 depictions of a covered person shall be considered reasonable when the  
5 owner, licensee or operator of the covered system has implemented a  
6 method that, in relation to the method of user inputs used by the  
7 covered system, is consistent with industry standards, not overly  
8 burdensome on the system, cost-effective to implement and maintain and  
9 is up to date.

10 3. The owner, licensee or operator of a covered system shall implement  
11 a reasonable method for covered persons to send notice to them under  
12 this section provided that such method is easy to access, understand,  
13 complete and send and that such method provides clear updates to the  
14 sender on the status of their request in a timely manner. The owner,  
15 licensee or operator of a covered system may request a reasonable means  
16 of identification to process such requests.

17 4. Nothing in this section shall prohibit the owner, licensee or oper-  
18 ator of a covered system from implementing reasonable safeguards to  
19 permit the covered person, their agent, employee or representative to  
20 use such covered system to generate realistic depictions of such covered  
21 person, provided however that such owner, licensee or operator of such  
22 covered system shall be liable in the same manner as if they had  
23 violated subdivision two of this section where such safeguards are not  
24 reasonable. A safeguard is considered reasonable for purposes of this  
25 subdivision where the owner, licensee or operator of a covered system  
26 implements measures that are consistent with industry standards, not  
27 overly burdensome on the system, cost-effective to implement and main-  
28 tain and are up to date.

29 5. The owner, licensee or operator of a covered system shall be liable  
30 to a covered person in an amount of one hundred dollars per depiction,  
31 but not more than one hundred thousand dollars in the aggregate, gener-  
32 ated on their system by a user other than the covered person or their  
33 agent, employee, representative, or another at the direction of them  
34 created outside of the period prescribed by this section where such  
35 owner, licensee or operator of such covered system fails to implement a  
36 reasonable method to prevent the unauthorized creation of realistic  
37 depictions of a covered person within the periods prescribed in this  
38 section. The owner, licensee or operator of a covered system shall not  
39 be liable to a covered person where such owner, licensee or operator is  
40 unable to prevent the unauthorized depictions of such covered person  
41 after implementing a reasonable method, nor shall they be liable for any  
42 unauthorized realistic depictions that are incidental or were created in  
43 an unforeseeable way.

44 6. This section shall not apply to the owner, licensee or operator of  
45 a visual or audio generative artificial intelligence system where the  
46 visual or audio outputs of the system are processed by a third party  
47 that has no ownership or control over the underlying generative model.

48 § 2. This act shall take effect one year after it shall have become a  
49 law.