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 Assembly, do enact as follows:

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

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

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

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

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

2. The owner, licensee or operator of a visual or audio generative artificial intelligence system shall implement a reasonable method to prohibit its users from creating unauthorized realistic depictions of a 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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person that such covered person does not want a realistic depiction of themselves to be generated by the owner, licensee or operator's system. An implemented method to prevent the unauthorized creation of realistic depictions of a covered person shall be considered reasonable when the owner, licensee or operator of the covered system has implemented a method that, in relation to the method of user inputs used by the covered system, is consistent with industry standards, not overly burdensome on the system, cost-effective to implement and maintain and is up to date.

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

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

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

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

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