

STATE OF NEW YORK

216

2023-2024 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 4, 2023

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the
Committee on Consumer Affairs and Protection

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 Assem-
bly, 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,
23 magazine or other publication or radio or television station as
24 described in this section, if requested by the publisher of any such

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

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

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

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

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

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

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

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

45 § 2. This act shall take effect immediately.