

STATE OF NEW YORK

8105--A

2023-2024 Regular Sessions

IN ASSEMBLY

October 13, 2023

Introduced by M. of A. VANEL -- read once and referred to the Committee on Consumer Affairs and Protection -- 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 the collection of oaths of responsible use from users of certain generative or surveillance advanced artificial intelligence systems

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

1 Section 1. The general business law is amended by adding a new section
2 394-cccc to read as follows:

3 § 394-cccc. Affirmation for use of artificial intelligence. 1. As used
4 in this section, the following terms shall have the following meanings:

5 (a) "Advanced artificial intelligence system" shall mean any digital
6 application or software, whether or not integrated with physical hard-
7 ware, that autonomously performs functions traditionally requiring human
8 intelligence. This includes, but is not limited to, the ability to learn
9 from and adapt to new data or situations autonomously and perform func-
10 tions that require cognitive processes such as understanding, learning,
11 or decision-making for each specific task.

12 (b) "Generative or surveillance advanced artificial intelligence
13 systems" shall only include systems which can:

14 (i) generate synthetic images, videos, audio or other synthetic media
15 that exhibit accuracy that is indistinguishable from the source they
16 attempt to replicate;

17 (ii) modify or alter existing images, video, or audio that exhibit
18 accuracy that is indistinguishable from the source they attempt to
19 replicate;

20 (iii) generate synthetic written language that exhibits accuracy that
21 is indistinguishable from the source they attempt to replicate; or

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

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1 (iv) be used as a tool to surveil a person or persons without their
2 consent.

3 (c) "Operator" shall mean the person or persons, whether natural or
4 otherwise, who distribute and have control over the development of a
5 generative or surveillance advanced artificial intelligence system.
6 Where generative or surveillance advanced artificial intelligence system
7 is open code, the operator shall be deemed the platform or platforms
8 which host the system.

9 (d) "Open code" shall mean software whose code is made available to
10 the public where the public has the ability to use, modify, or distrib-
11 ute the code irrespective of the associated costs to use, modify, or
12 distribute the code, if any, or the underlying license agreement.

13 2. Every operator of a generative or surveillance advanced artificial
14 intelligence system that is accessible to residents of the state shall
15 require a user to create an account prior to utilizing such service.
16 Prior to each user creating an account, such operator shall present the
17 user with a conspicuous digital or physical document that the user must
18 affirm under penalty of perjury prior to the creation or continued use
19 of such account. Such document shall state the following:

20 "State of New York

21 County of _____

22 I, _____ residing at _____, do affirm under penalty of perjury
23 that I have not used, am not using, do not intend to use, and will not
24 use the services provided by this advanced artificial intelligence
25 system in a manner that violated or violates any of the following affir-
26 mations:

27 1. I will not use the platform to create or disseminate content that
28 can foreseeably cause injury to another in violation of applicable laws;

29 2. I will not use the platform to aid, encourage, or in any way
30 promote any form of illegal activity in violation of applicable laws;

31 3. I will not use the platform to disseminate content that is defama-
32 tory, offensive, harassing, violent, discriminatory, or otherwise harm-
33 ful in violation of applicable laws;

34 4. I will not use the platform to create and disseminate content
35 related to an individual, group of individuals, organization, or
36 current, past, or future events that are of the public interest which I
37 know to be false and which I intend to use for the purpose of misleading
38 the public or causing panic."

39 3. Such statement shall be sworn or subscribed to under oath and bear
40 a form notice that false statements made therein are punishable as a
41 class A misdemeanor pursuant to section 210.45 of the penal law.

42 4. Every operator subject to the provisions of this section shall
43 submit a copy of each oath taken pursuant to subdivision two of this
44 section to the attorney general within thirty days of such user making
45 such oath, in such form and manner as designated by the attorney gener-
46 al. Any operator who knowingly fails to submit such oaths, or knowingly
47 fails to present a user with or collect such oaths, shall be fined three
48 times such amount of profit derived from the user whose oath was not
49 submitted or three thousand dollars, whichever is greater, per oath.

50 5. No operator shall be entitled to augment, add or delete any
51 provisions of such oath except as permitted by the attorney general.

52 6. This section shall not be construed as imposing any liability on a
53 user for an operator's failure to present such user with, collect or
54 submit an oath.

1 7. The attorney general shall promulgate all rules and regulations
2 necessary for the implementation of this section, including but not
3 limited to, the administration of oaths and affirmations by operators
4 for the purposes of this section.

5 § 2. This act shall take effect on the ninetieth day after it shall
6 have become a law. Effective immediately, the addition, amendment and/or
7 repeal of any rule or regulation necessary for the implementation of
8 this act on its effective date are authorized to be made and completed
9 on or before such effective date.