STATE OF NEW YORK

8206

IN SENATE

January 12, 2024

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Internet and Technology

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:

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

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

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

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

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

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

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

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

(c) "Operator" shall mean the person or persons, whether natural or otherwise, who distribute and have control over the development of a generative or surveillance advanced artificial intelligence system. Where generative or surveillance advanced artificial intelligence system

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

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is open code, the operator shall be deemed the platform or platforms which host the system.

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

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

"State of New York
County of _____

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

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

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

3. I will not use the platform to disseminate content that is defamatory, offensive, harassing, violent, discriminatory, or otherwise harmful in violation of applicable laws;

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

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

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

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

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

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

§ 2. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or

repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.