

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.