

STATE OF NEW YORK

8887--B

2025-2026 Regular Sessions

IN ASSEMBLY

June 9, 2025

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to requiring advertisements to disclose the use of a synthetic performer

The People of the State of New York, represented in Senate and Assembly, 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 the purposes of this section, the
4 following terms shall have the following meanings:

5 (a) "Artificial intelligence", "artificial intelligence technology",
6 or "AI" means a machine-based system that can, for a given set of
7 human-defined objectives, make predictions, recommendations, or deci-
8 sions influencing real or virtual environments, and that uses machine-
9 and human-based inputs to perceive real and virtual environments,
10 abstract such perceptions into models through analysis in an automated
11 manner, and use model inference to formulate options for information or
12 action. This definition includes but is not limited to systems that use
13 machine learning, large language model, natural language processing, and
14 computer vision technologies, including generative artificial intelli-
15 gence.

16 (b) "Generative artificial intelligence" means a class of artificial
17 intelligence models that are self-supervised and emulate the structure
18 and characteristics of input data to generate derived synthetic content,
19 including, but not limited to, images, videos, audio, text, and other
20 digital content.

21 (c) "Synthetic performer" means a digitally created asset created,
22 reproduced, or modified by computer, using generative artificial intel-

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

LBD00785-20-5

1 ligence or a software algorithm, that is intended to create the
2 impression that the asset is engaging in an audiovisual and/or visual
3 performance of a human performer who is not recognizable as any iden-
4 tifiable natural performer.

5 2. Any person, firm, corporation or association, or agent or employee
6 thereof, hereinafter called person, who, being engaged in the business
7 of dealing in any property, makes, publishes, disseminates, circulates
8 or places before the public or causes, directly or indirectly, to be
9 made, published, disseminated, circulated or placed before the public,
10 in this state, any advertisement respecting any such property, in any
11 newspaper, magazine, or other publication, or over any radio station or
12 television station, unless it is stated in any such advertisement that
13 the advertiser is a dealer in such property or from the context of any
14 such advertisement, it plainly appears that such person is a dealer in
15 such property so offered for sale in any such advertisement; or when
16 placing or causing any such advertisement to appear in any newspaper,
17 magazine or other publication or radio or television station as
18 described in this section, if requested by the publisher of any such
19 newspaper, magazine or other publication or owner or operator of such
20 radio or television station or any agent or representative thereof to
21 file with such owner or operator, publisher, agent or representative
22 thereof [~~his~~] such person's true name, or where [~~he~~] such person is
23 transacting business under a name other than the true name pursuant to
24 law, then the name under which such business is transacted, and each
25 business address wherein any business is transacted by [~~him~~] such
26 person, in the class of property advertised or to be advertised for sale
27 in such advertisement, shall make any false statement in relation to any
28 of such items; or if requested by the publisher of any such newspaper,
29 magazine or other publication or owner or operator of such radio or
30 television station or any agent or representative thereof to file with
31 such owner, operator, publisher, agent or representative thereof a
32 statement showing whether [~~he~~] such person is causing such advertisement
33 to appear or is offering to make such sale or disposition or trans-
34 action, as herein set forth, as principal or agent, and if as agent, to
35 set forth such information as is specified in this section, in relation
36 to [~~his~~] such person's principal as well as in relation to [~~himself~~]
37 such person, shall make any false statement in relation to any of such
38 items; is guilty of a misdemeanor.

39 3. Any person engaged in the business of dealing in any property or
40 service who for any commercial purpose produces or creates an advertise-
41 ment respecting any such property or service, in any medium or media in
42 which such advertisement appears, shall conspicuously disclose in such
43 advertisement that a synthetic performer is in such advertisement, where
44 such person has actual knowledge. A violation of this subdivision shall
45 result in a civil penalty of one thousand dollars for a first violation,
46 and five thousand dollars for any subsequent violation.

47 4. This section shall not apply to advertisements and promotional
48 materials for expressive works, including but not limited to, motion
49 pictures, television programs, streaming content, documentaries, video
50 games, or other similar audiovisual works, provided that the use of a
51 synthetic performer in the advertisement or promotional material is
52 consistent with its use in the expressive work.

53 5. Nothing in this section shall limit, reduce, or enlarge any rights
54 any person may have under section fifty, fifty-f, or fifty-one of the
55 civil rights law or under any other law.

1 6. Nothing in this section shall be construed to limit, or to enlarge,
2 the protections that 47 U.S.C. section 230 confers on an interactive
3 computer service for content provided by another information content
4 provider, as such terms are defined in 47 U.S.C. section 230.

5 7. This section shall not apply to advertisements and promotional
6 materials in any of the following circumstances:

7 (a) Audio advertisements; or

8 (b) Where the use of artificial intelligence solely involves the
9 language translation of a human performer.

10 8. Nothing in this section shall apply to any medium used for adver-
11 tising, including, but not limited to, newspapers, magazines, and tele-
12 vision networks and stations, streaming services, cable television
13 systems, billboards, and transit advertisements, by whom any advertise-
14 ment or solicitation in violation of this section is published or
15 disseminated.

16 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
17 sion, section or part of this act shall be adjudged by any court of
18 competent jurisdiction to be invalid, such judgment shall not affect,
19 impair, or invalidate the remainder thereof, but shall be confined in
20 its operation to the clause, sentence, paragraph, subdivision, section
21 or part thereof directly involved in the controversy in which such judg-
22 ment shall have been rendered. It is hereby declared to be the intent of
23 the legislature that this act would have been enacted even if such
24 invalid provisions had not been included herein.

25 § 3. This act shall take effect on the one hundred eightieth day after
26 it shall have become a law.