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Introduced by M. of A. ROZIC, KELLES, LASHER, P. CARROLL, GONZALEZ-ROJAS, R. CARROLL, BORES, KAY, SHIMSKY, STECK, SHRESTHA, CRUZ, SIMONE, HEVESI, KASSAY, DeSTEFANO, SCHIAVONI, McMAHON, RIVERA, LEE, MORENO, O'PHARROW, COLTON, SLATER, SIMON, BARRETT, GALLAGHER, GANDOLFO, SMITH, ALVAREZ, BURDICK, DURSO, BURKE -- 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 -- recommitted to the Committee on Consumer Affairs and Protection in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to enacting the "New York fundamental artificial intelligence requirements in (FAIR) news act"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "New York fundamental artificial intelligence requirements in (FAIR)
3 news act".

4 § 2. The general business law is amended by adding a new article 48 to
5 read as follows:

ARTICLE 48

ARTIFICIAL INTELLIGENCE IN NEWS MEDIA

Section 1800. Legislative intent.

1801. Definitions.

1802. Transparency requirements.

1803. Enforcement.

§ 1800. Legislative intent. The legislature hereby finds that:

13 1. New York is the center of the American news industry and journal-
14 ists are a key part of the state's workforce.

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

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1 2. Artificial intelligence can quickly generate articles, summaries,
2 news scripts, audio/visual and other media content that may seem profes-
3 sionally done to a lay observer. However, there is ample evidence that
4 content created by generative artificial intelligence: (a) contains
5 false or misleading content; and (b) plagiarizes by deriving its content
6 from original source material without permission or proper citation.
7 These failures are a disservice to the public who relies on the news for
8 accurate information about the world.

9 3. As such, the government has a strong interest in the preservation
10 of human news work. There is an urgent need to prevent news companies
11 from using artificial intelligence at the expense of both the broader
12 public and of news workers, including human reporters, editors, news
13 writers, directors, producers, voice actors, graphic designers and other
14 newsroom professionals.

15 4. It is therefore the intent of the legislature to establish clear,
16 meaningful protections for both journalists and the broader public to
17 ensure that the integrity of the news and its workforce are safeguarded.

18 § 1801. Definitions. For the purposes of this article, the following
19 terms shall have the following meanings:

20 1. "Artificial intelligence model" shall have the same meaning as
21 defined by section fourteen hundred twenty of this chapter.

22 2. "Generative artificial intelligence" means a class of artificial
23 intelligence models that are self-supervised and emulate the structure
24 and characteristics of input data to generate derived synthetic content,
25 including, but not limited to, images, videos, audio, text, and other
26 digital content.

27 3. "News media" shall mean any publication or programming, regardless
28 of the medium or method of distribution, that provides news, weather,
29 traffic, sports, or entertainment reports or programming. This includes
30 but is not limited to newspapers, magazines, journals, periodicals,
31 websites, newsletters, television or cable programming, radio or podcast
32 programming, and internet or satellite-based content.

33 § 1802. Transparency requirements. Any news media content published,
34 broadcast, or otherwise disseminated or accessible within the state of
35 New York, which was substantially composed, authored, or otherwise
36 created through the use of generative artificial intelligence shall
37 conspicuously imprint on the top of the page, webpage, image, graphic,
38 video or other visual or audio/visual content, or verbally orate at the
39 onset of audio content, that such content was substantially created by
40 generative artificial intelligence. If the content is eligible for copy-
41 right registration such disclosure requirement shall not apply.

42 § 1803. Enforcement. 1. Whenever there shall be a violation of this
43 article, an application may be made by the attorney general in the name
44 of the people of the state of New York to a court or justice having
45 jurisdiction by a special proceeding to issue an injunction, and upon
46 notice to the defendant of not less than five days, to enjoin and
47 restrain the continuance of such violation; and if it shall appear to
48 the satisfaction of the court or justice that the defendant has, in
49 fact, violated this article, an injunction may be issued by such court
50 or justice, enjoining and restraining any further violation, without
51 requiring proof that any person has, in fact, been injured or damaged
52 thereby.

53 2. Whenever the court shall determine that a violation of this article
54 has occurred, the court may impose a civil penalty of one thousand
55 dollars for the first offense, and five thousand dollars for each subse-
56 quent offense. In connection with any such proposed application, the

1 attorney general is authorized to take proof and make a determination of
2 the relevant facts and to issue subpoenas in accordance with the civil
3 practice law and rules.

4 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-
5 sion or section of this act shall be adjudged by any court of competent
6 jurisdiction to be invalid, such judgment shall not affect, impair, or
7 invalidate the remainder thereof, but shall be confined in its operation
8 to the clause, sentence, paragraph, subdivision or section thereof
9 directly involved in the controversy in which such judgment shall have
10 been rendered. It is hereby declared to be the intent of the legislature
11 that this act would have been enacted even if such invalid provisions
12 had not been included herein.

13 § 4. This act shall take effect on the sixtieth day after it shall
14 have become a law.