

# STATE OF NEW YORK

1228--C

2025-2026 Regular Sessions

## IN SENATE

January 8, 2025

Introduced by Sen. GIANARIS -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 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.

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

18 (c) "Synthetic performer" means a digitally created asset created,  
19 reproduced, or modified by computer, using generative artificial intel-  
20 ligence or a software algorithm, that is intended to create the

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

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1 impression that the asset is engaging in an audio, audiovisual, and/or  
2 visual performance of a human performer who is not recognizable as any  
3 identifiable natural performer.

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

38 3. Any person engaged in the business of dealing in any property or  
39 service who for any commercial purpose makes, publishes, disseminates,  
40 circulates or places before the public or causes, directly or indirect-  
41 ly, to be made, published, disseminated, circulated or placed before the  
42 public any advertisement respecting any such property or service, in any  
43 medium or media in which such advertisement appears, shall conspicuously  
44 disclose in such advertisement if a synthetic performer is in such  
45 advertisement, where such person has actual knowledge. A violation of  
46 this subdivision shall result in a civil penalty of one thousand dollars  
47 for a first violation, and five thousand dollars for any subsequent  
48 violation.

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

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

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

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

17 § 3. This act shall take effect immediately.