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:

Section 1. Section 396-b of the general business law, as added by chapter 1031 of the laws of 1965, is amended to read as follows:

§ 396-b. Advertisements. **1. For the purposes of this section, the following terms shall have the following meanings:**

(a) "Artificial intelligence", "artificial intelligence technology", or "AI" means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments, and that uses machine- and human-based inputs to perceive real and virtual environments, abstract such perceptions into models through analysis in an automated manner, and use model inference to formulate options for information or action.

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

(c) "Synthetic performer" means a digitally created asset created, reproduced, or modified by computer, using generative artificial intelligence 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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impression that the asset is engaging in an audio, audiovisual, and/or visual performance of a human performer who is not recognizable as any identifiable natural performer.

2. Any person, firm, corporation or association, or agent or employee thereof, hereinafter called person, who, being engaged in the business of dealing in any property, makes, publishes, disseminates, circulates or places before the public or causes, directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in this state, any advertisement respecting any such property, in any newspaper, magazine, or other publication, or over any radio station or television station, unless it is stated in any such advertisement that the advertiser is a dealer in such property or from the context of any such advertisement, it plainly appears that such person is a dealer in such property so offered for sale in any such advertisement; or when placing or causing any such advertisement to appear in any newspaper, magazine or other publication or radio or television station as described in this section, if requested by the publisher of any such newspaper, magazine or other publication or owner or operator of such radio or television station or any agent or representative thereof to file with such owner or operator, publisher, agent or representative thereof [~~his~~] such person's true name, or where [~~he~~] such person is transacting business under a name other than the true name pursuant to law, then the name under which such business is transacted, and each business address wherein any business is transacted by [~~him~~] such person, in the class of property advertised or to be advertised for sale in such advertisement, shall make any false statement in relation to any of such items; or if requested by the publisher of any such newspaper, magazine or other publication or owner or operator of such radio or television station or any agent or representative thereof to file with such owner, operator, publisher, agent or representative thereof a statement showing whether [~~he~~] such person is causing such advertisement to appear or is offering to make such sale or disposition or transaction, as herein set forth, as principal or agent, and if as agent, to set forth such information as is specified in this section, in relation to [~~his~~] such person's principal as well as in relation to [~~himself~~] such person, shall make any false statement in relation to any of such items; is guilty of a misdemeanor.

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

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

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

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

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

§ 3. This act shall take effect immediately.