

# STATE OF NEW YORK

235

2025-2026 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by 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 Assembly, 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.

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

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1 2. The owner, licensee or operator of a visual or audio generative  
2 artificial intelligence system shall implement a reasonable method to  
3 prohibit its users from creating unauthorized realistic depictions of a  
4 covered person within sixty days of being notified by such covered  
5 person that such covered person does not want a realistic depiction of  
6 themselves to be generated by the owner, licensee or operator's system.  
7 An implemented method to prevent the unauthorized creation of realistic  
8 depictions of a covered person shall be considered reasonable when the  
9 owner, licensee or operator of the covered system has implemented a  
10 method that, in relation to the method of user inputs used by the  
11 covered system, is consistent with industry standards, not overly  
12 burdensome on the system, cost-effective to implement and maintain and  
13 is up to date.

14 3. The owner, licensee or operator of a covered system shall implement  
15 a reasonable method for covered persons to send notice to them under  
16 this section provided that such method is easy to access, understand,  
17 complete and send and that such method provides clear updates to the  
18 sender on the status of their request in a timely manner. The owner,  
19 licensee or operator of a covered system may request a reasonable means  
20 of identification to process such requests.

21 4. Nothing in this section shall prohibit the owner, licensee or oper-  
22 ator of a covered system from implementing reasonable safeguards to  
23 permit the covered person, their agent, employee or representative to  
24 use such covered system to generate realistic depictions of such covered  
25 person, provided however that such owner, licensee or operator of such  
26 covered system shall be liable in the same manner as if they had  
27 violated subdivision two of this section where such safeguards are not  
28 reasonable. A safeguard is considered reasonable for purposes of this  
29 subdivision where the owner, licensee or operator of a covered system  
30 implements measures that are consistent with industry standards, not  
31 overly burdensome on the system, cost-effective to implement and main-  
32 tain and are up to date.

33 5. The owner, licensee or operator of a covered system shall be liable  
34 to a covered person in an amount of one hundred dollars per depiction,  
35 but not more than one hundred thousand dollars in the aggregate, gener-  
36 ated on their system by a user other than the covered person or their  
37 agent, employee, representative, or another at the direction of them  
38 created outside of the period prescribed by this section where such  
39 owner, licensee or operator of such covered system fails to implement a  
40 reasonable method to prevent the unauthorized creation of realistic  
41 depictions of a covered person within the periods prescribed in this  
42 section. The owner, licensee or operator of a covered system shall not  
43 be liable to a covered person where such owner, licensee or operator is  
44 unable to prevent the unauthorized depictions of such covered person  
45 after implementing a reasonable method, nor shall they be liable for any  
46 unauthorized realistic depictions that are incidental or were created in  
47 an unforeseeable way.

48 6. This section shall not apply to the owner, licensee or operator of  
49 a visual or audio generative artificial intelligence system where the  
50 visual or audio outputs of the system are processed by a third party  
51 that has no ownership or control over the underlying generative model.

52 § 2. This act shall take effect one year after it shall have become a  
53 law.