

# STATE OF NEW YORK

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## IN ASSEMBLY

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Introduced by M. of A. BORES, CUNNINGHAM, KELLES, FORREST, CHANDLER-WATERMAN, TORRES, OTIS -- read once and referred to the Committee on Science and Technology -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the general business law, in relation to requiring synthetic content creations system providers to include provenance data on synthetic content produced or modified by a synthetic content creations system that the synthetic content creations system provider makes available

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

1 Section 1. This act shall be known and may be cited as the "stop deep-  
2 fakes act".

3 § 2. The general business law is amended by adding a new article 45-B  
4 to read as follows:

### ARTICLE 45-B

#### STOP DEEPPFAKES ACT

#### Section 1540. Definitions.

8 1541. Synthetic content creations system.

9 1542. Content provenance preservation.

10 1543. Provenance data requirements.

11 1544. Enforcement by attorney general.

12 § 1540. Definitions. For the purposes of this article:

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

LBD07930-14-6

1 1. "Provenance data" means data that records the origin or history of  
2 digital content and is communicated as a content credential pursuant to  
3 the Technical Specification for Content Credentials published by the  
4 Coalition for Content Provenance and Authenticity, or relevant stand-  
5 ards, guidelines or specifications published after the effective date of  
6 this article by an established standards setting body, which at a mini-  
7 mum includes: (a) information about the origin or creation of the  
8 content; (b) subsequent editing or modification to the content or its  
9 metadata; and (c) use of a synthetic content creations system in gener-  
10 ating or modifying the content. Such information shall be cryptographi-  
11 cally bound to the underlying file and use signing credentials. "Prove-  
12 nance data" shall not include personal information as defined in  
13 subdivision five of section two hundred two of the state technology law,  
14 or unique device, system, or service information that is reasonably  
15 capable of being associated with a particular user, including but not  
16 limited to an internet protocol address, unless a user chooses to  
17 include such personal information in such data described in paragraph  
18 (a), (b), or (c) of this subdivision.

19 2. "Generative artificial intelligence system" means a class of arti-  
20 ficial intelligence models that are self-supervised and emulate the  
21 structure and characteristics of input data to generate derived synthet-  
22 ic content, including, but not limited to, images, videos, audio, text,  
23 and other digital content.

24 3. "Synthetic content" means audio or visual content that has been  
25 generated or materially modified by a synthetic content creations  
26 system.

27 4. "State agency" shall have the same meaning as defined in subdivi-  
28 sion six of section two hundred two of the state technology law.

29 5. "Synthetic content creations system provider" means an organization  
30 or individual that creates, codes, substantially modifies, or otherwise  
31 produces a synthetic content creations system that is made publicly  
32 available for use by a New York resident, regardless of whether the  
33 terms of such use include compensation.

34 6. "Synthetic content creations system hosting platform" means an  
35 online repository or other website that makes a synthetic content  
36 creations system available for use by a New York resident, regardless of  
37 whether the terms of such use include compensation. Synthetic content  
38 creations system hosting platform does not include cloud computing plat-  
39 forms or other services that make synthetic content creations systems  
40 available for use by a New York state resident solely at the direction  
41 of others.

42 7. "Social media platform" shall have the same meaning as in section  
43 eleven hundred of this chapter.

44 8. "Covered operator" shall mean any person, business, or other legal  
45 entity, that operates or provides a social media platform.

46 9. "Covered user" shall mean a user of a social media platform in the  
47 state, not acting as an operator, or agent or affiliate of the operator  
48 of such social media platform or any portion thereof.

49 10. "Artificial intelligence" or "artificial intelligence technology"  
50 means a machine-based system that can, for a given set of human-defined  
51 objectives, make predictions, recommendations, or decisions influencing  
52 real or virtual environments, and that uses machine- and human-based  
53 inputs to perceive real and virtual environments, abstract such percep-  
54 tions into models through analysis in an automated manner, and use model  
55 inference to formulate options for information or action.

1 11. "AI model" means an information system or a component of an infor-  
2 mation system that implements artificial intelligence technology and  
3 uses computational, statistical, or machine-learning techniques to  
4 produce outputs from a given set of inputs.

5 12. "Synthetic content creations system" means a class of generative  
6 artificial intelligence system capable of generating wholly synthetic  
7 content. "Synthetic content creations system" shall not include technol-  
8 ogies such as red-eye filters or other technologies that are only capa-  
9 ble of making changes to existing audio or visual content.

10 § 1541. Synthetic content creations system. 1. A synthetic content  
11 creations system provider shall apply provenance data, either directly  
12 or through the use of third-party technology, to synthetic content  
13 produced or modified by a synthetic content creations system that the  
14 synthetic content creations system provider makes available.

15 2. The application of provenance data to synthetic content, as  
16 required by this section, shall, at a minimum, identify the digital  
17 content as synthetic and communicate the following provenance data:

18 (a) that the content was created or edited using artificial intelli-  
19 gence;

20 (b) the name of the synthetic content creations system provider;

21 (c) the time and date the provenance data was applied;

22 (d) the specific portions of the content that the synthetic content  
23 creations system generated; and

24 (e) the type of device, system, or service that was used to generate  
25 the image, audio, or video.

26 3. Synthetic content creations system hosting platforms shall not make  
27 available a synthetic content creations system where the hosting plat-  
28 form knows that the synthetic content creations system provider for such  
29 system does not apply provenance data to content created or substantial-  
30 ly modified by the artificial intelligence system in a manner consistent  
31 with specifications set forth in this section, nor shall a synthetic  
32 content creations system hosting platform deliberately prevent a  
33 synthetic content creations system provider from applying provenance  
34 data to content created or substantially modified by a synthetic content  
35 creations system in a manner consistent with the specifications set  
36 forth above.

37 4. The provisions of this section shall only apply to synthetic  
38 content creations systems that were created or modified after the effec-  
39 tive date of this article.

40 § 1542. Content provenance preservation. A social media platform shall  
41 not delete, disassociate, or degrade, in whole or in part, provenance  
42 data from or associated with content uploaded to the social media plat-  
43 form by a covered user, unless and until the content is permanently  
44 deleted or removed from the social media platform or the deletion,  
45 disassociation, or degradation of such content is required by law. Noth-  
46 ing in this article shall be construed as banning users from choosing to  
47 include personal information in provenance data from or associated with  
48 such uploaded content.

49 § 1543. Provenance data requirements. 1. A state agency shall ensure,  
50 to the extent practicable either through direct application or through  
51 the use of third-party technology, that all audio, images and videos  
52 published or distributed electronically by the state agency carry prove-  
53 nance data.

54 2. The application of provenance data to audio, images and videos, as  
55 required by this article, shall, at a minimum, communicate the following  
56 provenance data:

1 (a) The type of device, system, or service that was used to generate  
2 the audio, image or video, to the extent the device, system, or service  
3 has the technical capability to do so;

4 (b) The specific portions of the content that the synthetic content  
5 creations system used by the state agency generated, if any;

6 (c) Whether the content was created or edited using artificial intel-  
7 ligence;

8 (d) The name of the synthetic content creations system provider used  
9 to generate the synthetic content, if any; and

10 (e) The time and date any of the provenance data delineated in this  
11 section was applied.

12 § 1544. Enforcement by attorney general. In addition to the other  
13 remedies provided, whenever there shall be a violation of this article,  
14 application may be made by the attorney general in the name of the  
15 people of the state of New York to a court or justice having jurisdic-  
16 tion by a special proceeding to issue an injunction, and upon notice to  
17 the defendant of not less than five days, to enjoin and restrain the  
18 continuance of such violations; and if it shall appear to the satisfac-  
19 tion of the court or justice that the defendant has, in fact, violated  
20 this article, an injunction may be issued by such court or justice,  
21 enjoining and restraining any further violation, without requiring proof  
22 that any person has, in fact, been injured or damaged thereby. In any  
23 such proceeding, the court may make allowances to the attorney general  
24 as provided in paragraph six of subdivision (a) of section eighty-three  
25 hundred three of the civil practice law and rules. Whenever the court  
26 shall determine that a violation of this article has occurred, the court  
27 may impose a civil penalty of not more than twenty-five thousand dollars  
28 for each violation.

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