

STATE OF NEW YORK

1228--B

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

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
21 impression that the asset is engaging in an audio, audiovisual, and/or

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

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1 visual performance of a human performer who is not recognizable as any
2 identifiable natural performer.

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

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

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

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

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

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

14 § 3. This act shall take effect immediately.