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Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Internet and Technology -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in 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-fakes act".

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

ARTICLE 45-A

STOP DEEPFAKES ACT

Section 1510. Definitions.

8 1511. Synthetic content creations system.

9 1512. Content provenance preservation.

10 1513. Provenance data requirements.

11 1514. Enforcement by attorney general.

12 § 1510. Definitions. For the purposes of this article:

13 1. "Provenance data" means data that records the origin or history of
14 digital content and is communicated as a content credential pursuant to
15 the Technical Specification for Content Credentials published by the
16 Coalition for Content Provenance and Authenticity, or relevant stand-
17 ards, guidelines or specifications published after the effective date of
18 this article by an established standards setting body, which at a mini-
19 mum includes: (a) information about the origin or creation of the

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

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1 content; (b) subsequent editing or modification to the content or its
2 metadata; and (c) use of a synthetic content creations system in gener-
3 ating or modifying the content. Such information shall be cryptographi-
4 cally bound to the underlying file and use signing credentials. "Prove-
5 nance data" shall not include personal information as defined in
6 subdivision five of section two hundred two of the state technology law,
7 or unique device, system, or service information that is reasonably
8 capable of being associated with a particular user, including but not
9 limited to an internet protocol address, unless a user chooses to
10 include such personal information in such data described in paragraph
11 (a), (b), or (c) of this subdivision.

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

17 3. "Synthetic content" means audio or visual content that has been
18 generated or materially modified by a synthetic content creations
19 system.

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

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

27 6. "Synthetic content creations system hosting platform" means an
28 online repository or other website that makes a synthetic content
29 creations system available for use by a New York resident, regardless of
30 whether the terms of such use include compensation. Synthetic content
31 creations system hosting platform does not include cloud computing plat-
32 forms or other services that make synthetic content creations systems
33 available for use by a New York state resident solely at the direction
34 of others.

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

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

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

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

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

53 12. "Synthetic content creations system" means a class of generative
54 artificial intelligence system capable of generating wholly synthetic
55 content. "Synthetic content creations system" shall not include technol-

ogies such as red-eye filters or other technologies that are only capable of making changes to existing audio or visual content.

§ 1511. Synthetic content creations system. 1. A synthetic content creations system provider shall apply provenance data, either directly or through the use of third-party technology, to synthetic content produced or modified by a synthetic content creations system that the synthetic content creations system provider makes available.

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

(a) that the content was created or edited using artificial intelligence;

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

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

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

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

3. Synthetic content creations system hosting platforms shall not make available a synthetic content creations system where the hosting platform knows that the synthetic content creations system provider for such system does not apply provenance data to content created or substantially modified by the artificial intelligence system in a manner consistent with specifications set forth in this section, nor shall a synthetic content creations system hosting platform deliberately prevent a synthetic content creations system provider from applying provenance data to content created or substantially modified by a synthetic content creations system in a manner consistent with the specifications set forth above.

4. The provisions of this section shall only apply to synthetic content creations systems that were created or modified after the effective date of this article.

§ 1512. Content provenance preservation. A social media platform shall not delete, disassociate, or degrade, in whole or in part, provenance data from or associated with content uploaded to the social media platform by a covered user, unless and until the content is permanently deleted or removed from the social media platform or the deletion, disassociation, or degradation of such content is required by law. Nothing in this article shall be construed as banning users from choosing to include personal information in provenance data from or associated with such uploaded content.

§ 1513. Provenance data requirements. 1. A state agency shall ensure, to the extent practicable either through direct application or through the use of third-party technology, that all audio, images and videos published or distributed electronically by the state agency carry provenance data.

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

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

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

(c) Whether the content was created or edited using artificial intelligence;

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

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

5 § 1514. Enforcement by attorney general. In addition to the other
6 remedies provided, whenever there shall be a violation of this article,
7 application may be made by the attorney general in the name of the
8 people of the state of New York to a court or justice having jurisdic-
9 tion by a special proceeding to issue an injunction, and upon notice to
10 the defendant of not less than five days, to enjoin and restrain the
11 continuance of such violations; and if it shall appear to the satisfac-
12 tion of the court or justice that the defendant has, in fact, violated
13 this article, an injunction may be issued by such court or justice,
14 enjoining and restraining any further violation, without requiring proof
15 that any person has, in fact, been injured or damaged thereby. In any
16 such proceeding, the court may make allowances to the attorney general
17 as provided in paragraph six of subdivision (a) of section eighty-three
18 hundred three of the civil practice law and rules. Whenever the court
19 shall determine that a violation of this article has occurred, the court
20 may impose a civil penalty of not more than twenty-five thousand dollars
21 for each violation.

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