§ 250.70 Unlawful dissemination of a personal image; definitions, application.

1. The following definitions shall apply to section 250.71 of this article:

(a) "broadcast" means electronically transmitting a visual image with the intent that it be viewed by a person;

(b) "disseminate" means to give, provide, lend, deliver, mail, send, forward, transfer or transmit, electronically or otherwise to another person;

(c) "publish" means to: (i) disseminate, as defined in paragraph (b) of this subdivision, with the intent that such image or images be disseminated to ten or more persons; (ii) disseminate with the intent that such images be sold by another person; (iii) post, present, display, exhibit, circulate, advertise or allows access, electronically or otherwise, so as to make an image or images available to the public; or (iv) disseminate with the intent that an image or images be posted, presented, displayed, exhibited, circulated, advertised or made accessible, electronically or otherwise and to make such image or images available to the public;

(d) "family" means a parent or guardian, sibling, spouse, or child of a person depicted in an image disseminated in violation of section 250.71 of this article.

(e) "social media platform" means a website, online or mobile application, or online service that is designed primarily to enable a user to generate or share content that can be viewed by other users on the platform or to interact with other user-generated content on such platform. "Social media platform" does not include a website, online or mobile application, or online service that is designed primarily to enable a user to access content on the platform that is not user-generated and is preselected or organized by the provider; or a website, online or mobile application, or online service that includes any chat, comment, or other interactive functionality that is incidental to the provision of such website, application, or service.

2. The following provisions shall apply to section 250.71 of this article:

(a) The provisions of section 270.71 of this article shall not apply to the following:

(i) the reporting of suspected unlawful conduct to law enforcement;

(ii) the dissemination or publication of an image made in the course of official law enforcement duties, legal proceedings or criminal prosecution, or medical treatment; or

(iii) the dissemination or publication of an image made for a legitimate public discourse concerning local, national, or worldwide events or other matters of public concern or public interest or affecting the public welfare; any work of public interest, educational or newsworthy value, including comment, criticism, parody or satire, and works of entertainment, regardless of the degree of fictionalization; or an advertisement or commercial announcement for any of the foregoing works.

(b) Nothing in these sections shall be construed to limit, or to enlarge, the protections that 47 U.S.C. § 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. § 230.

3. With respect to section 250.71 of this article, the provisions of subdivision two of section 235.15 and subdivisions one and two of section 235.24 of this part shall apply.