

HOUSE BILL 2340

By Pearson

AN ACT to amend Tennessee Code Annotated, Title 2;
Title 4; Title 8; Title 38; Title 39 and Title 47,
Chapter 18, relative to synthetic media.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Artificial intelligence" means:

(A) An artificial system that performs tasks under varying and unpredictable circumstances without significant human oversight or that can learn from experience and improve such performance when exposed to data sets; is developed in any context, including, but not limited to, software or physical hardware; that solves tasks requiring human-like perception, cognition, planning, learning, communication, or physical action; or that is designed to:

(i) Think or act like a human, including, but not limited to, a cognitive architecture or neural network; or

(ii) Act rationally, including, but not limited to, an intelligent software agent or embodied robot that may achieve goals using perception, planning, reasoning, learning, communication, decision-making, or action; and

(B) A set of techniques, including, but not limited to, machine learning, that is designed to approximate a cognitive task; and

(2) "Synthetic media" means an image, audio recording, or video recording of an individual's appearance, speech, or conduct that has been intentionally manipulated with the use of artificial intelligence or other digital technology in a manner to create a realistic but false image, audio, or video that produces:

(A) A depiction that to a reasonable individual is of a real individual in appearance, action, or speech that did not actually occur in reality; and

(B) A fundamentally different understanding or impression of the appearance, action, or speech than a reasonable person would have from the unaltered, original version of the image, audio recording, or video recording.

(b) An individual whose appearance, action, or speech is altered through the use of synthetic media in a public communication that is knowingly distributed publicly with the intent to malign, slander, defame, or otherwise intentionally mislead the public and damage the reputation of the individual may seek injunctive relief and other general and special damages in accordance with this part against the individual or entity that published the synthetic media. A court may award a prevailing plaintiff reasonable attorneys' fees and costs.

(c) It is an affirmative defense for any action brought under this section that the publication containing synthetic media includes a disclosure stating, "This (image/video/audio) has been manipulated with the use of artificial intelligence or another digital technology and is not an accurate representation of the (individual/event) depicted," in the following manner:

(1) For visual media, the text of the disclosure must appear in size easily readable by the average viewer and no smaller than the largest font size of other text appearing in the visual media. If the visual media does not include any other text, the disclosure must appear in a size that is easily readable by the average viewer. For visual media that is a video, the disclosure must appear for the duration of the video; or

(2) If the media consists of audio only, the disclosure must be read in a clearly spoken manner and in a pitch that can be easily heard by the average listener, at the beginning of the audio, at the end of the audio, and, if the audio is greater than two (2) minutes in length, interspersed within the audio at intervals of not more than two (2) minutes each.

SECTION 2. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following new, appropriately designated subdivision:

() Altering and disseminating to the public an image, audio recording, or video recording that has been manipulated with synthetic media, as defined in Section 1, in violation of Section 1;

SECTION 3. This act takes effect July 1, 2024, the public welfare requiring it.