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Alert | New York Government Law & Policy

October 2025

New York Poised to Be at the Forefront of AI Regulation; Five Bills Await Gov. Hochul's Action

Among the hundreds of bills passed during New York's 2025 legislative session are several pieces of legislation that impose regulations on developing and using AI. While some of the measures are aimed at refining recently adopted laws, some of the bills would regulate the technology in entirely new ways.

The governor is a strong supporter of advancing AI technology, previously stating, "[w]hoever leads in the AI revolution will lead the next generation of innovation and progress, and we're making sure New York State is on the front lines. With these bold initiatives, we are making sure our state leads the nation in both innovation and accountability. New York is not just keeping pace with the AI revolution – we are setting the standard for how it should be done."

The governor has until January to approve or veto the various proposals and is currently receiving input from stakeholders before taking action. Below are some of the key AI-related bills under her consideration.

- **The Responsible AI Safety and Education Act (RAISE Act) (S.6953-B/A.6453-B)**

  The RAISE Act would require developers of AI models to implement certain safety measures to protect against misuse of their applications. The proposal also includes the potential for significant penalties (up to) $10 million for a first violation and $30 million for repeat violations. While New York's legislation closely mirrors California's SB 53, recently signed into law, the RAISE Act is different in scope, applying to businesses that have in excess of $100 million in training costs – not revenue. The

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RAISE Act would also go farther, requiring companies to submit safety and security policies to describe how they would reduce the risk of critical harm, and explicitly prohibits the deployment of certain models.

- **Warning Labels for Certain Social Media Platforms (S.4505/ A.5346)**

  This bill would require social media platforms that use certain design features, including addictive feeds or infinite scrolls, to display warning labels at each point of access. The New York State Office of Mental Health would determine the content of the warning labels. Operators that fail to comply with posting the warnings consistent with requirements would face fines of up to $5,000 per violation. If signed, New York would join other states including Minnesota and California, who recently enacted similar legislation. This bill comes on the heels of New York enacting two other laws aimed at protecting children who use social media, the New York Child Data Protection Act and the SAFE for Kids, for which the attorney general recently released draft regulations.

- **Synthetic Performers (S.8420-A/ A.8887-B)**

  This precedent-setting proposal would require commercial advertisements to disclose the use of synthetic performers – digitally created media that appear as real people. The legislation would mandate the creator or producer of the advertisements to disclose such use or face penalties of up to $5,000. The bill contains certain exceptions for advertisements, such as those that are solely audio. While this legislation is the first in the nation to regulate AI in advertising, New York recently enacted a similar law related to the use of deceptive practices, or "deep fakes," in elections.

- **Expansion of Right of Publicity Statute (S.8391/ A.8882)**

  In 2020, New York enacted a right of publicity, requiring consent for the use of the name, image or likeness of a deceased person for commercial purposes. The law also applied to expressive audiovisual works but only required a disclaimer, rather than consent, prior to such use. This legislation expands current law to require prior consent of a deceased person's heirs for the use of their voice or likeness in media.

- **Expansion of Legislative Oversight of Automated Decision-making in Government (LOADinG) Act (S.7599-C/ A.8295-D)**

  In 2024, New York became the first state in the nation to enact a law that effectively limits how state agencies can use AI in decision making processes. Known as the Legislative Oversight of Automated Decision-making in Government (LOADinG) Act, the law provides requirements related to automated decision-making systems state agencies use for certain decisions. This bill would expand the scope of governmental entities that the law applies to and the types of disclosures required, including by state agencies, local governments, and certain educational institutions. Importantly, the legislation would also require the NYS Office of Technology Services to create and maintain a publicly accessible inventory of the types of automated decision-making tools state entities utilize.

Entities potentially subject to these legislative proposals may wish to evaluate the possible impact to operations, policies, and procedures while the governor considers such proposals.

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