

STATE OF NEW YORK

8833

2025-2026 Regular Sessions

IN ASSEMBLY

June 9, 2025

Introduced by M. of A. BORES -- read once and referred to the Committee on Science and Technology

AN ACT to amend the general business law, in relation to establishing the understanding artificial intelligence act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The general business law is amended by adding a new article
2 45-A to read as follows:

3 ARTICLE 45-A
4 UNDERSTANDING ARTIFICIAL INTELLIGENCE
5 ACT

6 Section 1510. Short title.

7 1511. Definitions.

8 1512. Artificial intelligence; liability for injuries.

9 § 1510. Short title. This act shall be known and may be cited as the
10 "understanding artificial intelligence act".

11 § 1511. Definitions. For purposes of this article, the following terms
12 shall have the following meanings:

13 1. "Artificial intelligence" means an engineered or machine-based
14 system that varies in its level of autonomy and that can, for explicit
15 or implicit objectives, infer from the input it receives how to generate
16 outputs that can influence physical or virtual environments.

17 2. "Covered model" means an artificial intelligence model trained
18 using a quantity of computing power greater than 10²⁶ integer or float-
19 ing-point operations, the cost of which exceeds one hundred million
20 dollars when calculated using the average market prices of cloud compute
21 at the start of training as reasonably assessed by the developer.

22 3. "Developer" means a person that performs the initial training of a
23 covered model by training a model using a sufficient quantity of comput-
24 ing power and cost.

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

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1 4. "Fine-tuning" means adjusting the model weights of a trained
2 covered model by exposing it to additional data.

3 § 1512. Artificial intelligence; liability for injuries. 1. Except
4 with respect to any causes of action for defamation, developers of
5 covered models shall be strictly liable, regardless of the degree of
6 care they exercised, for all injuries to a non-user of the covered model
7 that satisfy the actual harm element of an ordinary negligence claim if:

8 (a) those injuries are factually and proximately caused by a covered
9 model that engages in conduct that, if undertaken by an adult human of
10 sound mind, would satisfy the elements of negligence or any intentional
11 tort or crime; and

12 (b) that conduct was neither intended nor could have been reasonably
13 anticipated by: (i) the user of the model; or (ii) any intermediary that
14 fine-tuned, scaffolded, or otherwise modified the model.

15 2. (a) For the purposes of this section, for any torts for which the
16 mental state of the alleged tortfeasor is relevant to elements of the
17 tort, there shall be a rebuttable presumption that the artificial intel-
18 ligence system satisfies the relevant mental state if the finder of fact
19 determines by a preponderance of the evidence that, if a natural person
20 under similar circumstances to the artificial intelligence system took
21 actions similar to those taken by the artificial intelligence system,
22 that natural person would have acted with the relevant mental state.

23 (b) Unless the court determines that the presumption established in
24 paragraph (a) of this subdivision is not applicable, if the party
25 against whom the presumption is invoked presents evidence tending to
26 rebut the presumption established in paragraph (a) of this subdivision,
27 the court shall instruct the finder of fact to find that the presumed
28 facts exist unless the finder of fact is persuaded that the presumed
29 facts do not exist.

30 (c) For the purposes of this section, it shall not be a defense that
31 artificial intelligence systems are incapable of having mental states.

32 3. (a) It shall be an affirmative defense to strict liability if the
33 developer establishes that the covered model satisfied the standard of
34 care applicable to humans who perform the same function that the covered
35 model was engaged in performing when its conduct allegedly caused the
36 plaintiff's injury.

37 (b) It shall be an affirmative defense to strict liability if the
38 developer establishes that the injuries to a non-user as described in
39 this section were a result of a capabilities failure, in which a covered
40 model falls short of performing the intended or reasonably anticipated
41 performance of the user, but the conduct of the system would not satisfy
42 the elements of negligence or any intentional tort or crime if engaged
43 in by an adult human of sound mind.

44 § 2. This act shall take effect immediately.