STATE OF NEW YORK

9028

IN SENATE

January 23, 2026

Introduced by Sen. WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the executive law, in relation to prohibiting employers from engaging in discrimination on the basis of a protected class when using artificial intelligence in certain employment practices

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

Section 1. Section 292 of the executive law is amended by adding two new subdivisions 43 and 44 to read as follows:

43. The term "artificial intelligence" means a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments. Artificial intelligence includes generative artificial intelligence.

44. The term "generative artificial intelligence" means an automated computing system that, when prompted with human prompts, descriptions, or queries, can produce outputs that simulate human-produced content, including, but not limited to, the following:

(a) textual outputs, such as short answers, essays, poetry, or longer compositions or answers;

(b) image outputs, such as fine art, photographs, conceptual art, diagrams, and other images;

(c) multimedia outputs, such as audio or video in the form of compositions, songs, or short-form or long-form audio or video; and

(d) other content that would be otherwise produced by human means.

§ 2. Section 296 of the executive law is amended by adding a new subdivision 23 to read as follows:

23. (a) It shall be an unlawful discriminatory practice for an employer to use artificial intelligence for recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure, or the terms, privileges, or conditions of employment that has the effect of subjecting employees to discrimi-

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

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nation on the basis of age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or status as a victim of domestic violence or to use zip codes as a proxy for such protected classes.

(b) It shall be an unlawful discriminatory practice for an employer to fail to provide notice to an employee that such employer is using artificial intelligence for the purposes described in paragraph (a) of this subdivision.

(c) The division shall adopt any rules or regulations necessary for the implementation and enforcement of this subdivision, including, but not limited to, rules on the circumstances and conditions that require notice, the time period for providing such notice and the means for providing such notice.

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