

AI Alliance Association Statement in Opposition to NY RAISE Act

The Honorable Carl E. Heastie
Speaker, NYS Assembly
The Honorable Andrea Stewart-Cousins
Majority Leader of the NYS Senate

June 10, 2025

Dear Speaker Heastie and Majority Leader Stewart-Cousins,

As representatives of the open source AI community – including model providers, developers, academic experts, and nonprofits – we are writing to express our deep concern regarding the adverse consequences of the proposed "Responsible AI Safety and Education Act" (RAISE) (A.6453/S.6953). The bill, if enacted, would undermine New York's role as a major hub for AI innovation because frontier labs will be forced to limit their research and commercial activity in the state.

The bill's obligations on frontier model companies are unworkable and will disproportionately curb open source model development. Requiring risk assessments and mitigations that account for an indefinite range of downstream uses places an impossible burden on model developers to forecast the future and bear the risks taken by other actors. The bill does not clearly define exclusions from developer responsibility, resting on untested concepts such as whether developers could reasonably foresee and prevent harmful downstream uses. Without clear standards for responsibility, this bill introduces uncertainty and confusion into an already complex area.

Importantly, these consequences will not be limited to large model developers. If leading AI developers are forced to halt or restrict open source releases due to regulatory risk and compliance burdens, or because of obligations that apply because they build AI derived from frontier models, startups and early-stage companies – who are the lifeblood of New York's tech ecosystem – will lose access to the open source AI they depend on to innovate and compete. This will reduce competition and undermine New York's reputation as a welcoming environment for AI entrepreneurship and investment.

This bill would likely serve as a de facto ban on the release of large open source models in New York and may lead to a flight of AI developers out of what has been a powerful engine for AI innovation in New York.

The NY RAISE Act Threatens New York's Open Source AI Ecosystem

As an open source community, we simply cannot operate effectively, much less lead in a deeply competitive global marketplace, if we're limited by obligations like those imposed by the NY RAISE Act. The bill places a burden on frontier model developers to anticipate and mitigate misappropriation and malicious uses, which is infeasible in an open source context where model deployers and application developers, and not model developers, control how the technology is used. The bill imposes liability on model developers for downstream harms, effectively making open source developers liable for scenarios they cannot prevent. This will make it impossible for leading open source model developers to operate in New York State.

In effect, the NY RAISE Act will simply encourage providers of free, open source models to prohibit New York companies from using their models. That, in turn, will require New York companies to either pay more for something they could otherwise get for free or to use subpar, outdated models rather than state-of-the-art technology. In either case, New York companies will simply be left behind in today's deeply competitive and dynamic AI revolution.

The NY RAISE Act Won't Advance Trustworthy AI in New York

Nor will the transparency requirements proposed in the NY RAISE Act lead to more secure, robust, or trustworthy frontier open source AI. To the contrary, the NY RAISE Act would create a reporting and compliance bureaucracy that would distract from existing risk identification and mitigation efforts. The 'safety and security protocol,' defined in the Act as a reporting mechanism for transparency, introduces layers of busy work—without clear standards for satisfactory procedures and mitigations. The bill's vague standards would impose yet another tax on New York businesses that want to build with AI, introducing uncertainty, confusion, and inconsistently applied requirements, and in the end do little or nothing to improve model security or trustworthiness.

The NY RAISE Act Will Bottleneck AI Innovation

The NY RAISE Act regulates model developers according to an arbitrary figure – the quantity of Floating Point Operations (or FLOPs) used to train an AI model – that is a bad proxy for actual risk. As most experts know, over time technology gets more efficient, meaning that more powerful AI can likely be developed with less compute. Indeed, efficient and smaller models are already competing with the world's largest AI models, so the number of mathematical equations used to train an AI model is already a poor way to understand the risk that the model creates.

In effect, because it is built around an arbitrary number that bears little relationship with model risk, the NY RAISE Act has become obsolete before it is even voted on.

* * *

As representatives of the open source AI community who are committed to building AI that is effective, safe, and open, we believe this bill is not ready to move forward. The RAISE Act will unduly curb open source development without improving security and inadvertently stifle the very startups and innovators that are making New York a global leader in AI. We are committed to continuing to work with you and other lawmakers and policymakers to find the right approach to secure New York's role as home for AI leadership.

Sincerely,

The AI Alliance Association