

Fashion's Machine Age?

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Fashion and entertainment professionals take note as New York enacts new AI laws

By Cynthia Martens

New York City is the sun around which the US media and fashion system orbits, home to numerous modeling agencies and thousands of models and photographers, as well as many leading fashion brands and advertising agencies.

Now, New York State, through several new laws, is regulating the use of generative artificial intelligence (AI) in the creative industries that call the Big Apple home. In a nod to entertainers, on December 11, 2025, Governor Kathy Hochul signed two of the bills into law at the local New York office of SAG-AFTRA, the labor union representing film, television and radio artists.

Senate Bill 8391, which went into immediate effect, requires the creators of expressive audiovisual works who want to use a deceased personality's digital replica in an audiovisual work or sound recording, or for the live performance of a musical work, to secure the prior consent of the deceased personality's heirs. The new law also amends a key definition, such that "digital replica" now means "a computer-generated, highly realistic, electronic performance that is readily identifiable as the voice or visual likeness of an individual, but either the actual individual did not actually perform or the actual individual did perform, but the fundamental character of the performance or appearance has been materially altered."

Back in 2020, when New York first enacted its post-mortem right of publicity, state law carried narrower protections for unauthorized use of a deceased performer's digital replica, requiring only a disclaimer (if the digital replica was unlikely to deceive the public into thinking that its use was authorized).

"New York has always been a home for artists, and today it stands as a model for how to safeguard not only our members, but the broader public," observed SAG-AFTRA New York Local President Ezra Knight in response to the new legislation.

Assembly Member Linda Rosenthal, a co-sponsor of the bill, said in a statement that the "proliferation of deepfakes and other artificial intelligence has blurred the lines between the digital world and reality" in harmful ways. "Consumers have a right to know if the product or service being advertised to them is by a real person or a computer-generated avatar," she added. "The reduced production costs for companies using AI is not worth the hefty price of obscuring reality."

Relatedly, Senate Bill 8420-A, which will be effective in June 2026, requires advertisers to conspicuously disclose the known use of "synthetic performers" in commercial advertisements, with a civil penalty of $1,000 for a first violation and $5,000 per subsequent violation. A "synthetic performer" is defined as "a digital asset that is created, reproduced, or modified by computer, using generative artificial intelligence or a software algorithm, that is intended to give the impression that the asset is in an audio, audiovisual, and/or visual performance of a human performer when it is not recognizable as any identifiable natural performer."

From an enforcement perspective, the law's requirement of clear and conspicuous disclosure may be analogous to the existing standard for influencer content on social media, which requires that disclosures must be simple, clear and "hard to miss," per the Federal Trade Commission.

These legal developments have arrived as the global fashion industry explores AI usage in the generation of creative commercial materials. Last year, Swedish retail heavyweight H&M set the internet on fire with the news that it was working with fashion models to create their digital twins using generative AI.

"Creativity and being radically curious have always defined who we are at H&M. Now, we're exploring new territory — generative AI — and discovering how technology can unlock new ways to showcase our design in innovative ways, while still staying humble to our human-centric approach," noted Jörgen Andersson, the company's chief creative officer, in a LinkedIn post at the time.

New York State legislators have been actively exploring ways to curtail potential misuses of AI at the development stage as well. On December 19, 2025, Governor Hochul signed into law the Responsible AI Safety and Education Act (RAISE Act), which takes effect on January 1, 2027. The legislation applies to companies with over $500 million in annual revenue, requiring them to adhere to certain AI-development requirements, including the adoption of safety and security protocols, which must be promptly shared with relevant authorities, and the conducting of annual safety reviews. The New York attorney general is empowered under the RAISE Act to seek penalties of up to $1 million

for a first infraction and a maximum of $3 million for later infractions. New York's Department of Finance will be tasked with monitoring AI development in a newly established AI office.

Citizen advocacy groups have expressed hope that the RAISE Act, together with the related Transparency in Frontier Artificial Intelligence Act in California, sets a baseline for transparency and ethics in AI development that may be expanded in the future.

New York's Senate Bill 1169A, which would amend state civil rights law, relates to the potential for the replication and magnification of bias through AI tools and is still in committee.

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