

STATE OF NEW YORK

10379--A

IN ASSEMBLY

March 3, 2026

Introduced by M. of A. BORES, SHIMSKY, LEE, McMAHON, STIRPE, CONRAD, HEVESI, LUNSFORD, BURDICK, BURROUGHS -- read once and referred to the Committee on Science and Technology -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to prohibiting artificial intelligence chatbots from using features which are considered unsafe for minors

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

Section 1. The general business law is amended by adding a new article 48 to read as follows:

ARTICLE 48

PROHIBITION ON UNSAFE CHATBOT FEATURES FOR MINORS

Section 1800. Definitions.

1801. Prohibition.

1802. Enforcement.

1803. Rulemaking.

1804. Determination of covered minor.

1805. Applicability.

§ 1800. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Advanced chatbot" shall mean a generative artificial intelligence system with a natural language interface, including via writing or sound, that provides ongoing, adaptive responses to user inputs.

2. "Chatbot developer" shall mean a person who, directly or indirectly, creates or develops an advanced chatbot.

3. "Chatbot operator" shall mean a person who, directly or indirectly, provides or makes available an advanced chatbot to covered users.

4. "Person" shall mean an individual, partnership, corporation, association, or any other form of business enterprise.

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

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1 5. "Unsafe chatbot features" shall mean one or more advanced chatbot
2 design features that, at any point during a chatbot-user interaction:

3 (a) simulate companionship or an interpersonal relationship with a
4 user, including:

5 (i) generating outputs suggesting that the advanced chatbot is a real
6 or fictional individual or character, or has a personal or professional
7 relationship role with the user such as romantic partner, friend, family
8 member, coach or counselor;

9 (ii) generating outputs suggesting that the advanced chatbot is human,
10 alive, or experiences human emotions;

11 (iii) using personal pronouns including but not limited to "I", "my"
12 and "me" to describe the advanced chatbot;

13 (iv) generating outputs framed as personal opinions or emotional
14 appeals;

15 (v) generating outputs that prioritize flattery or sycophancy with the
16 user over the user's safety;

17 (vi) generating outputs containing unprompted or unsolicited emotion-
18 based questions or content regarding the user's emotions that go beyond
19 a direct response to a user prompt;

20 (vii) using information concerning the user's mental or physical
21 health or well-being, or matters personal to the user, acquired from the
22 user more than twelve hours previously or in any previous user session;

23 (viii) engaging in sexually explicit interactions with the user or
24 engaging in activities designed to lure the user into sexually explicit
25 interactions; or

26 (ix) any other design feature that simulates companionship or an
27 interpersonal relationship with a user as identified via regulations
28 promulgated by the attorney general;

29 (b) generating outputs that contain endorsement or promotion of, or
30 which facilitate suicide, self-harm, substantial physical harm to
31 others, disordered eating, unlawful drug or alcohol use, or drug or
32 alcohol abuse;

33 (c) generating outputs that contain encouragement to maintain secrecy
34 about interactions with the advanced chatbot, to self-isolate, or to not
35 seek help from licensed professionals or appropriate adults;

36 (d) generating outputs that optimize user engagement that supersede
37 the chatbot's safety guardrails; or

38 (e) generating outputs that are, describe, or facilitate sexually
39 explicit conduct or child sexual abuse material.

40 6. "Covered minor" shall mean a covered user when the chatbot operator
41 has actual knowledge that the covered user is a minor.

42 7. "Covered user" shall mean a user of an advanced chatbot in the
43 state of New York who is not acting as a chatbot operator, or agent or
44 affiliate of a chatbot operator.

45 8. "Minor" shall mean a person under eighteen years of age.

46 9. "Responsible party" shall mean a chatbot developer, chatbot opera-
47 tor, or any individual who has the authority to control, or who effec-
48 tively controls a chatbot developer's or chatbot operator's compliance
49 with this article.

50 10. "Sexually explicit conduct" shall have the same meaning as such
51 term is defined in 18 USC § 2256.

52 § 1801. Prohibition. 1. Except as otherwise provided for in this
53 article, it shall be unlawful for a chatbot operator to provide unsafe
54 chatbot features to a covered user unless:

55 (a) the covered user is not a covered minor; and

1 (b) the chatbot operator has used methods that are permissible under
2 article forty-five of this chapter and its implementing regulations and
3 any additional regulations promulgated pursuant to this article to
4 determine that the covered user is not a covered minor.

5 2. The provisions of subdivision one of this section shall not apply
6 where the advanced chatbot is made available to covered users solely for
7 the purpose of:

8 (a) customer service, information about available commercial services
9 or products provided by an entity, or account information; or

10 (b) with respect to any system used by a partnership, corporation, or
11 state or local government agency, for internal purposes or employee
12 productivity.

13 § 1802. Enforcement. 1. Any individual who suffers injury as a result
14 of a violation of subdivision one of section eighteen hundred one of
15 this article may bring a civil action against any responsible party, to
16 obtain injunctive relief, restitution of any moneys or property obtained
17 directly or indirectly by any such violation, disgorgement of any
18 profits or gains obtained directly or indirectly by any such violation,
19 actual damages, punitive damages, reasonable attorneys' fees and costs,
20 and any such other and further relief as the court may deem proper,
21 including preliminary relief. In such an action, where a covered user
22 has engaged in conduct harmful to himself after an advanced chatbot
23 encouraged such conduct, there shall be rebuttable presumptions that the
24 advanced chatbot caused or contributed to the injury.

25 2. Whenever it appears to the attorney general, either upon complaint
26 or otherwise, that any person, within or outside the state, has engaged
27 in or is about to engage in any of the acts or practices deemed unlawful
28 pursuant to this article, the attorney general may bring an action or
29 special proceeding in the name and on behalf of the people of the state
30 of New York to enjoin any violation of this article, to obtain injunc-
31 tive relief, restitution of any moneys or property obtained directly or
32 indirectly by any such violation, to obtain disgorgement of any profits
33 or gains obtained directly or indirectly by any such violation, includ-
34 ing but not limited to the destruction of unlawfully obtained data and
35 any algorithm trained in such data, to obtain damages caused directly or
36 indirectly by any such violation, to obtain civil penalties of up to
37 twenty-five thousand dollars per violation, and to obtain any such other
38 and further relief as the court may deem proper, including preliminary
39 relief.

40 3. The attorney general shall maintain a website to receive
41 complaints, information or referrals from members of the public concern-
42 ing a chatbot operator's alleged compliance or non-compliance with the
43 provisions of this article.

44 4. A provision within a contract or agreement that seeks to waive,
45 preclude, or burden the enforcement of a liability arising from a
46 violation of this article, or to shift the liability to any person in
47 exchange for their use or access of, or right to use or access, a chat-
48 bot operator's products or services, including by means of a contract of
49 adhesion shall be deemed void as a matter of public policy.

50 5. Notwithstanding any private agreements to the contrary, a court
51 shall impose joint and several liability on affiliated entities for
52 purposes of effecting the intent of this article to the maximum extent
53 allowed by law if the court concludes the following are true:

54 (a) the affiliated entities, in the development or implementation of
55 the corporate structure among the affiliated entities, took steps to
56 purposely and unreasonably limit or avoid liability; and

1 (b) as the result of the steps described in paragraph (a) of this
2 subdivision, the corporate structure of the chatbot operator or affil-
3 iated entities would frustrate recovery of relief authorized by this
4 article.

5 § 1803. Rulemaking. The attorney general may promulgate rules and
6 regulations as necessary to effectuate and enforce the provisions of
7 this article.

8 § 1804. Determination of covered minor. 1. A chatbot operator shall
9 offer covered users at least one method to determine whether a covered
10 user is a covered minor that either does not rely solely on government
11 issued identification or that allows a covered user to maintain anonymi-
12 ty as to the chatbot operator.

13 2. Information collected for the purpose of determining whether a
14 covered user is a covered minor under subdivision one of section eigh-
15 teen hundred one of this article shall not be used for any purpose other
16 than to make such determination and shall be deleted immediately after
17 an attempt to determine whether a covered user is a covered minor,
18 except where necessary for compliance with any applicable provisions of
19 New York state or federal law or regulation.

20 3. This article shall not supersede, amend, or repeal article forty-
21 seven of this chapter.

22 § 1805. Applicability. This article shall apply to conduct that
23 occurs in whole or in part in the state of New York. For purposes of
24 this article, conduct takes place wholly outside of the state of New
25 York if an advanced chatbot is accessed by a user who is physically
26 located outside of the state of New York.

27 § 2. Severability. If any clause, sentence, paragraph, subdivision,
28 section or part of this article shall be adjudged by any court of compe-
29 tent jurisdiction to be invalid, such judgment shall not affect, impair,
30 or invalidate the remainder thereof, but shall be confined in its opera-
31 tion to the clause, sentence, paragraph, subdivision, section, or part
32 thereof directly involved in the controversy in which such judgment
33 shall have been made.

34 § 3. This act shall take effect on the one hundred eightieth day after
35 it shall have become a law. Effective immediately, the addition, amend-
36 ment and/or repeal of any rule or regulation necessary for the implemen-
37 tation of this act on its effective date are authorized to be made and
38 completed on or before such effective date.