STATE OF NEW YORK

10841--A

IN ASSEMBLY

April 6, 2026

Introduced by M. of A. STECK, K. BROWN, NORBER -- read once and referred to the Committee on Consumer Affairs and Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to protecting minors online from social media and harmful content

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 45-C to read as follows:

ARTICLE 45-C

PROTECTING MINORS ONLINE

Section 1550. Definitions.

1551. Minors as account holders of platforms that provide an addictive feature.

1552. Age verification.

1553. Enforcement.

1554. E-Safety advisory commission.

§ 1550. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "Addictive feature" means any of the following psychologically exploitative features intended to maximize engagement that foreseeably lead to compulsive use:

(a) an addictive feed;

(b) autoplay; and/or

(c) any other feature defined in regulations adopted pursuant to section fifteen hundred fifty-three of this article as an addictive feature.

2. "Covered platform" means, subject to regulations adopted pursuant to section fifteen hundred fifty-three of this article, an internet website, online service, online application, or mobile application, including, but not limited to, a social media platform, as defined in section fifteen hundred fifty-one of this article, that offers users or provides users with an addictive feature as a significant part of the

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

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service provided by that internet website, online service, online application, or mobile application. This definition does not cover either of the following:

(a) an internet website, online service, online application, or mobile application for which interactions between users are limited to commercial transactions or to consumer reviews of products, sellers, services, events, or places, or any combination thereof; or

(b) an internet website, online service, online application, or mobile application that operates a feed for the primary purpose of cloud storage.

3. "Material harmful to minors" means any material that:

(a) the average person applying contemporary community standards would find, taken as a whole, appeals to the prurient interest;

(b) depicts or describes, in a patently offensive way, sexual conduct; and

(c) when taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

4. "Social media platform" means an online forum, website, or application that:

(a) allows users to upload content or view the content or activity of other users;

(b) ten percent or more of the daily active users who are younger than sixteen years of age spend on average two hours or more per day on the online forum, website, or application on the days when using the online forum, website, or application during the previous twelve months or, if the online forum, website, or application did not exist during the previous twelve months, during the previous month;

(c) employs algorithms that analyze user data or information on users to select content for users; and

(d) has any of the following addictive features:

(i) infinite scrolling, including, but not limited to:

(A) continuously loading content, or content that loads as the user scrolls down the page without the need to open a separate page; or

(B) seamless content, or the use of pages with no visible or apparent end or page breaks;

(ii) push notifications or alerts sent by the online forum, website, or application to inform a user about specific activities or events related to the user's account;

(iii) displays personal interactive metrics that indicate the number of times other users have clicked a button to indicate their reaction to content or have shared or reposted the content;

(iv) auto-play video or video that begins to play without the user first clicking on the video or on a play button for that video; or

(v) live-streaming or a function that allows a user or advertiser to broadcast live video content in real-time.

The term "social media platform" shall not include an online service, website, or application where the exclusive function is email or direct messaging consisting of text, photographs, pictures, images, or videos shared only between the sender and the recipients, without displaying or posting publicly or to other users not specifically identified as the recipients by the sender.

§ 1551. Minors as account holders of platforms that provide an addictive feature. 1. (a)(1) A covered platform shall not provide an addictive feature to a user who is under sixteen years of age.

(2) This paragraph does not prohibit a covered platform from permitting a user who is under sixteen years of age to create or maintain an

account on the covered platform if that user is not provided with any addictive features.

(b) A covered platform shall implement reasonable measures to ensure that users under sixteen years of age are not provided any addictive features on the covered platform.

(c) Except as provided in paragraph (a) of this subdivision, a covered platform shall:

(1) delete the account of users under sixteen years of age and any personal information associated with the user of the account;

(2) allow an account holder younger than sixteen years of age to easily request to terminate the account. Such account shall be terminated within five business days of such request;

(3) allow a confirmed parent or guardian of an account holder younger than sixteen years of age to request that the minor's account be terminated. Such account shall be terminated within ten business days of such request; and

(4) permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain such information.

2. Subdivision one of this section does not apply to a covered platform that permits a user under sixteen years of age to create or maintain an account on the platform pursuant to subparagraph two of paragraph (a) of subdivision one of this section.

3. The attorney general shall maintain a website to receive complaints, information or referrals from members of the public concerning a social media platform's alleged compliance or non-compliance with the provisions of this article.

§ 1552. Age verification. Before providing an addictive feature to a user, a covered platform shall verify the age of a user pursuant to the age assurance regulations established under article forty-five of this chapter.

§ 1553. Enforcement. 1. (a) No earlier than one hundred eighty days after the effective date of this article, whenever it appears to the attorney general, either upon complaint or otherwise, that any person or entity, within or outside the state, has knowingly or recklessly engaged in or is about to engage in any of the acts or practices stated to be unlawful in this article, the attorney general may bring an action or special proceeding in the name and on behalf of the people of the state of New York to enjoin any violation of this article, to obtain restitution of any moneys or property obtained directly or indirectly by any such violation, to obtain disgorgement of any profits or gains obtained directly or indirectly by any such violation, including but not limited to the destruction of unlawfully obtained data, to obtain damages caused directly or indirectly by any such violation, to obtain civil penalties of up to fifty thousand dollars per violation, and to obtain any such other and further relief as the court may deem proper, including preliminary relief. Where the person or entity's actions demonstrate a pattern of knowing and reckless conduct in violation of this article, punitive damages may be assessed against the person or entity.

(b) No earlier than one hundred eighty days after the effective date of this article, a civil action may be brought by a minor account holder against a person or entity, within or outside the state, which has knowingly or recklessly engaged in any of the acts or practices stated to be unlawful in this article to obtain restitution of any moneys or property obtained directly or indirectly by any such violation, to obtain disgorgement of any profits or gains obtained directly or indirectly by

any such violation, including but not limited to the destruction of unlawfully obtained data, to obtain damages caused directly or indirectly by any such violation, to obtain civil penalties of up to ten thousand dollars per violation, and to obtain any such other and further relief as the court may deem proper, including preliminary relief. Where the person or entity's actions demonstrate a pattern of knowing and reckless conduct in violation of this article, punitive damages may be assessed against the person or entity. Any action brought under this paragraph shall be brought on behalf of a minor account holder.

2. A civil action for a claim under this subdivision shall be brought within one year from the date the complainant knew, or reasonably should have known, of the alleged violation. This section does not preclude any other available remedy at law or equity.

3. The attorney general shall have the authority to investigate violations of this article. The attorney general shall have authority to issue, through the attorney general, subpoenas for the attendance of witnesses before the commission. A subpoena issued under this section shall be regulated by the civil practice law and rules. All information collected and held by the attorney general pursuant to an investigation under this article shall be deemed confidential and shall not be subject to public disclosure under the freedom of information law or any other law which requires public disclosure of records maintained by a governmental agency.

4. The attorney general shall promulgate such rules and regulations as are necessary to effectuate and enforce the provisions of this article.

§ 1554. E-Safety advisory commission. 1. A commission to be known as the E-Safety advisory commission is hereby created to investigate, evaluate, and make recommendations to the attorney general on additional addictive features to be covered under this article.

2. (a) The commission shall consist of five members, to be appointed as follows: one member to be appointed by the governor, one member to be appointed by the temporary president of the senate, one member to be appointed by the minority leader of the senate, one member to be appointed by the speaker of the assembly, and one member to be appointed by the minority leader of the assembly.

(b) The members of the commission shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties under this article. The commission may employ and at pleasure remove such personnel as it may deem necessary for the performance of its functions and fix their compensation within the amounts made available by appropriation therefor.

3. The commission shall investigate additional addictive features not covered under this article and recommend to the attorney general that such addictive features are covered under this article.

4. (a) For the accomplishment of its purposes, the commission may meet and hold public and/or private hearings within or without the state, and shall have all the powers of a legislative committee pursuant to the legislative law. The commission is authorized and empowered to undertake any studies, inquiries, surveys or analyses it may deem relevant through its own personnel or in cooperation with or by agreement with any other public or private agency.

(b) To the maximum extent feasible, the commission may request and shall be entitled to receive and shall utilize and be provided with such facilities, resources and data from any court in the state and from any subdivision, department, board, bureau, commission, office, agency, or

other instrumentality of the state or of any political subdivision thereof as it deems necessary or desirable for the proper execution of its powers and duties and to effectuate the purposes set forth in this section.

(c) The commission is hereby authorized and empowered to enter into any agreements and to do and perform any acts that may be necessary, desirable or proper to carry out the purposes and objectives of this section.

(d) The commission is required to hold at least two meetings per year.

5. The commission shall make recommendations and a report of its findings. The commission shall submit such recommendations and report to the attorney general, the governor, the temporary president of the senate, the minority leader of the senate, the speaker of the assembly, and the minority leader of the assembly, and make public online on the governor's website no later than December first of each year.

§ 2. This act shall take effect immediately.