

4004

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the
Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to requiring
epilepsy warnings on video games

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The general business law is amended by adding a new section
2 399-ff to read as follows:
3 S 399-FF. VIDEO GAME; EPILEPSY WARNING. 1. FOR PURPOSES OF THIS
4 SECTION, THE TERM "VIDEO GAME" SHALL MEAN AND INCLUDE ANY VIDEO GAME
5 SYSTEM, VIDEO GAME CARTRIDGE, VIDEO GAME COMPACT DISC, VIDEO GAME
6 DIGITAL VERSATILE DISC OR DIGITAL VIDEO DISC, VIDEO GAME COMPONENT,
7 VIDEO GAME ACCESSORY, OR VIDEO GAME CONTROLLER OF ANY VARIETY.
8 2. ANY PERSON WHO SELLS, OFFERS FOR SALE, RENTS OR OFFERS TO RENT
9 VIDEO GAMES TO THE PUBLIC SHALL DISPLAY A SIGN OR POSTER IN A PROMINENT
10 OR CONSPICUOUS LOCATION WITHIN THE AREA WHERE SUCH VIDEO GAMES ARE SOLD
11 OR RENTED WHICH HAS PRINTED THEREON AN EPILEPSY WARNING. SUCH WARNING
12 SHALL BE IN LETTERS OF NOT LESS THAN THIRTY POINT TYPE AND SHALL CONTAIN
13 THE FOLLOWING STATEMENT:
14 "EPILEPSY WARNING
15 READ BEFORE USING YOUR VIDEO GAME SYSTEM
16 MEDICAL RESEARCH INDICATES A SMALL PERCENTAGE OF THE POPULATION MAY
17 EXPERIENCE EPILEPTIC SEIZURES OR SEIZURE-LIKE SYMPTOMS WHEN EXPOSED TO
18 CERTAIN STIMULI, INCLUDING, WITHOUT LIMITATION, LIGHT PATTERNS, FLASHING
19 LIGHTS OR CERTAIN PATTERNS OF BACKGROUNDS ON A TELEVISION SCREEN OR
20 VIDEO MONITOR. EXPOSURE TO THESE STIMULI WHILE PLAYING VIDEO GAMES MAY
21 INDUCE AN EPILEPTIC SEIZURE OR SEIZURE-LIKE SYMPTOMS IN THESE INDIVID-
22 UALS. CERTAIN CONDITIONS MAY INDUCE UNDETECTED EPILEPTIC SYMPTOMS EVEN
23 IN PERSONS WHO HAVE NO PRIOR HISTORY OF SEIZURES OR EPILEPSY. IF YOU
24 EXPERIENCE ANY OF THE FOLLOWING SYMPTOMS WHILE PLAYING A VIDEO GAME --
25 DIZZINESS, ALTERED VISION, EYE OR MUSCLE TWITCHES, LOSS OF AWARENESS,

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

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1 DISORIENTATION, AND INVOLUNTARY MOVEMENT OR CONVULSIONS -- IMMEDIATELY
2 DISCONTINUE USE AND CONSULT YOUR PHYSICIAN BEFORE PLAY."

3 3. ANY PERSON WHO SELLS OR RENTS A VIDEO GAME IN VIOLATION OF THIS
4 SECTION SHALL BE SUBJECT TO A CIVIL PENALTY OF FIFTY DOLLARS FOR EACH
5 OCCURRENCE.

6 S 2. This act shall take effect one year after it shall have become a
7 law.