S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N S E N A T E

March 9, 2009

Introduced by Sens. LAVALLE, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer 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:

Section 1. The general business law is amended by adding a new section 399-ff to read as follows:

S 399-FF. VIDEO GAME; EPILEPSY WARNING. 1. FOR PURPOSES OF THIS SECTION, THE TERM "VIDEO GAME" SHALL MEAN AND INCLUDE ANY VIDEO GAME SYSTEM, VIDEO GAME CARTRIDGE, VIDEO GAME COMPACT DISC, VIDEO GAME DIGITAL VERSATILE DISC OR DIGITAL VIDEO DISC, VIDEO GAME COMPONENT, VIDEO GAME ACCESSORY, OR VIDEO GAME CONTROLLER OF ANY VARIETY.

2. ANY PERSON WHO SELLS, OFFERS FOR SALE, RENTS OR OFFERS TO RENT VIDEO GAMES TO THE PUBLIC SHALL DISPLAY A SIGN OR POSTER IN A PROMINENT OR CONSPICUOUS LOCATION WITHIN THE AREA WHERE SUCH VIDEO GAMES ARE SOLD OR RENTED WHICH HAS PRINTED THEREON AN EPILEPSY WARNING. SUCH WARNING SHALL BE IN LETTERS OF NOT LESS THAN THIRTY POINT TYPE AND SHALL CONTAIN THE FOLLOWING STATEMENT:

"EPILEPSY WARNING

READ BEFORE USING YOUR VIDEO GAME SYSTEM

MEDICAL RESEARCH INDICATES A SMALL PERCENTAGE OF THE POPULATION MAY EXPERIENCE EPILEPTIC SEIZURES OR SEIZURE-LIKE SYMPTOMS WHEN EXPOSED TO CERTAIN STIMULI, INCLUDING, WITHOUT LIMITATION, LIGHT PATTERNS, FLASHING LIGHTS OR CERTAIN PATTERNS OF BACKGROUNDS ON A TELEVISION SCREEN OR VIDEO MONITOR. EXPOSURE TO THESE STIMULI WHILE PLAYING VIDEO GAMES MAY INDUCE AN EPILEPTIC SEIZURE OR SEIZURE-LIKE SYMPTOMS IN THESE INDIVIDUALS. CERTAIN CONDITIONS MAY INDUCE UNDETECTED EPILEPTIC SYMPTOMS EVEN IN PERSONS WHO HAVE NO PRIOR HISTORY OF SEIZURES OR EPILEPSY. IF YOU EXPERIENCE ANY OF THE FOLLOWING SYMPTOMS WHILE PLAYING A VIDEO GAME --

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

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DIZZINESS, ALTERED VISION, EYE OR MUSCLE TWITCHES, LOSS OF AWARENESS, DISORIENTATION, AND INVOLUNTARY MOVEMENT OR CONVULSIONS -- IMMEDIATELY DISCONTINUE USE AND CONSULT YOUR PHYSICIAN BEFORE PLAY."

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

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