STATE OF NEW YORK

3398

2019-2020 Regular Sessions

IN ASSEMBLY

January 29, 2019

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

AN ACT to amend the general business law, in relation to requiring all devices with internet capability to have digital blocking capability

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 392-aa to read as follows:

§ 392-aa. Devices with internet capability. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "device with internet capability" shall mean a computer or a mobile device;

(b) "digital blocking capability" shall mean a way to make certain material inaccessible.

2. No device with internet capability shall be sold or distributed unless (a) such device contains digital blocking capability; and (b) the manufacturer does the following:

(1) makes reasonable and ongoing efforts to ensure that the digital content blocking capability functions properly;

(2) establishes a reporting mechanism for owners of such devices concerning issues with the digital blocking capability functions;

(3) ensure that all pornography featuring children is inaccessible on the device;

(4) prohibit the device from accessing any hub that facilitates prostitutions;

(5) render websites known to facilitate human trafficking inaccessible; and

(6) unblock any digital content incorrectly made inaccessible within a maximum of five days from report of such from a consumer.

3. Notwithstanding subparagraphs three, four and five of paragraph (b) of subdivision two of this section, any digital blocking capability may

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

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be deactivated upon written request by a consumer over the age of eighteen, who (a) provides verification of such; (b) has received a warning, in writing, which states the potential dangers of deactivation and (c) has paid a one-time digital access fee of twenty dollars. Such fee shall be submitted to the state treasurer, who shall forward such fees to the office of the attorney general's human trafficking division.

4. If a consumer requests a manufacturer to unblock filtered content and it remains blocked, he or she may seek judicial relief.

5. If a consumer or a manufacturer fails to respond to a report from a consumer, a civil suit may be filed by the consumer or the attorney general and may seek damages of up to five hundred dollars for each piece of digital content that was reported but not subsequently blocked. The prevailing party in the civil action may seek attorneys' fees.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.