

# STATE OF NEW YORK

7568

2021-2022 Regular Sessions

## IN SENATE

December 3, 2021

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the general obligations law, in relation to prohibiting the knowing and reckless promotion of unlawful or false material and providing remedies for the violation of such prohibition

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

1 Section 1. The general obligations law is amended by adding a new  
2 article 18-D to read as follows:

### ARTICLE 18-D

#### KNOWING AND RECKLESS PROMOTION OF UNLAWFUL OR FALSE MATERIAL

##### Section 18-500. Definitions.

18-501. Prohibited activities.

18-502. Public nuisance.

18-503. Enforcement.

18-504. Private right of action.

10 § 18-500. Definitions. For the purposes of this article, both "know-  
11 ingly" and "recklessly" shall have the same meaning as defined in  
12 section 15.05 of the penal law.

13 § 18-501. Prohibited activities. No person, by conduct either unlawful  
14 in itself or unreasonable under all the circumstances, shall knowingly  
15 or recklessly create, maintain or contribute to a condition in New York  
16 state that endangers the safety or health of the public through the  
17 promotion of content, including through the use of algorithms or other  
18 automated systems that prioritize content by a method other than solely  
19 by time and date such content was created, the person knows or reason-  
20 ably should know:

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

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1 1. advocates for the use of force, is directed to inciting or produc-  
2 ing imminent lawless action, and is likely to incite or produce such  
3 action;

4 2. advocates for self-harm, is directed to inciting or producing immi-  
5 nent self-harm, and is likely to incite or produce such action; or

6 3. includes a false statement of fact or fraudulent medical theory  
7 that is likely to endanger the safety or health of the public.

8 § 18-502. Public nuisance. 1. A violation of section 18-501 of this  
9 article that results in harm to the public shall hereby be declared to  
10 be a public nuisance.

11 2. The existence of a public nuisance as provided in this section  
12 shall not depend on whether the person acted for the purpose of causing  
13 harm to the public.

14 § 18-503. Enforcement. Whenever there shall be a violation of this  
15 article, the attorney general, in the name of the people of the state of  
16 New York, or a city corporation counsel on behalf of the locality, may  
17 bring an action in the supreme court or federal district court to enjoin  
18 and restrain such violations and to obtain restitution and damages.

19 § 18-504. Private right of action. Any person, firm, corporation or  
20 association that has been damaged as a result of a person's acts or  
21 omissions in violation of this article shall be entitled to bring an  
22 action for recovery of damages or to enforce this article in the supreme  
23 court or federal district court.

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