

# STATE OF NEW YORK

3589

2021-2022 Regular Sessions

## IN SENATE

January 30, 2021

Introduced by Sen. COMRIE -- 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 the use of voice recognition features

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 article  
2 32-A to read as follows:

### ARTICLE 32-A

#### VOICE RECOGNITION FEATURES

3 Section 676. Use of voice recognition features in products.

4 § 676. Use of voice recognition features in products. 1. For purposes  
5 of this section, the following definitions shall apply:

6 (a) "Connected device" shall mean a television, video game console as  
7 defined in section three hundred ninety-six-kk of this chapter, computer  
8 as defined in section three hundred ninety-two-a of this chapter,  
9 computer accessory as defined in section three hundred ninety-two-a of  
10 this chapter, internet-capable device as defined in section five hundred  
11 thirty-eight-b of this chapter, or a toy as defined in paragraph (d) of  
12 this subdivision.

13 (b) "User" means a person who originally purchases, leases, or takes  
14 ownership of a connected device. A person who is incidentally recorded  
15 when a voice recognition feature is activated by a user shall not be  
16 deemed to be a user.

17 (c) "Voice recognition feature" means the function of a connected  
18 device that allows the collection, recording, storage, analysis, trans-  
19 mission, interpretation, or other use of spoken words or other sounds.

20 (d) "Toy" means any product designed or intended by the manufacturer  
21 to be used by children or adults for amusement or play.

22 2. (a) A person or entity shall not provide the operation of a voice  
23 recognition feature within this state without prominently informing,  
24  
25

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

LBD08261-01-1

1 during the initial setup or installation of a connected device, either  
2 the user or the person designated by the user to perform the initial  
3 setup or installation of the connected device of the functions of the  
4 device, that the device may be recording the user, and that the entity  
5 that makes the device may be retaining these recordings.

6 (b) Any recordings collected through the operation of a voice recogni-  
7 tion feature by the manufacturer of a connected device shall not be sold  
8 or used for any advertising purposes.

9 (c) Any recordings collected through the operation of a voice recogni-  
10 tion feature by a third party contracting with the manufacturer of a  
11 connected device shall not be sold or used for any advertising purposes.

12 (d) The manufacturer of a connected device shall not be liable for  
13 functionality provided by third party applications that the user chooses  
14 to use or are downloaded and installed by a user.

15 3. Nothing in this section shall be construed to authorize disclosure  
16 of any recordings retained by the manufacturer to any individual or  
17 entity, including a law enforcement agency, or any officer, employee, or  
18 agent of such agency, unless otherwise authorized by law or pursuant to  
19 a judicial order.

20 4. (a) Whenever the attorney general shall believe from evidence  
21 satisfactory to him or her that there is a violation of this section, he  
22 or she may bring an action in the name and on behalf of the people of  
23 the state of New York, in a court of competent jurisdiction to enjoin  
24 and restrain the continuation of such violation. In such action, prelim-  
25 inary relief may be granted under article sixty-three of the civil prac-  
26 tice law and rules. In such action, the court may award damages for  
27 actual costs or losses incurred by the consumer. Whenever the court  
28 shall determine in such action that a person or business violated this  
29 section, the court may impose a civil penalty of two thousand five  
30 hundred dollars per violation.

31 (b) The remedies provided by this subdivision shall be in addition to  
32 any other lawful remedy available.

33 § 2. This act shall take effect on the one hundred twentieth day after  
34 it shall have become a law.