STATE OF NEW YORK

577

2023-2024 Regular Sessions

IN SENATE

January 5, 2023

Introduced by Sens. HOYLMAN, MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

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:

Section 1. The general obligations law is amended by adding a new 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.

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

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

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

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1. advocates for the use of force, is directed to inciting or producing imminent lawless action, and is likely to incite or produce such action;

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

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

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

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

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

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

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