STATE OF NEW YORK

8394

IN SENATE

January 26, 2024

Introduced by Sen. THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Internet and Technology

AN ACT to amend the general business law, in relation to content moderation by social media networks

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 390-f to read as follows:

§ 390-f. Content moderation by social media networks. 1. A social media network, as defined in this section, that conducts business in the state, shall develop clear, consistent and publicly accessible content moderation policies which describe:

(a) the type of human moderation used to identify and remove offending content, including whether or not the platform uses in-house employees, community moderators, or third party vendors, the number of languages in which content moderation is offered, and the extent of local expertise;

(b) the type of automated tools used to identify and remove offending content, participation in cross-industry initiatives and how the platform responds to content flagged by cross-industry initiatives; and

(c) the enforcement actions that will be taken against any user who targets content that encourages harm to persons or property.

2. When an enforcement action is taken by a social media network, the social media network shall provide the user with a reason for such action, including the specific content, how to file an appeal, who shall review the appeal, and how the decision will be communicated to the user.

3. For the purposes of this section:

(a) "Enforcement action" shall include, but shall not be limited to, disqualifying a user from making money off their content, decreased distribution of user content, adding restrictions or warnings to user posts, or the suspension of a user account.

(b) "Social media network" means service providers, which, for profit-making purposes, operate internet platforms that are designed to

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

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enable users to share any content with other users or to make such content available to the public.

4. Each social media network shall submit an annual transparency report to the attorney general no later than February first, two thousand twenty-six and annually thereafter. Such report shall include:

(a) the number of requests received to remove content or suspend accounts and whether action was taken;

(b) the overall number of removed content and suspended accounts; and

(c) the error rate for enforcing each content moderation policy and the error rates for human and algorithm moderation.

5. Any social media network that knowingly fails to comply with the requirements of this section shall be assessed a civil penalty for such violation by the attorney general not to exceed ten thousand dollars. Each day such offense shall continue shall constitute a separate additional violation. In determination of any such violation, the attorney general shall be authorized to take proof and make a determination of the relevant facts and to issue subpoenas in accordance with the civil practice law and rules.

§ 2. This act shall take effect immediately.