

# STATE OF NEW YORK

8101

2023-2024 Regular Sessions

## IN ASSEMBLY

October 13, 2023

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

AN ACT to amend the general business law, in relation to requiring  
social media networks to verify the age of account holders

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

1 Section 1. The general business law is amended by adding a new section  
2 394-cccc to read as follows:

3 § 394-cccc. 1. For the purposes of this section, the following terms  
4 shall have the following meanings:

5 (a) "Account holder" shall mean a person who has, or opens, an account  
6 or profile to use a social media network's platform.

7 (b) "Division" shall mean the consumer protection division established  
8 pursuant to section ninety-four-a of the executive law.

9 (c) "Social media network" shall have the same meaning as set forth in  
10 paragraph (b) of subdivision one of section three hundred ninety-four-  
11 ccc of this article.

12 2. A social media network shall verify the age of an existing or new  
13 social media account holder:

14 (a) for a new account, within thirty calendar days of the date the  
15 account holder opens the account; or

16 (b) for an existing account, if the account holder has not provided  
17 age verification, within thirty calendar days of such account holder's  
18 first attempt to access such account after the effective date of this  
19 section.

20 3. A social media network shall use a third party vendor to complete  
21 the age verification required pursuant to subdivision two of this  
22 section.

23 4. If an account holder fails to complete the age verification  
24 required pursuant to this section within the required time period, the  
25 social media network shall deny access to the account:

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

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1 (a) upon the expiration of the time period; and  
2 (b) until all age verification requirements are met.

3 5. The division shall:

4 (a) establish processes or means by which a social media network may  
5 meet the age verification requirements under this section;

6 (b) establish acceptable forms or methods of identification, which  
7 shall include but shall not be limited to a valid identification issued  
8 by a government entity;

9 (c) establish processes for providing confirmation of the receipt of  
10 any information provided by an account holder seeking to verify their  
11 age pursuant to this section;

12 (d) establish requirements for retaining, protecting, and securely  
13 disposing of any information obtained by a social media network or its  
14 agent as a result of compliance with the age verification requirements  
15 under this section;

16 (e) require that any information obtained by a social media company or  
17 its agent as a result of compliance with the age verification require-  
18 ments under this section shall be retained for the sole purpose of such  
19 compliance and shall not be used for any other purpose; and

20 (f) require other applicable state agencies to comply with the age  
21 verification requirements under this section.

22 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
23 sion, section or part of this act shall be adjudged by any court of  
24 competent jurisdiction to be invalid, such judgment shall not affect,  
25 impair, or invalidate the remainder thereof, but shall be confined in  
26 its operation to the clause, sentence, paragraph, subdivision, section  
27 or part thereof directly involved in the controversy in which such judg-  
28 ment shall have been rendered. It is hereby declared to be the intent of  
29 the legislature that this act would have been enacted even if such  
30 invalid provisions had not been included herein.

31 § 3. This act shall take effect on the sixtieth day after it shall  
32 have become a law. Effective immediately, the addition, amendment and/or  
33 repeal of any rule or regulation necessary for the implementation of  
34 this act on its effective date are authorized to be made and completed  
35 on or before such effective date.