

STATE OF NEW YORK

8314

2023-2024 Regular Sessions

IN ASSEMBLY

November 27, 2023

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

AN ACT to amend the general business law, in relation to requiring online products targeted towards children provide certain features to protect child users

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 39-FF to read as follows:

ARTICLE 39-FF

CHILD USE OF ONLINE PRODUCTS

Section 899-ee. Definitions.

899-ff. Child use of online products.

3 § 899-ee. Definitions. For the purposes of this article, the following
4 terms shall have the following meanings:

5 1. "Bureau" shall mean the bureau of internet and technology in the
6 office of the New York attorney general.

7 2. "Child" or "children" shall mean a consumer or consumers under
8 eighteen years of age.

9 3. "Child user" shall mean a child accessing an online product with a
10 device.

11 4. "Online product" shall mean an online service, feature, or platform
12 that is accessible to users with a digital device.

13 5. "Targeted towards child users" shall mean that the entity offering
14 an online product should know that its product is accessible to and used
15 by children. The bureau may consider such factors as the entity offering
16 an online product's internal research about such product's users, exist-
17 ing evidence of user behavior, whether advertisements featured on the
18 online product, including third-party advertisements, are likely to
19 appeal to children, the content of complaints received about the product
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EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 from parents, children, or other individuals that indicate the age of
2 users accessing the online product, content and design features of the
3 product such as animation, musical or audio content, the presence of
4 children or influencers popular with children, how the entity offering
5 an online product describes and promotes the product, and any other
6 characteristic the bureau deems relevant when determining how an entity
7 offering an online product should know that such online product is
8 accessible to and used by children.

9 § 899-ff. Child use of online products. 1. Requirement for certain
10 settings. (a) All entities offering an online product targeted towards
11 child users in this state shall utilize screen time limitation features
12 which allow for the parent or guardian of a child user to limit the
13 amount of time the child user is able to access the online product and
14 when the child user is able to access the online product.

15 (b) No entities offering an online product targeted towards child
16 users in this state shall utilize a method of providing content to a
17 child user which promotes harmful or illegal activity.

18 (c) The bureau shall have the discretion to ban auto-play, push
19 notifications, prompts, in-app purchases, or any other feature in an
20 online product targeted towards child users that it deems to be designed
21 to inappropriately amplify the level of engagement a child user has with
22 such product.

23 2. Penalties. (a) Whenever the attorney general shall believe from
24 evidence satisfactory to him or her that there is a violation of this
25 section, he or she may bring an action in the name and on behalf of the
26 people of the state of New York, in a court of justice having jurisdic-
27 tion to issue an injunction, to enjoin and restrain the continuation of
28 such violation.

29 (b) The attorney general shall provide written notice to the entity
30 offering the online product targeted towards child users of alleged
31 violations at least ninety days before initiating any action described
32 in paragraph (a) of this subdivision. The entity offering the online
33 product targeted towards child users shall then have an opportunity to
34 cure any alleged violation of this section within such ninety days. If
35 such alleged violation has been cured, the entity offering the online
36 product targeted towards child users shall send written notice to the
37 attorney general who shall then retain discretion as to whether or not
38 to pursue an action against such entity offering the online product
39 targeted towards child users.

40 § 2. This act shall take effect on the one hundred eightieth day after
41 it shall have become a law and shall apply to all online products
42 targeted towards child users in this state which are made available to
43 the public or which are updated on or after such effective date. Effec-
44 tive immediately, the addition, amendment and/or repeal of any rules or
45 regulations necessary for the implementation of this act on its effec-
46 tive date are authorized to be made on or before such effective date.