

# STATE OF NEW YORK

10379--A

## IN ASSEMBLY

March 3, 2026

Introduced by M. of A. BORES, SHIMSKY, LEE, McMAHON, STIRPE, CONRAD, HEVESI, LUNSFORD, BURDICK, BURROUGHS -- read once and referred to the Committee on Science and Technology -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to prohibiting artificial intelligence chatbots from using features which are considered unsafe for minors

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 48 to read as follows:

### ARTICLE 48

#### PROHIBITION ON UNSAFE CHATBOT FEATURES FOR MINORS

##### Section 1800. Definitions.

###### 1801. Prohibition.

###### 1802. Enforcement.

###### 1803. Rulemaking.

###### 1804. Determination of covered minor.

###### 1805. Applicability.

11 § 1800. Definitions. As used in this article, the following terms  
12 shall have the following meanings:

13 1. "Advanced chatbot" shall mean a generative artificial intelligence  
14 system with a natural language interface, including via writing or  
15 sound, that provides ongoing, adaptive responses to user inputs.

16 2. "Chatbot developer" shall mean a person who, directly or indirect-  
17 ly, creates or develops an advanced chatbot.

18 3. "Chatbot operator" shall mean a person who, directly or indirectly,  
19 provides or makes available an advanced chatbot to covered users.

20 4. "Person" shall mean an individual, partnership, corporation, asso-  
21 ciation, or any other form of business enterprise.

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

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1 5. "Unsafe chatbot features" shall mean one or more advanced chatbot  
2 design features that, at any point during a chatbot-user interaction:

3 (a) simulate companionship or an interpersonal relationship with a  
4 user, including:

5 (i) generating outputs suggesting that the advanced chatbot is a real  
6 or fictional individual or character, or has a personal or professional  
7 relationship role with the user such as romantic partner, friend, family  
8 member, coach or counselor;

9 (ii) generating outputs suggesting that the advanced chatbot is human,  
10 alive, or experiences human emotions;

11 (iii) using personal pronouns including but not limited to "I", "my"  
12 and "me" to describe the advanced chatbot;

13 (iv) generating outputs framed as personal opinions or emotional  
14 appeals;

15 (v) generating outputs that prioritize flattery or sycophancy with the  
16 user over the user's safety;

17 (vi) generating outputs containing unprompted or unsolicited emotion-  
18 based questions or content regarding the user's emotions that go beyond  
19 a direct response to a user prompt;

20 (vii) using information concerning the user's mental or physical  
21 health or well-being, or matters personal to the user, acquired from the  
22 user more than twelve hours previously or in any previous user session;

23 (viii) engaging in sexually explicit interactions with the user or  
24 engaging in activities designed to lure the user into sexually explicit  
25 interactions; or

26 (ix) any other design feature that simulates companionship or an  
27 interpersonal relationship with a user as identified via regulations  
28 promulgated by the attorney general;

29 (b) generating outputs that contain endorsement or promotion of, or  
30 which facilitate suicide, self-harm, substantial physical harm to  
31 others, disordered eating, unlawful drug or alcohol use, or drug or  
32 alcohol abuse;

33 (c) generating outputs that contain encouragement to maintain secrecy  
34 about interactions with the advanced chatbot, to self-isolate, or to not  
35 seek help from licensed professionals or appropriate adults;

36 (d) generating outputs that optimize user engagement that supersede  
37 the chatbot's safety guardrails; or

38 (e) generating outputs that are, describe, or facilitate sexually  
39 explicit conduct or child sexual abuse material.

40 6. "Covered minor" shall mean a covered user when the chatbot operator  
41 has actual knowledge that the covered user is a minor.

42 7. "Covered user" shall mean a user of an advanced chatbot in the  
43 state of New York who is not acting as a chatbot operator, or agent or  
44 affiliate of a chatbot operator.

45 8. "Minor" shall mean a person under eighteen years of age.

46 9. "Responsible party" shall mean a chatbot developer, chatbot opera-  
47 tor, or any individual who has the authority to control, or who effec-  
48 tively controls a chatbot developer's or chatbot operator's compliance  
49 with this article.

50 10. "Sexually explicit conduct" shall have the same meaning as such  
51 term is defined in 18 USC § 2256.

52 § 1801. Prohibition. 1. Except as otherwise provided for in this  
53 article, it shall be unlawful for a chatbot operator to provide unsafe  
54 chatbot features to a covered user unless:

55 (a) the covered user is not a covered minor; and

1 (b) the chatbot operator has used methods that are permissible under  
2 article forty-five of this chapter and its implementing regulations and  
3 any additional regulations promulgated pursuant to this article to  
4 determine that the covered user is not a covered minor.

5 2. The provisions of subdivision one of this section shall not apply  
6 where the advanced chatbot is made available to covered users solely for  
7 the purpose of:

8 (a) customer service, information about available commercial services  
9 or products provided by an entity, or account information; or

10 (b) with respect to any system used by a partnership, corporation, or  
11 state or local government agency, for internal purposes or employee  
12 productivity.

13 § 1802. Enforcement. 1. Any individual who suffers injury as a result  
14 of a violation of subdivision one of section eighteen hundred one of  
15 this article may bring a civil action against any responsible party, to  
16 obtain injunctive relief, restitution of any moneys or property obtained  
17 directly or indirectly by any such violation, disgorgement of any  
18 profits or gains obtained directly or indirectly by any such violation,  
19 actual damages, punitive damages, reasonable attorneys' fees and costs,  
20 and any such other and further relief as the court may deem proper,  
21 including preliminary relief. In such an action, where a covered user  
22 has engaged in conduct harmful to themselves after an advanced chatbot  
23 encouraged such conduct, there shall be rebuttable presumptions that the  
24 advanced chatbot caused or contributed to the injury.

25 2. Whenever it appears to the attorney general, either upon complaint  
26 or otherwise, that any person, within or outside the state, has engaged  
27 in or is about to engage in any of the acts or practices deemed unlawful  
28 pursuant to this article, the attorney general may bring an action or  
29 special proceeding in the name and on behalf of the people of the state  
30 of New York to enjoin any violation of this article, to obtain injunc-  
31 tive relief, restitution of any moneys or property obtained directly or  
32 indirectly by any such violation, to obtain disgorgement of any profits  
33 or gains obtained directly or indirectly by any such violation, includ-  
34 ing but not limited to the destruction of unlawfully obtained data and  
35 any algorithm trained in such data, to obtain damages caused directly or  
36 indirectly by any such violation, to obtain civil penalties of up to  
37 twenty-five thousand dollars per violation, and to obtain any such other  
38 and further relief as the court may deem proper, including preliminary  
39 relief.

40 3. The attorney general shall maintain a website to receive  
41 complaints, information or referrals from members of the public concern-  
42 ing a chatbot operator's alleged compliance or non-compliance with the  
43 provisions of this article.

44 4. A provision within a contract or agreement that seeks to waive,  
45 preclude, or burden the enforcement of a liability arising from a  
46 violation of this article, or to shift the liability to any person in  
47 exchange for their use or access of, or right to use or access, a chat-  
48 bot operator's products or services, including by means of a contract of  
49 adhesion shall be deemed void as a matter of public policy.

50 5. Notwithstanding any private agreements to the contrary, a court  
51 shall impose joint and several liability on affiliated entities for  
52 purposes of effecting the intent of this article to the maximum extent  
53 allowed by law if the court concludes the following are true:

54 (a) the affiliated entities, in the development or implementation of  
55 the corporate structure among the affiliated entities, took steps to  
56 purposely and unreasonably limit or avoid liability; and

1 (b) as the result of the steps described in paragraph (a) of this  
2 subdivision, the corporate structure of the chatbot operator or affil-  
3 iated entities would frustrate recovery of relief authorized by this  
4 article.

5 § 1803. Rulemaking. The attorney general may promulgate rules and  
6 regulations as necessary to effectuate and enforce the provisions of  
7 this article.

8 § 1804. Determination of covered minor. 1. A chatbot operator shall  
9 offer covered users at least one method to determine whether a covered  
10 user is a covered minor that either does not rely solely on government  
11 issued identification or that allows a covered user to maintain anonymi-  
12 ty as to the chatbot operator.

13 2. Information collected for the purpose of determining whether a  
14 covered user is a covered minor under subdivision one of section eigh-  
15 teen hundred one of this article shall not be used for any purpose other  
16 than to make such determination and shall be deleted immediately after  
17 an attempt to determine whether a covered user is a covered minor,  
18 except where necessary for compliance with any applicable provisions of  
19 New York state or federal law or regulation.

20 3. This article shall not supersede, amend, or repeal article forty-  
21 seven of this chapter.

22 § 1805. Applicability. This article shall apply to conduct that  
23 occurs in whole or in part in the state of New York. For purposes of  
24 this article, conduct takes place wholly outside of the state of New  
25 York if an advanced chatbot is accessed by a user who is physically  
26 located outside of the state of New York.

27 § 2. Severability. If any clause, sentence, paragraph, subdivision,  
28 section or part of this article shall be adjudged by any court of compe-  
29 tent jurisdiction to be invalid, such judgment shall not affect, impair,  
30 or invalidate the remainder thereof, but shall be confined in its opera-  
31 tion to the clause, sentence, paragraph, subdivision, section, or part  
32 thereof directly involved in the controversy in which such judgment  
33 shall have been made.

34 § 3. This act shall take effect on the one hundred eightieth day after  
35 it shall have become a law. Effective immediately, the addition, amend-  
36 ment and/or repeal of any rule or regulation necessary for the implemen-  
37 tation of this act on its effective date are authorized to be made and  
38 completed on or before such effective date.