

STATE OF NEW YORK

8718

2025-2026 Regular Sessions

IN ASSEMBLY

June 2, 2025

Introduced by M. of A. SIMON -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, in relation to prohibiting certain public officials and their families from engaging in unlawful virtual currency business activities

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

1 Section 1. Short Title. This act shall be known and may be cited as
2 the "Public Official Virtual Currency Regulation Act".

3 § 2. The public officers law is amended by adding a new section 73-c
4 to read as follows:

5 § 73-c. Public official virtual currency regulation act. 1. Defi-
6 initions. As used in this section, the following terms shall have the
7 following meanings:

8 (a) "Covered Individual" means the governor of the state of New York,
9 the lieutenant governor of the state of New York, the comptroller of the
10 state of New York, and the attorney general of the state of New York,
11 person holding the office of president of the United States, or any
12 spouse, domestic partner, child, dependent, sibling, or parent of any
13 such official.

14 (b) "Covered interest" means: (i) an entitlement to the proceeds or a
15 portion thereof, of the sale or exchange by a third-party of a virtual
16 currency, including but not limited to a fee for such sale or exchange;
17 (ii) an agreement to receive compensation, whether monetary or in-kind,
18 in exchange for the endorsement, sponsorship, or promotion of a virtual
19 currency; or (iii) ownership of or entitlement to an amount of a virtual
20 currency equal to or greater than five percent of the total amount of
21 such currency that is available for purchase, sale, or exchange.

22 (c) "Covered virtual currency" means a virtual currency in which a
23 covered individual has a covered interest, regardless of whether such
24 interest is direct, indirect, or beneficial.

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

LBD13203-01-5

1 (d) "Fiat currency" means government-issued currency that is desig-
2 nated as legal tender in its country of issuance through government
3 decree, regulation, or law.

4 (e) "Person" means an individual, partnership, corporation, associ-
5 ation, joint stock association, trust, or other entity, however organ-
6 ized.

7 (f) "Virtual currency" means any type of digital unit that is issued
8 as a medium of exchange or a form of digitally stored value. Virtual
9 currency:

10 (i) shall be broadly construed to include digital units of exchange
11 that:

12 (A) have a centralized repository or administrator;

13 (B) are decentralized and have no centralized repository or adminis-
14 trator; or

15 (C) may be created or obtained by computing or manufacturing effort;
16 and

17 (ii) shall not be construed to include:

18 (A) digital units that: (1) are used solely within online gaming plat-
19 forms; (2) have no market or application outside those gaming plat-
20 forms; (3) cannot be converted into or redeemed for, fiat currency or virtual
21 currency; and (4) may or may not be redeemable for real-world goods,
22 services, discounts, or purchase;

23 (B) digital units that can be redeemed for goods, services, discounts,
24 or purchases as part of a customer affinity or rewards program with the
25 issuer and/or other designated merchants or can be redeemed for digital
26 units in another customer affinity or rewards program, but cannot be
27 converted into, or redeemed for, fiat currency or virtual currency; or

28 (C) digital units used as part of an electronic payment device that:

29 (1) is usable at a single merchant or affiliated group of merchants
30 that share the same name, mark, or logo, or is usable at multiple, unaf-
31 filiated merchants or service providers;

32 (2) is issued in and for a specified amount of a fiat currency;

33 (3) can be reloaded in and for only fiat currency, if at all;

34 (4) is issued and/or reloaded on a prepaid basis for the future
35 purchase or delivery of goods and services;

36 (5) is honored upon presentation; and

37 (6) can be redeemed in and for only fiat currency, if at all.

38 (g) "Virtual currency business activity" means the conduct of any one
39 of the following types of activities involving the state of New York or
40 any person that resides, is located, has a place of business, or is
41 conducting business in the state of New York and shall include, but not
42 be limited to: (i) receiving virtual currency for transfer, by or
43 through a third party, of virtual currency from a person to a person,
44 including the transfer from the account or storage repository of a
45 person to the account or storage repository of a person, or trans-
46 ferring, by or through a third party, of virtual currency from a person
47 to a person, including the transfer from the account or storage reposi-
48 tory of a person to the account or storage repository of a person,
49 except where the transaction is undertaken for non-financial purposes
50 and does not involve the transfer of more than a nominal amount of
51 virtual currency; (ii) storing, holding, or maintaining custody or
52 control of virtual currency on behalf of others; (iii) buying and sell-
53 ing virtual currency as a customer business; (iv) performing, as a
54 customer business, conversion or exchange of fiat currency or other
55 value into virtual currency, the conversion or exchange of virtual
56 currency into fiat currency or other value, or the conversion or

1 exchange of one form of virtual currency into another form of virtual
2 currency; or (v) controlling, administering, or issuing a virtual
3 currency. The development and dissemination of software in and of itself
4 shall not constitute virtual currency business activity.

5 2. Unlawful virtual currency business activity. (a) No person shall
6 engage in any virtual currency business activity in the state of New
7 York with respect to a covered virtual currency.

8 (b) Notwithstanding paragraph (a) of this subdivision, no person shall
9 engage in any virtual currency business activity in the state of New
10 York with respect to a virtual currency related to a covered individual,
11 regardless if such activity occurred prior or during commencement of
12 such covered individual's period in office.

13 3. Penalties. Any person who engages in any of the unlawful virtual
14 currency business activities stated in subdivision two of this section
15 shall be liable for a civil penalty of not more than five thousand
16 dollars for each day in which the violation occurs, or fifty thousand
17 dollars for each day on which the violation occurs if the person will-
18 fully or knowingly violated such subdivision. Such penalty shall accrue
19 to the state of New York and may be recovered by a civil action.

20 4. Severability. If any provision of this section or the application
21 thereof to any person or circumstance is held to be invalid, such inva-
22 lidity shall not affect other provisions or applications of this section
23 which can be given effect without the invalid provision or application,
24 and to this end the provisions of this section are severable.

25 § 3. This act shall take effect on the ninetieth day after it shall
26 have become a law. Effective immediately, the addition, amendment and/or
27 repeal of any rule or regulation necessary for the implementation of
28 this act on its effective date are authorized to be made and completed
29 on or before such effective date.