

STATE OF NEW YORK

9415

2025-2026 Regular Sessions

IN ASSEMBLY

December 19, 2025

Introduced by M. of A. K. BROWN, GIGLIO, REILLY, McDONOUGH, DeSTEFANO, MAHER, HAWLEY, E. BROWN -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to protecting minors online from social media and harmful content

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 45-A to read as follows:

3 ARTICLE 45-A

4 PROTECTING MINORS ONLINE

5 Section 1510. Definitions.

6 1511. Minors as social media platform account holders.

7 1512. Content harmful to minors.

8 1513. Age verification.

9 1514. Enforcement.

10 § 1510. Definitions. For the purposes of this article, the following
11 terms shall have the following meanings:

12 1. "Account holder" means a resident who opens an account or creates a
13 profile or is identified by the social media platform by a unique iden-
14 tifier while using or accessing a social media platform when the social
15 media platform knows or has reason to believe the resident is located in
16 this state.

17 2. "Anonymous age verification" means a commercially reasonable method
18 used by a government agency or a business for the purpose of age verifi-
19 cation which is conducted by a nongovernmental, independent third party
20 organized under the laws of a state of the United States which:

21 (a) has its principal place of business in a state of the United
22 States; and

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

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1 (b) is not owned or controlled by a company formed in a foreign coun-
2 try, a government of a foreign country, or any other entity formed in a
3 foreign country.

4 3. "Daily active users" means the number of unique users in the United
5 States who used the social media platform at least eighty percent of the
6 days during the previous twelve months, or, if the social media platform
7 did not exist during the entirety of the previous twelve months, the
8 number of unique users in the United States who used the social media
9 platform at least eighty percent of the days during the previous month.

10 4. "Distribute" means to issue, sell, give, provide, deliver, trans-
11 fer, transmit, circulate, or disseminate by any means.

12 5. "Material harmful to minors" means any material that:

13 (a) the average person applying contemporary community standards would
14 find, taken as a whole, appeals to the prurient interest;

15 (b) depicts or describes, in a patently offensive way, sexual conduct;
16 and

17 (c) when taken as a whole, lacks serious literary, artistic, poli-
18 tical, or scientific value for minors.

19 6. "News-gathering organization" means any of the following:

20 (a) A newspaper, news publication, or news source, printed or
21 published online or on a mobile platform, engaged in reporting current
22 news and matters of public interest, and an employee thereof who can
23 provide documentation of such employment.

24 (b) A radio broadcast station, television broadcast station, cable
25 television operator, or wire service, and an employee thereof who can
26 provide documentation of such employment.

27 7. "Publish" means to communicate or make information available to
28 another person or entity on a publicly available website or application.

29 8. "Resident" means a person who lives in this state for more than six
30 months of the previous twelve months.

31 9. "Standard age verification" means any commercially reasonable meth-
32 od of age verification approved by the commercial entity.

33 10. "Social media platform" means an online forum, website, or appli-
34 cation that:

35 (a) allows users to upload content or view the content or activity of
36 other users;

37 (b) ten percent or more of the daily active users who are younger than
38 sixteen years of age spend on average two hours or more per day on the
39 online forum, website, or application on the days when using the online
40 forum, website, or application during the previous twelve months or, if
41 the online forum, website, or application did not exist during the
42 previous twelve months, during the previous month;

43 (c) employs algorithms that analyze user data or information on users
44 to select content for users; and

45 (d) has any of the following addictive features:

46 (i) infinite scrolling, including, but not limited to:

47 (A) continuously loading content, or content that loads as the user
48 scrolls down the page without the need to open a separate page; or

49 (B) seamless content, or the use of pages with no visible or apparent
50 end or page breaks;

51 (ii) push notifications or alerts sent by the online forum, website,
52 or application to inform a user about specific activities or events
53 related to the user's account;

54 (iii) displays personal interactive metrics that indicate the number
55 of times other users have clicked a button to indicate their reaction to
56 content or have shared or reposted the content;

1 (iv) auto-play video or video that begins to play without the user
2 first clicking on the video or on a play button for that video; or
3 (v) live-streaming or a function that allows a user or advertiser to
4 broadcast live video content in real-time.

5 The term "social media platform" shall not include an online service,
6 website, or application where the exclusive function is email or direct
7 messaging consisting of text, photographs, pictures, images, or videos
8 shared only between the sender and the recipients, without displaying or
9 posting publicly or to other users not specifically identified as the
10 recipients by the sender.

11 11. "Substantial portion" means more than one-third of total material
12 on a website or application.

13 12. "Years of age" means:

14 (a) the actual verified years of age of the person; or

15 (b) the likely years of age of the person which the social media plat-
16 form treats or categorizes the person as for purposes of targeting
17 content or advertising.

18 § 1511. Minors as social media platform account holders. 1. (a) Social
19 media platforms shall prohibit minors who are younger than fourteen
20 years of age from entering into a contract with such social media plat-
21 form to become account holders.

22 (b) Social media platforms shall:

23 (i) Terminate any account held by an account holder younger than four-
24 teen years of age and provide ninety days for an account holder to
25 dispute such termination. If the account holder fails to effectively
26 dispute the termination, the termination shall be effective upon the
27 expiration of such ninety day period.

28 (ii) Allow an account holder younger than fourteen years of age to
29 easily request to terminate the account. Such account shall be termi-
30 nated within five business days of such request.

31 (iii) Allow a confirmed parent or guardian of an account holder young-
32 er than fourteen years of age to request that the minor's account be
33 terminated. Such account shall be terminated within ten business days of
34 such request.

35 (iv) Permanently delete all personal information held by the social
36 media platform relating to any such terminated account, unless there are
37 legal requirements to maintain such information.

38 2. (a) Social media platforms shall prohibit minors who are fourteen
39 or fifteen years of age from entering into a contract with such social
40 media platform to become an account holder, unless such minor's parent
41 or guardian provides consent for such minor to become an account holder.

42 (b) A social media platform shall:

43 (i) Terminate any account held by an account holder who is fourteen or
44 fifteen years of age if the account holder's parent or guardian has not
45 provided consent for the minor to create or maintain the account and
46 provide ninety days for an account holder to dispute such termination.
47 If the account holder fails to effectively dispute the termination, the
48 termination shall be effective upon the expiration of such ninety day
49 period.

50 (ii) Allow an account holder who is fourteen or fifteen years of age
51 to request to terminate the account. Such account shall be terminated
52 within five business days of such request.

53 (iii) Allow a confirmed parent or guardian of an account holder who is
54 fourteen or fifteen years of age to request that the minor's account be
55 terminated. Such account shall be terminated within ten business days of
56 such request.

1 (iv) Permanently delete all personal information held by the social
2 media platform relating to the terminated account, unless there are
3 legal requirements to maintain such information.

4 3. If a court of competent jurisdiction determines subdivision two of
5 this section to be unconstitutional or otherwise unenforceable, subdivi-
6 sion one of this section shall apply to minors under the age of sixteen
7 instead of just minors under the age of fourteen.

8 4. The attorney general shall maintain a website to receive
9 complaints, information or referrals from members of the public concern-
10 ing a social media platform's alleged compliance or non-compliance with
11 the provisions of this article.

12 § 1512. Content harmful to minors. 1. No person or entity shall know-
13 ingly and intentionally publish or distribute material harmful to minors
14 on a website or application without using either anonymous age verifica-
15 tion or standard age verification to verify that the age of a person
16 attempting to access the material is eighteen years of age or older and
17 prevent access to such material by a person younger than eighteen years
18 of age. Such person or entity shall offer anonymous age verification
19 and standard age verification, and a person attempting to access the
20 material may select which method will be used to verify their age.

21 2. This section shall not apply to bona fide news or public interest
22 broadcast, website video, report, or event and does not affect the
23 rights of a news-gathering organization.

24 3. This section shall not apply to internet service providers, search
25 engines, cloud service providers, or their affiliates or subsidiaries
26 solely for providing access or connection to or from a website or other
27 information or content on the Internet or a facility, system, or network
28 not under the provider's control, including transmission, downloading,
29 intermediate storage, or access software, to the extent the provider is
30 not responsible for the creation of the content of the communication
31 which constitutes material harmful to minors.

32 § 1513. Age verification. Any person or entity conducting verification
33 pursuant to this article:

34 (a) Shall not retain personal identifying information used to verify
35 age once the age of an account holder or a person seeking an account has
36 been verified.

37 (b) Shall not use personal identifying information used to verify age
38 for any other purpose.

39 (c) Shall keep anonymous any personal identifying information used to
40 verify age. Such information shall not be shared or otherwise communi-
41 cated to any person.

42 (d) Shall protect personal identifying information used to verify age
43 from unauthorized or illegal access, destruction, use, modification, or
44 disclosure through reasonable security procedures and practices appro-
45 priate to the nature of the personal information.

46 § 1514. Enforcement. 1. (a) No earlier than one hundred eighty days
47 after the effective date of this article, whenever it appears to the
48 attorney general, either upon complaint or otherwise, that any person or
49 entity, within or outside the state, has knowingly or recklessly engaged
50 in or is about to engage in any of the acts or practices stated to be
51 unlawful in this article, the attorney general may bring an action or
52 special proceeding in the name and on behalf of the people of the state
53 of New York to enjoin any violation of this article, to obtain restitu-
54 tion of any moneys or property obtained directly or indirectly by any
55 such violation, to obtain disgorgement of any profits or gains obtained
56 directly or indirectly by any such violation, including but not limited

1 to the destruction of unlawfully obtained data, to obtain damages caused
2 directly or indirectly by any such violation, to obtain civil penalties
3 of up to fifty thousand dollars per violation, and to obtain any such
4 other and further relief as the court may deem proper, including prelim-
5 inary relief. Where the person or entity's actions demonstrate a pattern
6 of knowing and reckless conduct in violation of this article, punitive
7 damages may be assessed against the person or entity.

8 (b) No earlier than one hundred eighty days after the effective date
9 of this article, a civil action may be brought by a minor account holder
10 against a person or entity, within or outside the state, which has know-
11 ingly or recklessly engaged in any of the acts or practices stated to be
12 unlawful in this article to obtain restitution of any moneys or property
13 obtained directly or indirectly by any such violation, to obtain
14 disgorgement of any profits or gains obtained directly or indirectly by
15 any such violation, including but not limited to the destruction of
16 unlawfully obtained data, to obtain damages caused directly or indirect-
17 ly by any such violation, to obtain civil penalties of up to ten thou-
18 sand dollars per violation, and to obtain any such other and further
19 relief as the court may deem proper, including preliminary relief. Where
20 the person or entity's actions demonstrate a pattern of knowing and
21 reckless conduct in violation of this article, punitive damages may be
22 assessed against the person or entity. Any action brought under this
23 paragraph shall be brought on behalf of a minor account holder.

24 2. A civil action for a claim under this subdivision shall be brought
25 within one year from the date the complainant knew, or reasonably should
26 have known, of the alleged violation. This section does not preclude any
27 other available remedy at law or equity.

28 3. The attorney general shall have the authority to investigate
29 violations of this article. The attorney general shall have authority to
30 issue, through the attorney general, subpoenas for the attendance of
31 witnesses before the commission. A subpoena issued under this section
32 shall be regulated by the civil practice law and rules. All information
33 collected and held by the attorney general pursuant to an investigation
34 under this article shall be deemed confidential and shall not be subject
35 to public disclosure under the freedom of information law or any other
36 law which requires public disclosure of records maintained by a govern-
37 mental agency.

38 4. The attorney general shall promulgate such rules and regulations as
39 are necessary to effectuate and enforce the provisions of this article.

40 § 2. This act shall take effect immediately.