

STATE OF NEW YORK

10091

IN SENATE

April 28, 2026

Introduced by Sen. BROUK -- read twice and ordered printed, and when printed to be committed to the Committee on Internet and Technology

AN ACT to amend the general business law, in relation to enacting the "protecting our kids from gamification of gambling act"

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 "protecting our kids from gamification of gambling act".

3 § 2. The general business law is amended by adding a new section 396-
4 kkk to read as follows:

5 § 396-kkk. Unlawful online gaming-related gambling for minors. 1.
6 For the purposes of this section, the following terms shall have the
7 following meanings:

8 (a) "Add-on transaction" means a payment made to the operator of a
9 social gaming platform of either money or an in-game proxy for money,
10 including but not limited to, virtual currency which can be purchased
11 with money that:

12 (i) unlocks a feature of the product; or

13 (ii) enhances the entertainment value of the product.

14 (b) "Loot box" means an add-on transaction to a social gaming platform
15 that through a process of total or partial randomization:

16 (i) unlocks a feature of the product;

17 (ii) enhances the entertainment value of the product; or

18 (iii) allows the user to make one or more additional add-on trans-
19 actions that such user could not have made without making the first
20 add-on transaction and the content of which is unknown to the user until
21 after such user has made the first add-on transaction.

22 (c) "Minor" means an individual less than eighteen years of age
23 located in the state of New York.

24 (d) "Online gaming-related gambling" means activities that occur with-
25 in video game environments or involve game-related items and currency,
26 including but not limited to:

27 (i) exchanging real money for random, chance-based rewards in games,
28 such as loot boxes and other add-on transactions; and

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

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1 (ii) trading or betting using in-game items acquired with real money,
2 such as buying and trading skins or other pay-to-win microtransactions.

3 (e) "Operator" means any person, business, or other legal entity who
4 operates or provides a social gaming platform.

5 (f) "Pay-to-win microtransaction" means an add-on transaction to a
6 social gaming platform that from the perspective of reasonable users of
7 such social gaming platform is a game offering a scoring system, a set
8 of goals to achieve, a set of rewards, or a sense of interactive
9 progression through the social gaming platform's content including but
10 not limited to narrative progression that:

11 (i) eases a user's progression through content otherwise unavailable
12 within the game without the purchase of such transaction; or

13 (ii) assists a user in accomplishing an achievement within the game
14 that can otherwise be accomplished without the purchase of such trans-
15 action; or

16 (iii) assists a user in receiving an award associated with the game
17 that is otherwise unavailable in association with the game without the
18 purchase of such transaction; or

19 (iv) permits a user to continue to access content of the game that had
20 previously been accessible to the user but has been made inaccessible
21 after the expiration of a timer or a number of gameplay attempts; or

22 (v) with respect to an interactive digital entertainment product that,
23 from the perspective of a reasonable user of the product, is a game
24 featuring competition with other users and provides a user with a
25 competitive advantage with respect to the game's competitive aspects
26 over users who do not make such a transaction.

27 (g) "Skins" means in-game virtual reward systems where users utilize
28 real or virtual currency to purchase loot boxes containing random
29 cosmetic items or skins for characters or weapons. Such skins can range
30 widely in value and can often be sold or traded for real-world use on
31 third-party sites.

32 (h) "Social gaming platform" means an immersive digital space that
33 integrates gameplay, social connection, and in-game purchasing, allowing
34 users to create customizable avatars and interact with others through
35 real-time collaboration and competition. A social gaming platform is
36 accessible across consoles, computers, mobile devices, tablets, and
37 virtual reality systems.

38 (i) "User" means a user of a social gaming platform in the state of
39 New York not acting as an operator, or agent or affiliate of such opera-
40 tor, of such platform or any portion thereof.

41 2. It shall be unlawful for the operator of a social gaming platform
42 to provide a service to a user that allows online gaming-related gambl-
43 ing, unless such operator has reasonably determined that such user is
44 not a minor in accordance with age determination and age assurance regu-
45 lations promulgated by the attorney general pursuant to this section.

46 3. Information collected for the purpose of determining a user's age
47 under subdivision two of this section shall not be used for any purpose
48 other than age determination and shall be deleted immediately after an
49 attempt to determine a user's age, except where necessary for compliance
50 with any applicable provisions of New York state or federal law or regu-
51 lation.

52 4. Any violation of this section shall constitute an unlawful decep-
53 tive act or practice under section three hundred forty-nine of this
54 chapter and may be enforced by the attorney general in a civil action in
55 the name and on behalf of the people of the state of New York.

1 5. The attorney general shall maintain a website to receive
2 complaints, information and/or referrals from members of the public
3 concerning a social gaming platform's or operator's alleged compliance
4 or non-compliance with the provisions of this section.

5 6. The attorney general shall promulgate regulations as necessary to
6 effectuate the provisions of this section. Such regulations may refer-
7 ence or rely upon existing regulations promulgated by the attorney
8 general regarding age determination or age assurance.

9 § 3. Severability. If any clause, sentence, paragraph, subdivision,
10 section or part of this act shall be adjudged by any court of competent
11 jurisdiction to be invalid, such judgment shall not affect, impair, or
12 invalidate the remainder thereof, but shall be confined in its operation
13 to the clause, sentence, paragraph, subdivision, section or part thereof
14 directly involved in the controversy in which such judgment shall have
15 been rendered. It is hereby declared to be the intent of the legislature
16 that this act would have been enacted even if such invalid provisions
17 had not been included herein.

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