STATE OF NEW YORK

10092

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 "no gambling ads for kids act"

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

Section 1. Short title. This act shall be known and may be cited as the "no gambling ads for kids act".

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

§ 396-kkk. Unlawful gambling advertisements for minors. 1. For the purposes of this section, the following terms shall have the following meanings:

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

(i) unlocks a feature of the product; or

(ii) adds to or enhances the entertainment value of the product.

(b) "Covered platform" means a public or semi-public website, online service, online application, or mobile application that allows users to construct a public or semi-public profile for the purposes of using such website, service, online or mobile application. The term "covered platform" may include a social gaming platform.

(c) "Loot box" means an add-on transaction to a covered platform that through a process of total or partial randomization:

(i) unlocks a feature of the product;

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

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

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

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

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(e) "Online gaming-related gambling" means activities that occur within video game environments or involve game-related items and currency, including but not limited to:

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

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

(f) "Online sweepstakes gaming" means a game, contest, or promotion meeting all of the following conditions:

(i) available on the internet or accessible on a mobile phone, computer terminal, or similar device;

(ii) utilizes a dual-currency system of payment that allows a user to play or participate with direct consideration or indirect consideration, and for which the user playing or participating may become eligible for a prize, award, cash, or cash equivalents or a chance to win a prize, award, cash, or cash equivalents; and

(iii) simulates gambling, which, for purposes of this section, includes, but is not limited to, any of the following:

(A) slot machines;

(B) video poker;

(C) table games, including, but not limited to, blackjack, roulette, craps, and poker;

(D) lotteries;

(E) bingo;

(F) sports wagering; and

(G) awards cash or cash equivalents.

(g) "Operator" means any person, business, or other legal entity who operates or provides a covered platform or social media platform.

(h) "Pay-to-win microtransaction" means an add-on transaction to a covered platform that from the perspective of a reasonable user of the covered platform is a game offering a scoring system, a set of goals to achieve, a set of rewards, or a sense of interactive progression through the covered platform's content including but not limited to narrative progression that:

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

(ii) assists a user in accomplishing an achievement within the game that can otherwise be accomplished without the purchase of such transaction;

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

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

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

(i) "Predictive market wagering" means betting, speculating, or wagering by means of a prediction market whereby participants are permitted to place wagers, trades, or financial positions on the outcome of future events, including, but not limited to, political, economic, weather, or other eventualities, with payouts tied to event outcomes.

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

(k) "Sports wagering" shall have the same meaning as such term is defined by section thirteen hundred one of the racing, pari-mutuel wagering and breeding law.

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

(m) "Social media platform" shall have the same meaning as such term is defined by section eleven hundred of this chapter.

(n) "Sports-related gambling" means gambling activities related to sporting events, including but not limited to:

(i) season or tournament-length contests for money, such as March Madness brackets and fantasy leagues;

(ii) sports betting, daily fantasy sports, or e-sports betting for real money, such as predicting whether a team will win, or how many points a player will score;

(iii) in-game betting for real money wherein bets are placed after a game has started; and

(iv) sports wagering.

(o) "Traditional online gambling" means conventional gambling activities that exist online independently of video game platforms, including but not limited to:

(i) online gambling sites with real money, such as slots, roulette, blackjack, and poker with strangers;

(ii) lottery or scratch-off tickets purchased with one's own money, including digital lottery apps; and

(iii) entertainment gambling sites.

(p) "User" means a user of a covered platform or social media platform in the state of New York not acting as an operator, or agent or affiliate of such operator, of such platform or any portion thereof.

2. It shall be unlawful for the operator of a covered platform or a social media platform to display to a user a paid advertisement, sponsored content, influencer marketing, affiliate marketing, algorithmic promotion, targeted amplification or cross-platform promotional placements for a service that permits online gaming-related gambling, predictive market wagering, online sweepstakes gaming, sports-related gambling, and/or traditional online gambling unless such operator has reasonably determined that such user is not a minor in accordance with age determination and age assurance regulations promulgated by the attorney general pursuant to this section.

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

4. Any violation of this section shall constitute false advertising under section three hundred fifty-a of this chapter and may be enforced by the attorney general or the New York state gaming commission.

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

6. The attorney general shall promulgate regulations to further the purposes of this section. Such regulations may reference or rely upon existing regulations promulgated by the attorney general regarding age determination or age assurance.

7. The New York state gaming commission shall maintain guidance for the gaming and gambling industry on restrictions for online advertising to any individual under the age of eighteen.

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

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