

STATE OF NEW YORK

3591

2025-2026 Regular Sessions

IN SENATE

January 28, 2025

Introduced by Sen. ASHBY -- 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 requiring age verification for internet pornography websites

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 section
2 390-f to read as follows:

3 § 390-f. Age verification for internet pornography. 1. Definitions.
4 For the purposes of this section, the following terms shall have the
5 following meanings:

6 (a) "Commercial entity" means a corporation, limited liability compa-
7 ny, partnership, limited partnership, sole proprietorship, or other
8 legally recognized business entity.

9 (b) "Digital identification" means information stored on a digital
10 network that may be accessed by a commercial entity and that serves as
11 proof of the identity of an individual and location of the individual.

12 (c) "Distribute" means to issue, sell, give, provide, deliver, trans-
13 fer, transmute, circulate, or disseminate by any means.

14 (d) "Minor" means an individual younger than eighteen years of age.

15 (e) "News organization" means:

16 (i) an employee of a newspaper, news publication, or news source,
17 printed or on an online or mobile platform, of current news and public
18 interest, who is acting within the course and scope of their employment
19 and can provide documentation of such employment with such newspaper,
20 news publication, or news source; and

21 (ii) an employee of a radio broadcast station, television broadcast
22 station, cable television operator, or wire service who is acting within
23 the course and scope of their employment and can provide documentation
24 of such employment.

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

LBD07950-02-5

1 (f) "Publish" means to communicate or make information available to
2 another person or entity on a publicly available internet website.

3 (g) "Reasonable age verification method" shall mean a method as
4 described under subdivision three of this section.

5 (h) "Sexual material harmful to minors" means any material that:

6 (i) a reasonable person, applying contemporary community standards,
7 would find, taking such material as a whole and with respect to minors,
8 is designed to appeal to or pander to the prurient interest;

9 (ii) in a manner patently offensive with respect to minors, exploits,
10 is devoted to, or principally consists of descriptions of actual, simu-
11 lated, or animated display or depiction of:

12 (A) a person's pubic hair, anus, or genitals or the nipple of the
13 female breast;

14 (B) touching, caressing, or fondling of nipples, breasts, buttocks,
15 anuses, or genitals; or

16 (C) sexual intercourse, masturbation, sodomy, bestiality, oral copula-
17 tion, flagellation, excretory functions, exhibitions, or any other sexu-
18 al act; and

19 (iii) taken as a whole, lacks serious literary, artistic, political,
20 or scientific value for minors.

21 (i) "Transactional data" means a sequence of information that docu-
22 ments an exchange, agreement, or transfer between an individual, commer-
23 cial entity, or third party used for the purpose of satisfying a request
24 or event. The term includes records from mortgage, education, and
25 employment entities.

26 2. Publication of material harmful to minors. (a) A commercial entity
27 that knowingly or intentionally publishes or distributes material on an
28 internet website, which contains any sexual material harmful to minors,
29 shall utilize any information located within an IP address to verify
30 that such attempted user is based within the geographic boundaries of
31 the state of New York, and, where such user is verified as being located
32 within the geographic boundaries of the state of New York, shall use
33 reasonable age verification methods under subdivision three of this
34 section to verify that an individual attempting to access the material
35 is eighteen years of age or older.

36 (b) Each commercial entity that knowingly or intentionally publishes
37 or distributes material on an internet website, which contains any sexu-
38 al material harmful to minors, shall perform age verification for each
39 internet protocol address attempting to access such website at least
40 once per day. Attempted users that prove they are eighteen years of age
41 of older may be allowed access to such website.

42 (c) A commercial entity that knowingly or intentionally publishes or
43 distributes material on an internet website that is found to have
44 violated this subdivision shall be liable to the attorney general who
45 shall notify such commercial entity of its noncompliance. The attorney
46 general may impose a civil penalty of up to fifty thousand dollars per
47 day in connection with any such violation. The attorney general shall be
48 authorized to take proof and make a determination of the relevant facts
49 and to issue subpoenas in accordance with the civil practice laws and
50 rules.

51 3. Reasonable age verification methods. It shall be an affirmative
52 defense to any alleged violation of subdivision two of this section that
53 a commercial entity imposed reasonable age verification methods upon
54 users attempting to access its internet website. A commercial entity
55 that knowingly or intentionally publishes or distributes material on an
56 internet website which contains any sexual material harmful to minors,

1 or a third party that performs age verification under this chapter
2 shall:

3 (a) require an individual to comply with one or more of the following:

4 (i) provide digital identification;

5 (ii) pay for access via credit card transaction; or

6 (iii) comply with a commercial age verification system that verifies
7 age using:

8 (1) government-issued identification; or

9 (2) a commercially reasonable method that relies on public or private
10 transactional data to verify the age of an individual; or

11 (b) allow users to access such website via a password protected
12 account, where such password is required to be changed monthly, and
13 which has been verified by one of the methods under paragraph (a) of
14 this subdivision at least once per calendar month.

15 4. Applicability. (a) The requirements of this section shall not apply
16 to a bona fide news organization or public interest broadcast, website
17 video, report, or event and shall not be construed to affect the rights
18 of news organizations.

19 (b) An internet service provider, or its affiliates or subsidiaries, a
20 search engine, or a cloud service provider shall not be determined to
21 have violated this section solely for providing access or connection to
22 or from a website or other information or content on the internet or on
23 a facility, system, or network not under such provider's or search
24 engine's control, including transmission, downloading, intermediate
25 storage, access software, or other services to the extent such provider
26 or search engine is not responsible for the creation of such content
27 that constitutes sexual material harmful to minors.

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