STATE OF NEW YORK

4506

2025-2026 Regular Sessions

IN SENATE

February 6, 2025

Introduced by Sen. GOUNARDES -- 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 Stop Addictive Feeds Exploitation (SAFE) for all act

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

Section 1. This act shall be known and may be cited as the "stop addictive feeds exploitation (safe) for all act".

§ 2. The general business law is amended by adding a new article 45-A to read as follows:

Article 45-A
SAFE for All Act

Section 1509. Definitions.
1510. Required settings.
1511. Prohibition of dark patterns.
1512. Applicability of SAFE for kids act.
1513. Scope.
1514. Rulemaking authority.
1515. Remedies.

§ 1509. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "Addictive feed" shall mean a regularly updated stream of algorithmic recommendations that a user encounters on a website, online service, online application, mobile application, or portion thereof.

2. "Addictive social media platform" shall mean a website, online service, online application, or mobile application, that offers or provides users with addictive feeds as a significant part of the provision of such website, online service, online application, or mobile application.

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

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3. "Algorithmic recommendation" shall mean when a website, online service, online application, or mobile application, or a portion thereof, containing multiple pieces of media generated or shared by users, recommends, selects, or prioritizes certain media for display to a user, either concurrently or sequentially, based in whole or in part on information associated with such user or such user's device, but shall not include the following:

(a) recommendations, prioritizations, or selections based on information that is not persistently associated with the user or user's device, and does not concern the user's previous interactions with media generated or shared by other users;

(b) recommendations, prioritizations, or selections based on user-selected privacy or accessibility settings, or technical information concerning the user's device;

(c) where the user expressly and unambiguously requested the specific media, media by the author, creator, or poster of media the user has subscribed to, or media shared by users to a page or group the user has subscribed to, provided that the media is not recommended, selected, or prioritized for display based, in whole or in part, on other information associated with the user or the user's device that is not otherwise permissible under this subdivision;

(d) where the user expressly and unambiguously requested that specific media, media by a specified author, creator, or poster of media the user has subscribed to, or media shared by users to a page or group the user has subscribed to pursuant to paragraph (c) of this subdivision, be blocked, prioritized, or deprioritized for display, provided that the media is not recommended, selected, or prioritized for display based, in whole or in part, on other information associated with the user or the user's device that is not otherwise permissible under this subdivision;

(e) where the media are direct and private communications;

(f) where the media are recommended, selected, or prioritized only in response to a specific search inquiry by the user;

(g) where the media recommended, selected, or prioritized for display is exclusively next in a pre-existing sequence from the same author, creator, poster, or source; or

(h) where the recommendation, prioritization, or selection is necessary to comply with the provisions of this article and any regulations promulgated pursuant to this article.

4. "Autoplay" shall mean when a website, online service, online application, or mobile application plays one or more pieces of embedded media automatically, without the user explicitly selecting a play icon, on such service or application or a portion thereof.

5. "Covered minor" shall have the meaning set forth in subdivision three of section fifteen hundred of this chapter.

6. "Media" shall mean text, an image, or a video.

7. "Operator" shall mean any person, business, or other legal entity, who operates or provides an addictive social media platform.

8. "User" shall mean a user of a website, online service, online application, or mobile application in New York, not acting as an operator, or agent or affiliate of the operator, of such website, online service, online application, or mobile application, or any portion thereof.

§ 1510. Required settings. It shall be unlawful for an operator to provide an addictive social media platform to a user in this state unless such platform offers mechanisms through which a user may:

1. Turn off algorithmic recommendations;

2. Turn off notifications concerning an addictive feed, provided further that such mechanism shall, at a minimum, provide the user with the ability to turn off notifications overall or to turn off notifications between the hours of 12 AM Eastern and 6 AM Eastern;

3. Turn off autoplay on such platform; and

4. Limit such user's access to such platform to any length of day specified by such user, provided further that any mechanism which solely reminds such user of time spent on a platform rather than allowing such user to limit such user's access shall not be in compliance with this subdivision.

§ 1511. Prohibition of dark patterns. 1. The settings required in section fifteen hundred ten of this article shall be presented in a clear and accessible manner on an addictive social media platform. It shall be unlawful for such platform to deploy any mechanism or design which intentionally inhibits the purpose of this article, subverts user choice or autonomy, or makes it more difficult for a user to exercise their rights under any of the prescribed settings in section fifteen hundred ten of this article.

2. It shall be unlawful for an addictive social media platform to deploy any mechanism or design which intentionally serves to make it more difficult for a user to deactivate, reactivate, suspend, or cancel such user's account or profile.

§ 1512. Applicability of the SAFE for kids act. Nothing in this article shall be construed or interpreted to override, supplant, or conflict with any of the provisions of the SAFE for kids act contained in article forty-five of this chapter.

§ 1513. Scope. 1. This article shall apply to conduct that occurs in whole or in part in New York. For purposes of this article, conduct takes place wholly outside of New York if the addictive social media platform is accessed by a user who is physically located outside of New York.

2. Nothing in this article shall be construed to impose liability for commercial activities or actions by operators subject to 15 USC § 6501 that is inconsistent with the treatment of such activities or actions under 15 USC § 6502.

§ 1514. Rulemaking authority. The attorney general shall promulgate rules and regulations to effectuate and enforce the provisions of this article.

§ 1515. Remedies. 1. On or after the effective date of this article, whenever it appears to the attorney general, upon complaint or otherwise, that any person, within or outside the state, has violated the provisions of this article, the attorney general may bring an action or special proceeding in the name and on behalf of the people of the state of New York to enjoin any such violation, to obtain restitution of any moneys or property obtained directly or indirectly by any such violation, to obtain disgorgement of any profits or gains obtained directly or indirectly by any such violation, to obtain damages caused directly or indirectly by any such violation, to obtain civil penalties of up to five thousand dollars per violation, and to obtain any such other and further relief as the court may deem proper, including preliminary relief.

2. The attorney general shall maintain a website to receive complaints, information, and/or referrals from members of the public concerning an operator's or addictive social media platform's alleged compliance or noncompliance with the provisions of this article.

§ 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 the office of the attorney general shall promulgate rules and regulations necessary to effectuate the provisions of this act; provided that the office of the attorney general shall notify the legislative bill drafting commission upon the occurrence of the enactment of the rules and regulations necessary to effectuate and enforce the provisions of section three of this act in order that the commission may maintain an accurate and timely effective database of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers 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.