STATE OF NEW YORK

4609--A

2025-2026 Regular Sessions

IN SENATE

February 10, 2025

Introduced by Sens. GOUNARDES, COMRIE, FERNANDEZ, JACKSON, RAMOS, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Internet and Technology -- recommitted to the Committee on Internet and Technology in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to establishing the stop online predators 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 "stop online predators act".

§ 2. Article 45-A of the general business law is renumbered article 45-B and a new article 45-A is added to read as follows:

ARTICLE 45-A

STOP ONLINE PREDATORS ACT

Section 1509. Definitions.

1510. Privacy by default.

1511. Parental approvals.

1512. Construction of article.

1513. Prohibition on dark patterns.

1514. Nondiscrimination.

1515. Scope.

1516. Rulemaking authority.

1517. Remedies.

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

1. "Adult" shall mean a natural person who is eighteen years of age or older.

2. "Connected" and variations thereof shall mean that a covered minor and/or such covered minor's parent has previously approved a connection

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

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with another user such that such other user may privately contact the covered minor; provided, however, that nothing in this subdivision shall prevent a covered platform from allowing such other user to send a private communication to accompany such other user's initial request for connection with a covered minor.

3. "Covered minor" shall mean any user who is determined by an operator, via one or more commercially reasonable age verification methods, to be under the age of eighteen.

4. "Covered platform" shall mean a public or semi-public website, online service, online application, or mobile application that (a) is used by a covered minor in this state, (b) allows users to construct a public or semi-public profile for the purposes of using such website, service, or application, (c) allows users to create or post content that is viewable by other users, including but not limited to, on message boards, in chat rooms, or through a landing page or main feed that presents the user with content generated by other users, and (d) allows users to privately message each other as a significant part of the provision of such website, service, or application.

5. "False negative" shall mean when an age verification method incorrectly identifies an adult as a minor.

6. "False positive" shall mean when an age verification method incorrectly identifies a minor as an adult.

7. "Financial transaction" shall mean a transaction between users involving any type of currency, including virtual currency, used within a covered platform whether or not it can be converted to fiat money.

8. "Media" shall mean text, images, or video.

9. "Method circumvention" shall mean submission of false data or interference with an age verification method.

10. "Minor" shall mean a natural person who is under the age of eighteen.

11. "Operator" shall mean any person, business, or other legal entity who operates or provides a covered platform.

12. "Parent" shall mean a parent or legal guardian.

13. "Syncing" shall mean when a user imports existing connections or contact information pertaining to other users into a covered platform.

14. "Tag" shall mean when a user identifies a second user in posted content in a manner that links to the second user's profile.

15. "User" shall mean a user of a covered platform in New York not acting as an operator, or agent or affiliate of such operator, of such platform or any portion thereof.

§ 1510. Privacy by default. 1. No operator shall offer a covered platform in this state without conducting commercially reasonable age verification to determine whether a user is a covered minor. The attorney general shall promulgate regulations identifying methods for commercially reasonable, privacy protective, and technically feasible age verification, which shall consider the size, financial resources, and technical capabilities of covered platforms, the costs and effectiveness of available age determination techniques for users of such platforms, and the audience of such platforms. Such methods shall meet commercially reasonable accuracy minimums, to be prescribed by the attorney general, that can reduce instances of false negatives and false positives and detect and prevent method circumvention in light of available technology and existing legal obligations of covered platforms to conduct age verification. Information collected for the purpose of determining a covered user's age under this subdivision shall not be used for any purpose other than age determination and shall be deleted immediately

after an attempt to determine a covered user's age, except where necessary for compliance with any applicable provisions of state or federal law or regulation.

2. For all users determined under a commercially reasonable age verification method by an operator to be a covered minor, such operator shall utilize the following settings by default for covered minors, which shall ensure that no user who is not already connected to a covered minor may:

(a) communicate directly and privately within the covered platform with such minor;

(b) view the full profile of such minor;

(c) tag such minor in posted content;

(d) view the geographic location of such minor if a covered platform provides a mechanism by which users share their locations within such platform;

(e) download media posted by a covered minor on such minor's profile; and/or

(f) engage in a financial transaction with such minor.

3. No operator shall suggest or recommend the profile of a covered minor to another user not already connected to another minor; provided, however, that this subdivision shall not apply to profile suggestions or recommendations that are made as a result of a covered minor or user syncing contacts with a covered platform.

4. A parent of a covered minor or a covered minor themself may override the default privacy settings provided in subdivisions two and three of this section, provided, however, that if the covered minor is determined by an operator to be under the age of sixteen, a parent of such minor must approve any privacy setting that is less protective than that prescribed in subdivisions two and three of this section. If a covered minor is determined by an operator to be at least the age of sixteen but under the age of eighteen, a parent of such minor shall be notified when such minor overrides the default privacy settings provided in subdivisions two and three of this section to a setting that is less protective than that prescribed in such subdivisions, but approval from such parent shall not be required for such override.

§ 1511. Parental approvals. 1. For all users determined by an operator to be under the age of thirteen, such operator shall require the parent of such covered minor to approve all new connections with such covered minor before such covered minor's and such other user's accounts may be connected. For covered minors under the age of thirteen, an operator shall also establish a mechanism by which a parent of such minor may easily view the list of all users currently connected with the account of the minor.

2. For all users determined by an operator to be a covered minor, such operator shall require a parent to approve all financial transactions relating to such covered minor's account. Such operator shall further establish a mechanism by which a parent of a covered minor may easily view a history of all financial transactions relating to such covered minor's account at any time.

§ 1512. Construction of article. Nothing in this article shall be construed to prohibit an operator from instituting a privacy setting for covered minors and/or other users that is more protective than that required by this section.

§ 1513. Prohibition on dark patterns. It shall be unlawful for a covered platform to deploy any mechanism or design which intentionally inhibits the purpose of this article, subverts user and/or parent choice

or autonomy, or renders it more difficult for a user and/or parent to exercise any of the prescribed rights and/or privileges provided in this article.

§ 1514. Nondiscrimination. An operator shall not withhold, degrade, lower the quality of, or increase the price of any product, service, or feature of a covered platform, other than as necessary for compliance with the provisions of this article or any rules or regulations promulgated pursuant to this article, to a user due to such operator being required to establish the settings and approvals provided in sections fifteen hundred ten and fifteen hundred eleven of this article.

§ 1515. 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 covered 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 U.S.C. § 6501 that is inconsistent with the treatment of such activities or actions under 15 U.S.C. § 6502.

§ 1516. Rulemaking authority. The attorney general shall promulgate such rules and regulations as are necessary to effectuate and enforce the provisions of this article.

§ 1517. 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 covered 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 two of this act in order that the commission may maintain an accurate and timely effective data base 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.