

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:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "stop online predators act".

3 § 2. Article 45-A of the general business law is renumbered article
4 45-B and a new article 45-A is added to read as follows:

ARTICLE 45-A

STOP ONLINE PREDATORS ACT

Section 1509. Definitions.

8 1510. Privacy by default.

9 1511. Parental approvals.

10 1512. Construction of article.

11 1513. Prohibition on dark patterns.

12 1514. Nondiscrimination.

13 1515. Scope.

14 1516. Rulemaking authority.

15 1517. Remedies.

16 § 1509. Definitions. For the purposes of this article, the following
17 terms shall have the following meanings:

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

20 2. "Connected" and variations thereof shall mean that a covered minor
21 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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1 with another user such that such other user may privately contact the
2 covered minor; provided, however, that nothing in this subdivision shall
3 prevent a covered platform from allowing such other user to send a
4 private communication to accompany such other user's initial request for
5 connection with a covered minor.

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

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

19 5. "False negative" shall mean when an age verification method incor-
20 rectly identifies an adult as a minor.

21 6. "False positive" shall mean when an age verification method incor-
22 rectly identifies a minor as an adult.

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

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

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

29 10. "Minor" shall mean a natural person who is under the age of eigh-
30 teen.

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

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

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

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

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

41 § 1510. Privacy by default. 1. No operator shall offer a covered plat-
42 form in this state without conducting commercially reasonable age
43 verification to determine whether a user is a covered minor. The attor-
44 ney general shall promulgate regulations identifying methods for commer-
45 cially reasonable, privacy protective, and technically feasible age
46 verification, which shall consider the size, financial resources, and
47 technical capabilities of covered platforms, the costs and effectiveness
48 of available age determination techniques for users of such platforms,
49 and the audience of such platforms. Such methods shall meet commercial-
50 ly reasonable accuracy minimums, to be prescribed by the attorney gener-
51 al, that can reduce instances of false negatives and false positives and
52 detect and prevent method circumvention in light of available technology
53 and existing legal obligations of covered platforms to conduct age
54 verification. Information collected for the purpose of determining a
55 covered user's age under this subdivision shall not be used for any
56 purpose other than age determination and shall be deleted immediately

1 after an attempt to determine a covered user's age, except where neces-
2 sary for compliance with any applicable provisions of state or federal
3 law or regulation.

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

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

11 (b) view the full profile of such minor;

12 (c) tag such minor in posted content;

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

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

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

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

24 4. A parent of a covered minor or a covered minor themself may over-
25 ride the default privacy settings provided in subdivisions two and three
26 of this section, provided, however, that if the covered minor is deter-
27 mined by an operator to be under the age of sixteen, a parent of such
28 minor must approve any privacy setting that is less protective than that
29 prescribed in subdivisions two and three of this section. If a covered
30 minor is determined by an operator to be at least the age of sixteen but
31 under the age of eighteen, a parent of such minor shall be notified when
32 such minor overrides the default privacy settings provided in subdivi-
33 sions two and three of this section to a setting that is less protective
34 than that prescribed in such subdivisions, but approval from such parent
35 shall not be required for such override.

36 § 1511. Parental approvals. 1. For all users determined by an operator
37 to be under the age of thirteen, such operator shall require the parent
38 of such covered minor to approve all new connections with such covered
39 minor before such covered minor's and such other user's accounts may be
40 connected. For covered minors under the age of thirteen, an operator
41 shall also establish a mechanism by which a parent of such minor may
42 easily view the list of all users currently connected with the account
43 of the minor.

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

50 § 1512. Construction of article. Nothing in this article shall be
51 construed to prohibit an operator from instituting a privacy setting for
52 covered minors and/or other users that is more protective than that
53 required by this section.

54 § 1513. Prohibition on dark patterns. It shall be unlawful for a
55 covered platform to deploy any mechanism or design which intentionally
56 inhibits the purpose of this article, subverts user and/or parent choice

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

4 § 1514. Nondiscrimination. An operator shall not withhold, degrade,
5 lower the quality of, or increase the price of any product, service, or
6 feature of a covered platform, other than as necessary for compliance
7 with the provisions of this article or any rules or regulations promul-
8 gated pursuant to this article, to a user due to such operator being
9 required to establish the settings and approvals provided in sections
10 fifteen hundred ten and fifteen hundred eleven of this article.

11 § 1515. Scope. 1. This article shall apply to conduct that occurs in
12 whole or in part in New York. For purposes of this article, conduct
13 takes place wholly outside of New York if the covered platform is
14 accessed by a user who is physically located outside of New York.

15 2. Nothing in this article shall be construed to impose liability for
16 commercial activities or actions by operators subject to 15 U.S.C. §
17 6501 that is inconsistent with the treatment of such activities or
18 actions under 15 U.S.C. § 6502.

19 § 1516. Rulemaking authority. The attorney general shall promulgate
20 such rules and regulations as are necessary to effectuate and enforce
21 the provisions of this article.

22 § 1517. Remedies. 1. On or after the effective date of this article,
23 whenever it appears to the attorney general, upon complaint or other-
24 wise, that any person, within or outside the state, has violated the
25 provisions of this article, the attorney general may bring an action or
26 special proceeding in the name and on behalf of the people of the state
27 of New York to enjoin any such violation, to obtain restitution of any
28 moneys or property obtained directly or indirectly by any such
29 violation, to obtain disgorgement of any profits or gains obtained
30 directly or indirectly by any such violation, to obtain damages caused
31 directly or indirectly by any such violation, to obtain civil penalties
32 of up to five thousand dollars per violation, and to obtain any such
33 other and further relief as the court may deem proper, including prelim-
34 inary relief.

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

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

48 § 4. This act shall take effect on the one hundred eightieth day after
49 the office of the attorney general shall promulgate rules and regu-
50 lations necessary to effectuate the provisions of this act; provided
51 that the office of the attorney general shall notify the legislative
52 bill drafting commission upon the occurrence of the enactment of the
53 rules and regulations necessary to effectuate and enforce the provisions
54 of section two of this act in order that the commission may maintain an
55 accurate and timely effective data base of the official text of the laws
56 of the state of New York in furtherance of effectuating the provisions

1 of section 44 of the legislative law and section 70-b of the public
2 officers law. Effective immediately, the addition, amendment and/or
3 repeal of any rule or regulation necessary for the implementation of
4 this act on its effective date are authorized to be made and completed
5 on or before such effective date.