

# STATE OF NEW YORK

8102--B

2025-2026 Regular Sessions

## IN SENATE

May 15, 2025

Introduced by Sens. GOUNARDES, SUTTON -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- recommitted to the Committee on Consumer Protection in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to device-level age assurance

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 article  
2 45-B to read as follows:

3 ARTICLE 45-B  
4 DEVICE-LEVEL AGE ASSURANCE

5 Section 1540. Definitions.

6 1541. Obligations for operating system providers.

7 1542. Obligations for covered developers.

8 1543. Nondiscrimination.

9 1544. Data security.

10 1545. Limitations.

11 1546. Rulemaking authority.

12 1547. Scope.

13 1548. Enforcement.

14 § 1540. Definitions. For the purposes of this article, the following  
15 terms shall have the following meanings:

16 1. "Age assurance" shall mean a method to reasonably determine the age  
17 category of a user that meets the requirements of article forty-five of  
18 this chapter and its implementing rules or regulations, or a method that  
19 is identified pursuant to new regulations promulgated by the attorney

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

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1 general consistent with section fifteen hundred forty-six of this arti-  
2 cle.

3 2. "Age category" shall mean data that a user is (a) under the age of  
4 thirteen years; (b) at least thirteen but under sixteen years; (c) at  
5 least sixteen but under eighteen years; or (d) at least eighteen years.

6 3. "Application programming interface" or "API" shall mean a system  
7 that allows two or more software systems to communicate and exchange  
8 information, features, and functionality.

9 4. "Covered developer" shall mean a person who owns or controls a  
10 software application that may run on an internet-enabled device and  
11 which is accessed by a user in the state of New York.

12 5. "Covered minor" shall mean a user under the age of eighteen.

13 6. "Family account application" shall mean a software application that  
14 uses a method of age assurance, as defined in subdivision one of this  
15 section, to reasonably determine that the primary account holder of such  
16 application is at least eighteen years of age, and which offers sub-ac-  
17 counts or user profiles within such application.

18 7. "Internet-enabled device" shall mean and include any desktop,  
19 laptop, smartphone, tablet, or other device capable of connecting to the  
20 internet and enabling the user to access content on the internet.

21 8. "Operating system" shall mean the system software that manages the  
22 hardware of an internet-enabled device and allows programs and applica-  
23 tions to run on such device.

24 9. "Operating system provider" shall mean any person, partnership,  
25 association, firm, business, or other legal entity, or any member there-  
26 of, who develops, licenses, or controls an internet-enabled device's  
27 operating system.

28 § 1541. Obligations for operating system providers. 1. Upon activation  
29 of an internet-enabled device after the effective date of this article,  
30 an operating system provider shall conduct age assurance to determine a  
31 user's age category at the point of such activation.

32 2. For devices that were activated prior to the effective date of this  
33 article, such operating system provider shall conduct the age assurance  
34 described herein within one hundred eighty days of such effective date.

35 3. An operating system provider shall provide a covered developer with  
36 a digital signal indicating the age category of a user via a real-time,  
37 reasonably consistent application programming interface (API) upon  
38 receiving a request for such signal from such developer.

39 § 1542. Obligations for covered developers. 1. All covered developers  
40 shall request an age category signal for a user from an operating system  
41 provider at the point at which such user downloads and launches such  
42 developer's application after the effective date of this article.

43 2. For all applications downloaded and launched prior to the effective  
44 date of this article, covered developers shall request such age category  
45 signal within one hundred eighty days of such effective date.

46 3. If the signal indicates that a user is a covered minor, then such  
47 covered developer shall treat such signal as an authoritative indicator  
48 of such user's age for the purposes of compliance with any applicable  
49 law and the covered developer shall be deemed to have actual knowledge  
50 that a user is a covered minor across all platforms and points of access  
51 of the application, including where such minor accesses the application  
52 via a website or browser; provided, however, that a covered developer  
53 shall not willfully disregard clear and convincing information otherwise  
54 available to the developer that indicates a user's age is different than  
55 that indicated by the age category signal provided by an operating  
56 system provider.

1 § 1543. Nondiscrimination. 1. An operating system provider shall  
2 impose at least the same restrictions and obligations on its own appli-  
3 cations as it imposes on the applications of third parties.

4 2. An operating system provider shall not withhold, degrade, lower the  
5 quality, or increase the price of any product, service, or feature to a  
6 user due to the provisions of this article, other than as necessary for  
7 compliance with the provisions of this article.

8 § 1544. Data security. 1. An operating system provider or covered  
9 developer shall delete all information collected for the purposes of  
10 this article after such purpose has been achieved, except where neces-  
11 sary for compliance with applicable provisions of law or regulation.

12 2. All digital signals transmitted pursuant to sections fifteen  
13 hundred forty-one and fifteen hundred forty-two of this article shall be  
14 encrypted to ensure data integrity and security.

15 § 1545. Limitations. 1. Notwithstanding section fifteen hundred  
16 forty-two of this article, a covered developer of a family account  
17 application shall be permitted to rely upon the previously determined  
18 age category of the primary account holder for the purposes of this  
19 article. However, such covered developer shall allow such primary  
20 account holder to report the age category of the user of any sub-account  
21 or profile of such family account application.

22 2. This article shall not be construed to impose liability on any  
23 operating system provider or covered developer that arises from the use  
24 of an internet-enabled device, operating system, or software application  
25 by a person who is not the user to whom an age category signal pertains,  
26 provided that such operating system provider or covered developer is  
27 otherwise in compliance with this article.

28 § 1546. Rulemaking authority. The attorney general may promulgate such  
29 rules and regulations as are necessary to effectuate and enforce the  
30 provisions of this article.

31 § 1547. Scope. This article shall apply to conduct that occurs in  
32 whole or in part in New York. For purposes of this article, conduct  
33 takes place wholly outside of New York when an internet-enabled device,  
34 operating system, or software application is accessed by a user who is  
35 physically located outside of New York.

36 § 1548. Enforcement. 1. Whenever it appears to the attorney general,  
37 either upon complaint or otherwise, that any person, within or outside  
38 the state, has engaged in or is about to engage in any of the acts or  
39 practices stated to be unlawful in this article, the attorney general  
40 may bring an action or special proceeding in the name and on behalf of  
41 the people of the state of New York to enjoin any violation of this  
42 article, to obtain restitution of any moneys or property obtained  
43 directly or indirectly by any such violation, to obtain disgorgement of  
44 any profits or gains obtained directly or indirectly by any such  
45 violation, including but not limited to the destruction of unlawfully  
46 obtained data, to obtain damages caused directly or indirectly by any  
47 such violation, to obtain civil penalties of up to ten thousand dollars  
48 per violation, and to obtain any such other and further relief as the  
49 court may deem proper, including preliminary relief.

50 2. Nothing in this article shall be construed as providing the basis  
51 for, or be subject to, a private right of action to violations of this  
52 article or under any other law.

53 3. The attorney general shall maintain a website to receive  
54 complaints, information, or referrals from members of the public  
55 concerning alleged noncompliance with the provisions of this article.

1 § 2. Subdivision 1 of section 899-ii of the general business law, as  
2 added by chapter 121 of the laws of 2024, is amended to read as follows:

3 1. For the purposes of this article, an operator shall treat a user as  
4 a covered user if the user's device communicates or signals that the  
5 user is or shall be treated as a minor, including through a browser  
6 plug-in or privacy setting, device setting, or other mechanism that  
7 complies with regulations promulgated by the attorney general, including  
8 but not limited to the digital signals created in article forty-five-B  
9 of this chapter.

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

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