

# STATE OF NEW YORK

8641--A

Cal. No. 684

## IN SENATE

January 7, 2026

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Internet and Technology -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the general business law, in relation to providing website and mobile application users the right to refuse non-essential cookies

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 39-FFF to read as follows:

### ARTICLE 39-FFF

#### NON-ESSENTIAL COOKIES PRIVACY

##### Section 899-ss. Definitions.

##### 899-tt. Right to refuse non-essential cookies.

##### 899-uu. Enforcement.

8 § 899-ss. Definitions. As used in this article, the following terms  
9 shall have the following meanings:

10 1. "Cookie" means a small text file a web browser creates when a user  
11 visits a website or mobile application.

12 2. "Essential cookies" means a cookie strictly necessary to maintain  
13 basic website or mobile application functionality, including but not  
14 limited to, security and network management.

15 3. "Non-essential cookies" means a cookie not required for basic  
16 website or mobile application functionality, including, but not limited  
17 to, data analytics, marketing, and user preferences.

18 4. "User" means a user of a website or mobile application in New York  
19 state, not acting as an operator, agent, or affiliate of the operator of  
20 such website or mobile application, or any portion thereof.

21 5. "Operator" means any person, business, organization, or other legal  
22 entity who operates or provides a website or mobile application in which  
23 data concerning residents of New York state is collected, processed,  
24 stored, or otherwise obtained.

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

LBD14240-02-6

1 6. "Consent" means an affirmative act by a user that clearly communi-  
2 cates the user's freely given, specific, and unambiguous authorization  
3 for an act or practice after having been informed, in response to a  
4 specific request from an operator.

5 § 899-tt. Right to refuse non-essential cookies. 1. An operator shall:

6 (a) require consent from a user to use any non-essential cookies on a  
7 website or mobile application;

8 (b) present to the user, in a clear and conspicuous manner, without  
9 additional steps or delay, the option to refuse non-essential cookies.  
10 Such refusal option shall feature a prominent "Reject Non-Essential  
11 Cookies" selection displayed at the same level and in the same config-  
12 uration as a selection to "Accept" or otherwise consent to non-essential  
13 cookies;

14 (c) provide the user with a continuous mechanism to refuse or disable  
15 non-essential cookies at any time; and

16 (d) present a privacy notice, in a clear and conspicuous manner, to  
17 the user. Such privacy notice shall:

18 (i) be clear and prominent in appearance;

19 (ii) use concise, clear, and plain language;

20 (iii) explain the role of essential cookies and non-essential cookies;  
21 and

22 (iv) describe the results of a user's decision to reject non-essential  
23 cookies.

24 2. It shall be unlawful for an operator to make additional requests  
25 for the use of non-essential cookies after a user's initial rejection of  
26 non-essential cookies, unless such user later seeks to consent to non-  
27 essential cookies or enables a feature that requires additional cookies.

28 § 899-uu. Enforcement. On or after the effective date of this article,  
29 whenever it appears to the attorney general, upon complaint or other-  
30 wise, that any operator, within or outside the state, has violated the  
31 provisions of this article, the attorney general may bring an action or  
32 special proceeding in the name and on behalf of the people of the state  
33 of New York to enjoin any such violation, to obtain restitution of any  
34 moneys or property obtained directly or indirectly by any such  
35 violation, to obtain disgorgement of any profits or gains obtained  
36 directly or indirectly by any such violation, to obtain damages caused  
37 directly or indirectly by any such violation, to obtain civil penalties  
38 of up to five thousand dollars per violation, and to obtain any such  
39 other and further relief as the court may deem proper, including prelim-  
40 inary relief.

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