

STATE OF NEW YORK

10379

IN ASSEMBLY

March 3, 2026

Introduced by M. of A. BORES -- read once and referred to the Committee on Science and Technology

AN ACT to amend the general business law, in relation to prohibiting artificial intelligence chatbots from using features which are considered unsafe for minors

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 48 to read as follows:

ARTICLE 48

PROHIBITION ON UNSAFE CHATBOT FEATURES FOR MINORS

Section 1800. Definitions.

1801. Prohibition.

1802. Enforcement.

1803. Rulemaking.

1804. Determination of covered minor.

1805. Applicability.

11 § 1800. Definitions. As used in this article, the following terms
12 shall have the following meanings:

13 1. "Advanced chatbot" shall mean a generative artificial intelligence
14 system with a natural language interface, including via writing or
15 sound, that provides ongoing, adaptive responses to user inputs.

16 2. "Chatbot developer" shall mean a person who, directly or indirect-
17 ly, creates or develops an advanced chatbot.

18 3. "Chatbot operator" shall mean a person who, directly or indirectly,
19 provides or makes available an advanced chatbot to covered users.

20 4. "Person" shall mean an individual, partnership, corporation, asso-
21 ciation, or any other form of business enterprise.

22 5. "Unsafe chatbot features" shall mean one or more advanced chatbot
23 design features that, at any point during a chatbot-user interaction:

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

LBD14579-03-6

1 (a) simulate companionship or an interpersonal relationship with a
2 user, including:

3 (i) generating outputs suggesting that the advanced chatbot is a real
4 or fictional individual or character, or has a personal or professional
5 relationship role with the user such as romantic partner, friend, family
6 member, coach or counselor;

7 (ii) generating outputs suggesting that the advanced chatbot is human,
8 alive, or experiences human emotions;

9 (iii) using personal pronouns including but not limited to "I", "my"
10 and "me" to describe the advanced chatbot;

11 (iv) generating outputs framed as personal opinions or emotional
12 appeals;

13 (v) generating outputs that prioritize flattery or sycophancy with the
14 user over the user's safety;

15 (vi) generating outputs containing unprompted or unsolicited emotion-
16 based questions or content regarding the user's emotions that go beyond
17 a direct response to a user prompt;

18 (vii) using information concerning the user's mental or physical
19 health or well-being, or matters personal to the user, acquired from the
20 user more than twelve hours previously or in any previous user session;

21 (viii) engaging in sexually explicit interactions with the user or
22 engaging in activities designed to lure the user into sexually explicit
23 interactions; or

24 (ix) any other design feature that simulates companionship or an
25 interpersonal relationship with a user as identified via regulations
26 promulgated by the attorney general;

27 (b) generating outputs that contain endorsement or promotion of, or
28 which facilitate suicide, self-harm, substantial physical harm to
29 others, disordered eating, unlawful drug or alcohol use, or drug or
30 alcohol abuse;

31 (c) generating outputs that contain encouragement to maintain secrecy
32 about interactions with the advanced chatbot, to self-isolate, or to not
33 seek help from licensed professionals or appropriate adults;

34 (d) generating outputs that optimize user engagement that supersede
35 the chatbot's safety guardrails; or

36 (e) generating outputs that are, describe, or facilitate sexually
37 explicit conduct or child sexual abuse material.

38 5. "Covered minor" shall mean a covered user when the chatbot operator
39 has actual knowledge that the covered user is a minor.

40 6. "Covered user" shall mean a user of an advanced chatbot in the
41 state of New York who is not acting as a chatbot operator, or agent or
42 affiliate of a chatbot operator.

43 7. "Minor" shall mean a person under eighteen years of age.

44 8. "Responsible party" shall mean a chatbot developer, chatbot opera-
45 tor, or any individual who has the authority to control, or who effec-
46 tively controls a chatbot developer's or chatbot operator's compliance
47 with this article.

48 9. "Sexually explicit conduct" shall have the same meaning as such
49 term is defined in 18 USC § 2256.

50 § 1801. Prohibition. 1. Except as otherwise provided for in this
51 article, it shall be unlawful for a chatbot operator to provide unsafe
52 chatbot features to a covered user unless:

53 (a) the covered user is not a covered minor; and

54 (b) the chatbot operator has used methods that are permissible under
55 article forty-five of this chapter and its implementing regulations and

1 any additional regulations promulgated pursuant to this article to
2 determine that the covered user is not a covered minor.

3 2. The provisions of subdivision one of this section shall not apply
4 where the advanced chatbot is made available to covered users solely for
5 the purpose of:

6 (a) customer service, information about available commercial services
7 or products provided by an entity, or account information; or

8 (b) with respect to any system used by a partnership, corporation, or
9 state or local government agency, for internal purposes or employee
10 productivity.

11 § 1802. Enforcement. 1. Any individual who suffers injury as a result
12 of a violation of subdivision one of section eighteen hundred one of
13 this article may bring a civil action against any responsible party, to
14 obtain injunctive relief, restitution of any moneys or property obtained
15 directly or indirectly by any such violation, disgorgement of any
16 profits or gains obtained directly or indirectly by any such violation,
17 actual damages, punitive damages, reasonable attorneys' fees and costs,
18 and any such other and further relief as the court may deem proper,
19 including preliminary relief. In such an action, where a covered user
20 has engaged in conduct harmful to himself after an advanced chatbot
21 encouraged such conduct, there shall be rebuttable presumptions that the
22 advanced chatbot caused or contributed to the injury.

23 2. Whenever it appears to the attorney general, either upon complaint
24 or otherwise, that any person, within or outside the state, has engaged
25 in or is about to engage in any of the acts or practices deemed unlawful
26 pursuant to this article, the attorney general may bring an action or
27 special proceeding in the name and on behalf of the people of the state
28 of New York to enjoin any violation of this article, to obtain injunc-
29 tive relief, restitution of any moneys or property obtained directly or
30 indirectly by any such violation, to obtain disgorgement of any profits
31 or gains obtained directly or indirectly by any such violation, includ-
32 ing but not limited to the destruction of unlawfully obtained data and
33 any algorithm trained in such data, to obtain damages caused directly or
34 indirectly by any such violation, to obtain civil penalties of up to
35 twenty-five thousand dollars per violation, and to obtain any such other
36 and further relief as the court may deem proper, including preliminary
37 relief.

38 3. The attorney general shall maintain a website to receive
39 complaints, information or referrals from members of the public concern-
40 ing a chatbot operator's alleged compliance or non-compliance with the
41 provisions of this article.

42 4. A provision within a contract or agreement that seeks to waive,
43 preclude, or burden the enforcement of a liability arising from a
44 violation of this article, or to shift the liability to any person in
45 exchange for their use or access of, or right to use or access, a chat-
46 bot operator's products or services, including by means of a contract of
47 adhesion shall be deemed void as a matter of public policy.

48 5. Notwithstanding any private agreements to the contrary, a court
49 shall impose joint and several liability on affiliated entities for
50 purposes of effecting the intent of this article to the maximum extent
51 allowed by law if the court concludes the following are true:

52 (a) the affiliated entities, in the development or implementation of
53 the corporate structure among the affiliated entities, took steps to
54 purposely and unreasonably limit or avoid liability; and

55 (b) as the result of the steps described in paragraph (a) of this
56 subdivision, the corporate structure of the chatbot operator or affil-

1 iated entities would frustrate recovery of relief authorized by this
2 article.

3 § 1803. Rulemaking. The attorney general may promulgate rules and
4 regulations as necessary to effectuate and enforce the provisions of
5 this article.

6 § 1804. Determination of covered minor. 1. A chatbot operator shall
7 offer covered users at least one method to determine whether a covered
8 user is a covered minor that either does not rely solely on government
9 issued identification or that allows a covered user to maintain anonymi-
10 ty as to the chatbot operator.

11 2. Information collected for the purpose of determining whether a
12 covered user is a covered minor under subdivision one of section eigh-
13 teen hundred one of this article shall not be used for any purpose other
14 than to make such determination and shall be deleted immediately after
15 an attempt to determine whether a covered user is a covered minor,
16 except where necessary for compliance with any applicable provisions of
17 New York state or federal law or regulation.

18 3. This article shall not supersede, amend, or repeal article forty-
19 seven of this chapter.

20 § 1805. Applicability. This article shall apply to conduct that
21 occurs in whole or in part in the state of New York. For purposes of
22 this article, conduct takes place wholly outside of the state of New
23 York if an advanced chatbot is accessed by a user who is physically
24 located outside of the state of New York.

25 § 2. Severability. If any clause, sentence, paragraph, subdivision,
26 section or part of this article shall be adjudged by any court of compe-
27 tent jurisdiction to be invalid, such judgment shall not affect, impair,
28 or invalidate the remainder thereof, but shall be confined in its opera-
29 tion to the clause, sentence, paragraph, subdivision, section, or part
30 thereof directly involved in the controversy in which such judgment
31 shall have been made.

32 § 3. This act shall take effect on the one hundred eightieth day after
33 it shall have become a law. Effective immediately, the addition, amend-
34 ment and/or repeal of any rule or regulation necessary for the implemen-
35 tation of this act on its effective date are authorized to be made and
36 completed on or before such effective date.