STATE OF NEW YORK

10841

IN ASSEMBLY

April 6, 2026

Introduced by M. of A. STECK, K. BROWN, NORBER -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to protecting minors online from social media and harmful content

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The general business law is amended by adding a new article 45-A to read as follows:

ARTICLE 45-A

PROTECTING MINORS ONLINE

Section 1510. Definitions.
1511. Minors as social media platform account holders.
1512. Content harmful to minors.
1513. Age verification.
1514. Enforcement.

§ 1510. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "Account holder" means a resident who opens an account or creates a profile or is identified by the social media platform by a unique identifier while using or accessing a social media platform when the social media platform knows or has reason to believe the resident is located in this state.

2. "Anonymous age verification" means a commercially reasonable method used by a government agency or a business for the purpose of age verification which is conducted by a nongovernmental, independent third party organized under the laws of a state of the United States which:

(a) has its principal place of business in a state of the United States; and

(b) is not owned or controlled by a company formed in a foreign country, a government of a foreign country, or any other entity formed in a foreign country.

3. "Daily active users" means the number of unique users in the United States who used the social media platform at least eighty percent of the days during the previous twelve months, or, if the social media platform

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

LBD14069-01-5

did not exist during the entirety of the previous twelve months, the number of unique users in the United States who used the social media platform at least eighty percent of the days during the previous month.

4. "Distribute" means to issue, sell, give, provide, deliver, transfer, transmit, circulate, or disseminate by any means.

5. "Material harmful to minors" means any material that:

(a) the average person applying contemporary community standards would find, taken as a whole, appeals to the prurient interest;

(b) depicts or describes, in a patently offensive way, sexual conduct; and

(c) when taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

6. "News-gathering organization" means any of the following:

(a) A newspaper, news publication, or news source, printed or published online or on a mobile platform, engaged in reporting current news and matters of public interest, and an employee thereof who can provide documentation of such employment.

(b) A radio broadcast station, television broadcast station, cable television operator, or wire service, and an employee thereof who can provide documentation of such employment.

7. "Publish" means to communicate or make information available to another person or entity on a publicly available website or application.

8. "Resident" means a person who lives in this state for more than six months of the previous twelve months.

9. "Standard age verification" means any commercially reasonable method of age verification approved by the commercial entity.

10. "Social media platform" means an online forum, website, or application that:

(a) allows users to upload content or view the content or activity of other users;

(b) ten percent or more of the daily active users who are younger than sixteen years of age spend on average two hours or more per day on the online forum, website, or application on the days when using the online forum, website, or application during the previous twelve months or, if the online forum, website, or application did not exist during the previous twelve months, during the previous month;

(c) employs algorithms that analyze user data or information on users to select content for users; and

(d) has any of the following addictive features:

(i) infinite scrolling, including, but not limited to:

(A) continuously loading content, or content that loads as the user scrolls down the page without the need to open a separate page; or

(B) seamless content, or the use of pages with no visible or apparent end or page breaks;

(ii) push notifications or alerts sent by the online forum, website, or application to inform a user about specific activities or events related to the user's account;

(iii) displays personal interactive metrics that indicate the number of times other users have clicked a button to indicate their reaction to content or have shared or reposted the content;

(iv) auto-play video or video that begins to play without the user first clicking on the video or on a play button for that video; or

(v) live-streaming or a function that allows a user or advertiser to broadcast live video content in real-time.

The term "social media platform" shall not include an online service, website, or application where the exclusive function is email or direct

messaging consisting of text, photographs, pictures, images, or videos shared only between the sender and the recipients, without displaying or posting publicly or to other users not specifically identified as the recipients by the sender.

11. "Substantial portion" means more than one-third of total material on a website or application.

12. "Years of age" means:

(a) the actual verified years of age of the person; or

(b) the likely years of age of the person which the social media platform treats or categorizes the person as for purposes of targeting content or advertising.

§ 1511. Minors as social media platform account holders. 1. (a) Social media platforms shall prohibit minors who are younger than fourteen years of age from entering into a contract with such social media platform to become account holders.

(b) Social media platforms shall:

(i) Terminate any account held by an account holder younger than fourteen years of age and provide ninety days for an account holder to dispute such termination. If the account holder fails to effectively dispute the termination, the termination shall be effective upon the expiration of such ninety day period.

(ii) Allow an account holder younger than fourteen years of age to easily request to terminate the account. Such account shall be terminated within five business days of such request.

(iii) Allow a confirmed parent or guardian of an account holder younger than fourteen years of age to request that the minor's account be terminated. Such account shall be terminated within ten business days of such request.

(iv) Permanently delete all personal information held by the social media platform relating to any such terminated account, unless there are legal requirements to maintain such information.

2. (a) Social media platforms shall prohibit minors who are fourteen or fifteen years of age from entering into a contract with such social media platform to become an account holder, unless such minor's parent or guardian provides consent for such minor to become an account holder.

(b) A social media platform shall:

(i) Terminate any account held by an account holder who is fourteen or fifteen years of age if the account holder's parent or guardian has not provided consent for the minor to create or maintain the account and provide ninety days for an account holder to dispute such termination. If the account holder fails to effectively dispute the termination, the termination shall be effective upon the expiration of such ninety day period.

(ii) Allow an account holder who is fourteen or fifteen years of age to request to terminate the account. Such account shall be terminated within five business days of such request.

(iii) Allow a confirmed parent or guardian of an account holder who is fourteen or fifteen years of age to request that the minor's account be terminated. Such account shall be terminated within ten business days of such request.

(iv) Permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain such information.

3. If a court of competent jurisdiction determines subdivision two of this section to be unconstitutional or otherwise unenforceable, subdivi-

sion one of this section shall apply to minors under the age of sixteen instead of just minors under the age of fourteen.

4. The attorney general shall maintain a website to receive complaints, information or referrals from members of the public concerning a social media platform's alleged compliance or non-compliance with the provisions of this article.

§ 1512. Content harmful to minors. 1. No person or entity shall knowingly and intentionally publish or distribute material harmful to minors on a website or application without using either anonymous age verification or standard age verification to verify that the age of a person attempting to access the material is eighteen years of age or older and prevent access to such material by a person younger than eighteen years of age. Such person or entity shall offer anonymous age verification and standard age verification, and a person attempting to access the material may select which method will be used to verify their age.

2. This section shall not apply to bona fide news or public interest broadcast, website video, report, or event and does not affect the rights of a news-gathering organization.

3. This section shall not apply to internet service providers, search engines, cloud service providers, or their affiliates or subsidiaries solely for providing access or connection to or from a website or other information or content on the Internet or a facility, system, or network not under the provider's control, including transmission, downloading, intermediate storage, or access software, to the extent the provider is not responsible for the creation of the content of the communication which constitutes material harmful to minors.

§ 1513. Age verification. Any person or entity conducting verification pursuant to this article:

(a) Shall not retain personal identifying information used to verify age once the age of an account holder or a person seeking an account has been verified.

(b) Shall not use personal identifying information used to verify age for any other purpose.

(c) Shall keep anonymous any personal identifying information used to verify age. Such information shall not be shared or otherwise communicated to any person.

(d) Shall protect personal identifying information used to verify age from unauthorized or illegal access, destruction, use, modification, or disclosure through reasonable security procedures and practices appropriate to the nature of the personal information.

§ 1514. Enforcement. 1. (a) No earlier than one hundred eighty days after the effective date of this article, whenever it appears to the attorney general, either upon complaint or otherwise, that any person or entity, within or outside the state, has knowingly or recklessly engaged in or is about to engage in any of the acts or practices stated to be unlawful in 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 violation of this article, 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, including but not limited to the destruction of unlawfully obtained data, to obtain damages caused directly or indirectly by any such violation, to obtain civil penalties of up to fifty thousand dollars per violation, and to obtain any such other and further relief as the court may deem proper, including preliminary relief. Where the person or entity's actions demonstrate a pattern

of knowing and reckless conduct in violation of this article, punitive damages may be assessed against the person or entity.

(b) No earlier than one hundred eighty days after the effective date of this article, a civil action may be brought by a minor account holder against a person or entity, within or outside the state, which has knowingly or recklessly engaged in any of the acts or practices stated to be unlawful in this article 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, including but not limited to the destruction of unlawfully obtained data, to obtain damages caused directly or indirectly by any such violation, to obtain civil penalties of up to ten thousand dollars per violation, and to obtain any such other and further relief as the court may deem proper, including preliminary relief. Where the person or entity's actions demonstrate a pattern of knowing and reckless conduct in violation of this article, punitive damages may be assessed against the person or entity. Any action brought under this paragraph shall be brought on behalf of a minor account holder.

2. A civil action for a claim under this subdivision shall be brought within one year from the date the complainant knew, or reasonably should have known, of the alleged violation. This section does not preclude any other available remedy at law or equity.

3. The attorney general shall have the authority to investigate violations of this article. The attorney general shall have authority to issue, through the attorney general, subpoenas for the attendance of witnesses before the commission. A subpoena issued under this section shall be regulated by the civil practice law and rules. All information collected and held by the attorney general pursuant to an investigation under this article shall be deemed confidential and shall not be subject to public disclosure under the freedom of information law or any other law which requires public disclosure of records maintained by a governmental agency.

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

§ 2. This act shall take effect immediately.