

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:

1 Section 1. The general business law is amended by adding a new article
2 45-A to read as follows:

ARTICLE 45-A

PROTECTING MINORS ONLINE

Section 1510. Definitions.

6 1511. Minors as social media platform account holders.

7 1512. Content harmful to minors.

8 1513. Age verification.

9 1514. Enforcement.

10 § 1510. Definitions. For the purposes of this article, the following
11 terms shall have the following meanings:

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

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

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

23 (b) is not owned or controlled by a company formed in a foreign coun-
24 try, a government of a foreign country, or any other entity formed in a
25 foreign country.

26 3. "Daily active users" means the number of unique users in the United
27 States who used the social media platform at least eighty percent of the
28 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

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

4 4. "Distribute" means to issue, sell, give, provide, deliver, trans-
5 fer, transmit, circulate, or disseminate by any means.

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

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

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

11 (c) when taken as a whole, lacks serious literary, artistic, poli-
12 tical, or scientific value for minors.

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

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

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

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

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

25 9. "Standard age verification" means any commercially reasonable meth-
26 od of age verification approved by the commercial entity.

27 10. "Social media platform" means an online forum, website, or appli-
28 cation that:

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

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

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

39 (d) has any of the following addictive features:

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

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

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

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

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

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

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

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

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

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

7 12. "Years of age" means:

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

9 (b) the likely years of age of the person which the social media plat-
10 form treats or categorizes the person as for purposes of targeting
11 content or advertising.

12 § 1511. Minors as social media platform account holders. 1. (a) Social
13 media platforms shall prohibit minors who are younger than fourteen
14 years of age from entering into a contract with such social media plat-
15 form to become account holders.

16 (b) Social media platforms shall:

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

22 (ii) Allow an account holder younger than fourteen years of age to
23 easily request to terminate the account. Such account shall be termi-
24 nated within five business days of such request.

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

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

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

36 (b) A social media platform shall:

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

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

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

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

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

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

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

7 § 1512. Content harmful to minors. 1. No person or entity shall know-
8 ingly and intentionally publish or distribute material harmful to minors
9 on a website or application without using either anonymous age verifica-
10 tion or standard age verification to verify that the age of a person
11 attempting to access the material is eighteen years of age or older and
12 prevent access to such material by a person younger than eighteen years
13 of age. Such person or entity shall offer anonymous age verification
14 and standard age verification, and a person attempting to access the
15 material may select which method will be used to verify their age.

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

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

27 § 1513. Age verification. Any person or entity conducting verification
28 pursuant to this article:

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

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

34 (c) Shall keep anonymous any personal identifying information used to
35 verify age. Such information shall not be shared or otherwise communi-
36 cated to any person.

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

41 § 1514. Enforcement. 1. (a) No earlier than one hundred eighty days
42 after the effective date of this article, whenever it appears to the
43 attorney general, either upon complaint or otherwise, that any person or
44 entity, within or outside the state, has knowingly or recklessly engaged
45 in or is about to engage in any of the acts or practices stated to be
46 unlawful in this article, the attorney general may bring an action or
47 special proceeding in the name and on behalf of the people of the state
48 of New York to enjoin any violation of this article, to obtain restitu-
49 tion of any moneys or property obtained directly or indirectly by any
50 such violation, to obtain disgorgement of any profits or gains obtained
51 directly or indirectly by any such violation, including but not limited
52 to the destruction of unlawfully obtained data, to obtain damages caused
53 directly or indirectly by any such violation, to obtain civil penalties
54 of up to fifty thousand dollars per violation, and to obtain any such
55 other and further relief as the court may deem proper, including prelim-
56 inary relief. Where the person or entity's actions demonstrate a pattern

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

3 (b) No earlier than one hundred eighty days after the effective date
4 of this article, a civil action may be brought by a minor account holder
5 against a person or entity, within or outside the state, which has know-
6 ingly or recklessly engaged in any of the acts or practices stated to be
7 unlawful in this article to obtain restitution of any moneys or property
8 obtained directly or indirectly by any such violation, to obtain
9 disgorgement of any profits or gains obtained directly or indirectly by
10 any such violation, including but not limited to the destruction of
11 unlawfully obtained data, to obtain damages caused directly or indirect-
12 ly by any such violation, to obtain civil penalties of up to ten thou-
13 sand dollars per violation, and to obtain any such other and further
14 relief as the court may deem proper, including preliminary relief. Where
15 the person or entity's actions demonstrate a pattern of knowing and
16 reckless conduct in violation of this article, punitive damages may be
17 assessed against the person or entity. Any action brought under this
18 paragraph shall be brought on behalf of a minor account holder.

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

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

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

35 § 2. This act shall take effect immediately.