STATE OF NEW YORK

8102

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

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:

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

ARTICLE 45-A
DEVICE-LEVEL AGE ASSURANCE

Section 1509. Definitions.
1510. Age assurance required.
1511. Nondiscrimination.
1512. Rulemaking authority.
1513. Scope.
1514. Enforcement.

§ 1509. Definitions. For the purposes of this article, the following terms shall have the following meanings:

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

2. "Application store" shall mean a publicly available website, software application, or online service that distributes third party platforms' software applications to an internet-enabled device.

3. "Covered manufacturer" shall mean a manufacturer of an internet-enabled device, an operating system provider, or an application store.

4. "Covered minor" shall mean a user of an internet-enabled device who a covered manufacturer has determined via one or more commercially reasonable age assurance methods to be under the age of eighteen.

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

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5. "Internet-enabled device" shall mean and include any desktop, laptop, smartphone, tablet, or other device capable of connecting to the internet and enabling the user to access content on the internet, including a social media platform.

6. "Operating system" shall mean the system software that manages the hardware of an internet-enabled device and allows programs and applications to run on such device.

7. "Operating system provider" shall mean any person, partnership, association, firm, business, or other legal entity, or any member thereof, who develops, distributes, and/or maintains an internet-enabled device's operating system, including but not limited to the design, programming, or supply of operating systems for internet-enabled devices.

8. "Social media platform" shall have the same meaning as in subdivision five of section eleven hundred of this chapter.

§ 1510. Age assurance required. 1. Upon activation of an internet-enabled device, a covered manufacturer shall conduct commercially reasonable age assurance to determine whether a user is a covered minor. The attorney general shall promulgate regulations identifying methods for commercially reasonable and technically feasible age assurance, which shall consider the size, financial resources, and technical capabilities of covered manufacturers, the costs and effectiveness of available age assurance techniques for users of internet-enabled devices, and prevalent practices of the industry of covered manufacturers. Such regulations shall also identify the appropriate levels of accuracy that would be considered commercially reasonable and technically feasible for operators to achieve in determining whether a user is a covered minor, provided, however, that user self-reporting of age to a covered manufacturer with no other supporting evidence shall not be an acceptable method of age assurance under this section. Any information collected for the purpose of the age assurance requirement under this subparagraph shall be deleted immediately after an attempt to determine a person's age, except where necessary for applicable provisions of state or federal law or regulation.

2. After determining that a user is a covered minor under subdivision one of this section, a covered manufacturer shall provide all websites, online services, online applications, mobile applications, or portions thereof on such user's internet-enabled device and/or application store manufactured by the covered manufacturer with a digital signal that such user is a covered minor via a real-time application programming interface (API).

3. A covered manufacturer shall ensure that, for any internet-enabled devices sold after the effective date of this article, the requirements of this section are included in any operating system and application store updates by default after such effective date.

§ 1511. Nondiscrimination. 1. A covered manufacturer shall impose at least the same restrictions and obligations on its own websites, applications, and online services as it imposes on the websites, applications, and online services of third parties.

2. A covered manufacturer shall not withhold, degrade, lower the quality, or increase the price of any product, service, or feature to a user due to the provisions of this article, other than as necessary for compliance with the provisions of this article.

3. A covered manufacturer shall delete all information collected for the purposes of section fifteen hundred ten of this article after such purpose has been achieved.

§ 1512. Rulemaking authority. The attorney general shall promulgate such rules and regulations as are necessary to effectuate and enforce the provisions of this article.

§ 1513. Scope. This article shall apply to conduct that occurs in whole or in part in New York. For purposes of this article, conduct takes place wholly outside of New York when an internet-enabled device, an operating system provider, or an application store is accessed by a user who is physically located outside of New York.

§ 1514. Enforcement. 1. Whenever it appears to the attorney general, either upon complaint or otherwise, that any person, within or outside the state, has 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 ten thousand dollars per violation, and to obtain any such other and further relief as the court may deem proper, including preliminary relief.

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

3. A covered manufacturer shall not be subject to the liability under this article if such manufacturer has taken commercially reasonable steps to estimate the age of its users as provided in section fifteen hundred ten of this article.

4. The attorney general shall maintain a website to receive complaints, information, or referrals from members of the public concerning a covered manufacturer's alleged compliance or noncompliance with the provisions of this article.

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

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