STATE OF NEW YORK

8102--C

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sens. GOUNARDES, SUTTON -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- recommitted to the Committee on Consumer Protection in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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-C to read as follows:

ARTICLE 45-C
DEVICE-LEVEL AGE ASSURANCE

Section 1550. Definitions.
1551. Obligations for operating system providers.
1552. Obligations for covered developers.
1553. Nondiscrimination.
1554. Data security.
1555. Limitations.
1556. Rulemaking authority.
1557. Scope.
1558. Enforcement.

§ 1550. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "Age assurance" shall mean a method to reasonably determine the age category of a user that meets the requirements of article forty-five of

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

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this chapter and its implementing rules or regulations, or a method that is identified pursuant to new regulations promulgated by the attorney general consistent with section fifteen hundred fifty-six of this article, provided, however, that for purposes of this article, an operating system provider may not rely on self-declaration of age category for users under the age of eighteen years to determine the age category of such user. For the purposes of this article, declaration of an age category for a user under the age of eighteen years may only be accepted by an operating system provider if the user declaring such age has been reasonably determined via a commercially reasonable and technically feasible age assurance method that meets the requirements of article forty-five of this chapter and its implementing rules or regulations, as amended, or via a commercially reasonable and technically feasible age assurance method which meets the requirements of new regulations that have been promulgated by the attorney general pursuant to this article, to be a user that is at least eighteen years of age and such user is declaring that another user is under the age of eighteen years. A user under the age of eighteen years, however, may not self-declare such user's own age category.

2. "Age category" shall mean data that a user is (a) under the age of thirteen years; (b) at least thirteen but under sixteen years; (c) at least sixteen but under eighteen years; or (d) at least eighteen years.

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

4. "Covered developer" shall mean a person who owns or controls a software application that may run on an internet-enabled device and which is accessed by a user in the state of New York.

5. "Covered minor" shall mean a user under the age of eighteen.

6. "Family account application" shall mean a software application that uses a method of age assurance, as defined in subdivision one of this section, to reasonably determine that the primary account holder of such application is at least eighteen years of age, and which offers sub-accounts or user profiles within such application.

7. "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.

8. "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.

9. "Operating system provider" shall mean any person, partnership, association, firm, business, or other legal entity, or any member thereof, who develops, licenses, or controls an internet-enabled device's operating system.

§ 1551. Obligations for operating system providers. 1. Upon activation of an internet-enabled device after the effective date of this article, an operating system provider shall conduct age assurance, as defined in subdivision one of section fifteen hundred fifty of this article, to determine a user's age category at the point of such activation.

2. For devices that were activated prior to the effective date of this article, such operating system provider shall conduct the age assurance described herein within one hundred eighty days of such effective date.

3. An operating system provider shall provide a covered developer with a digital signal indicating the age category of a user via a real-time, reasonably consistent application programming interface (API) upon receiving a request for such signal from such developer.

§ 1552. Obligations for covered developers. 1. All covered developers shall request an age category signal for a user from an operating system provider at the point at which such user downloads and launches such developer's application after the effective date of this article.

2. For all applications downloaded and launched prior to the effective date of this article, covered developers shall request such age category signal within one hundred eighty days of such effective date.

3. If the signal indicates that a user is a covered minor, then such covered developer shall treat such signal as an authoritative indicator of such user's age for the purposes of compliance with any applicable law and the covered developer shall be deemed to have actual knowledge that a user is a covered minor across all platforms and points of access of the application, including where such minor accesses the application via a website or browser; provided, however, that a covered developer shall not willfully disregard reliable information otherwise available to the covered developer that indicates a user's age is different than that indicated by the age category signal provided by an operating system provider.

§ 1553. Nondiscrimination. 1. An operating system provider shall impose at least the same restrictions and obligations on its own applications as it imposes on the applications of third parties.

2. An operating system provider 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.

§ 1554. Data security. 1. An operating system provider or covered developer shall delete all information collected for the purposes of this article after such purpose has been achieved, except where necessary for compliance with applicable provisions of law or regulation.

2. All digital signals transmitted pursuant to sections fifteen hundred fifty-one and fifteen hundred fifty-two of this article shall be encrypted to ensure data integrity and security.

§ 1555. Limitations. 1. Notwithstanding section fifteen hundred fifty-two of this article, a covered developer of a family account application shall be permitted to rely upon the previously determined age category of the primary account holder for the purposes of this article. However, such covered developer shall allow such primary account holder to report the age category of the user of any sub-account or profile of such family account application.

2. This article shall not be construed to impose liability on any operating system provider or covered developer that arises from the use of an internet-enabled device, operating system, or software application by a person who is not the user to whom an age category signal pertains, provided that such operating system provider or covered developer is otherwise in compliance with this article.

§ 1556. Rulemaking authority. The attorney general may promulgate such rules and regulations as are necessary to effectuate and enforce the provisions of this article.

§ 1557. 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, operating system, or software application is accessed by a user who is physically located outside of New York.

§ 1558. 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. The attorney general shall maintain a website to receive complaints, information, or referrals from members of the public concerning alleged noncompliance with the provisions of this article.

§ 2. Subdivision 1 of section 899-ii of the general business law, as added by chapter 121 of the laws of 2024, is amended to read as follows:

1. For the purposes of this article, an operator shall treat a user as a covered user if the user's device communicates or signals that the user is or shall be treated as a minor, including through a browser plug-in or privacy setting, device setting, or other mechanism that complies with regulations promulgated by the attorney general, including but not limited to the digital signals created in article forty-five-C of this chapter.

§ 3. Severability clause. 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.

§ 4. 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.