STATE OF NEW YORK

8641

IN SENATE

January 7, 2026

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Internet and Technology

AN ACT to amend the general business law, in relation to providing website and mobile application users the right to refuse non-essential cookies

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 39-FFF to read as follows:

ARTICLE 39-FFF
NON-ESSENTIAL COOKIES PRIVACY

Section 899-ss. Definitions.
890-tt. Right to refuse non-essential cookies.
890-uu. Enforcement.

§ 899-ss. Definitions. 1. As used in this article, the following terms shall have the following meanings:

(a) "Cookie" means a small text file a web browser creates when a user visits a website or mobile application.

(b) "Essential cookies" means a cookie strictly necessary to maintain basic website or mobile application functionality, including but not limited to, security and network management.

(c) "Non-essential cookies" means a cookie not required for basic website or mobile application functionality, including, but not limited to, data analytics, marketing, and user preferences.

(d) "User" means a user of a website or mobile application in New York state, not acting as an operator, agent, or affiliate of the operator of such website or mobile application, or any portion thereof.

(e) "Operator" means any person, business, organization, or other legal entity who operates or provides a website or mobile application in which data concerning residents of New York state is collected, processed, stored, or otherwise obtained.

(f) "Consent" means an affirmative act by a user that clearly communicates the user's freely given, specific, and unambiguous authorization

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

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for an act or practice after having been informed, in response to a specific request from an operator.

§ 899-tt. Right to refuse non-essential cookies. 1. An operator shall:

(a) require consent from a user to use any non-essential cookies on a website or mobile application;

(b) present to the user, in a clear and conspicuous manner, without additional steps or delay, the option to refuse non-essential cookies. Such refusal option shall feature a prominent "Reject Non-Essential Cookies" selection displayed at the same level and in the same configuration as a selection to "Accept" or otherwise consent to non-essential cookies;

(c) provide the user with a continuous mechanism to refuse or disable non-essential cookies at any time; and

(d) present a privacy notice, in a clear and conspicuous manner, to the user. Such privacy notice shall:

(i) be clear and prominent in appearance;

(ii) use concise, clear, and plain language;

(iii) explain the role of essential cookies and non-essential cookies; and

(iv) describe the results of a user's decision to reject non-essential cookies.

2. It shall be unlawful for an operator to make additional requests for the use of non-essential cookies after a user's initial rejection of non-essential cookies, unless such user later seeks to consent to non-essential cookies or enables a feature that requires additional cookies.

§ 899-uu. Enforcement. On or after the effective date of this article, whenever it appears to the attorney general, upon complaint or otherwise, that any operator, within or outside the state, has violated the provisions of 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 such violation, 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, to obtain damages caused directly or indirectly by any such violation, to obtain civil penalties of up to five thousand dollars per violation, and to obtain any such other and further relief as the court may deem proper, including preliminary relief.

§ 2. This act shall take effect on the ninetieth day 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.