

*** § 1501. Prohibition of addictive feeds.** 1. It shall be unlawful for a covered operator to provide an addictive feed to a covered user unless:

(a) the covered operator has used commercially reasonable and technically feasible methods to determine that the covered user is not a covered minor; or

(b) the covered operator has obtained verifiable parental consent to provide an addictive feed to a covered minor.

2. (a) The attorney general shall promulgate regulations identifying commercially reasonable and technically feasible methods for covered operators to determine if a covered user is a covered minor required pursuant to subdivision one of this section, and any exceptions thereto.

(b) In promulgating such regulations, the attorney general shall consider the size, financial resources, and technical capabilities of the addictive social media platform, the costs and effectiveness of available age determination techniques for users of the addictive social media platform, the audience of the addictive social media platform, prevalent practices of the industry of the covered operator, and the impact of the age determination techniques on the covered users' safety, utility, and experience.

(c) Such regulations shall also identify the appropriate levels of accuracy that would be commercially reasonable and technically feasible for covered operators to achieve in determining whether a covered user is a covered minor. Such regulations shall set forth multiple commercially reasonable and technically feasible methods for a covered operator to determine if a covered user is a covered minor, including at least one method that either does not rely solely on government issued identification or that allows a covered user to maintain anonymity as to the covered operator of the addictive social media platform.

(d) Where a covered operator has used commercially reasonable and technically feasible age determination methods in compliance with such regulations and has not determined that a covered user is a covered minor, the covered operator shall operate under the presumption that the covered user is not a covered minor for the purposes of this article, unless it obtains actual knowledge that the covered user is a covered minor.

3. Information collected for the purpose of determining a covered user's age under paragraph (a) of subdivision one of this section shall not be used for any purpose other than age determination and shall be deleted immediately after an attempt to determine a covered user's age, except where necessary for compliance with any applicable provisions of New York state or federal law or regulation.

4. The attorney general shall promulgate regulations identifying methods of obtaining verifiable parental consent pursuant to paragraph (b) of subdivision one of this section and section fifteen hundred two of this article.

5. Information collected for the purpose of obtaining such verifiable parental consent shall not be used for any purpose other than obtaining verifiable parental consent and shall be deleted immediately after an attempt to obtain verifiable parental consent, except where necessary for compliance with any applicable provisions of New York state or federal law or regulation.

6. Nothing in this section shall be construed as requiring any operator to give a parent who grants verifiable parental consent any additional or special access to or control over the data or accounts of their child.

7. Nothing in this section shall be construed as preventing any action taken in good faith to restrict access to or availability of media that the covered operator considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected.

* NB Effective January 25, 2027