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Introduced by Sens. HOYLMAN-SIGAL,
FERNANDEZ, MYRIE, SALAZAR, SEPULVEDA

-- read twice and ordered printed, and when
printed to be committed to

the Committee on Internet and Technology --
reported favorably from

said committee and committed to the
Committee on Finance -- committee

discharged and said bill committed to
the Committee on Rules --

ordered to a third reading, amended and
ordered reprinted, retaining

its place in the order of third reading --
recommitted to the Commit-

tee on Internet and Technology in
accordance with Senate Rule 6, sec.

8 -- reported favorably from said
committee and committed to the

Committee on Finance -- committee
discharged and said bill committed

to the Committee on Rules -- ordered to a
third reading, amended and

ordered reprinted, retaining its place in
the order of third reading

AN ACT to amend the general business
law, in relation to requiring

disclosure of certain social media terms of
service

The People of the State of New York,
represented in Senate and Assem-

bly, do enact as follows:

1 Section 1. The general business law is
amended by adding a new article

2 42 to read as follows:

3

ARTICLE 42

4

SOCIAL MEDIA TERMS OF SERVICE

5 Section 1100. Definitions.

6 1101. Required disclosure of terms of service.

7 1102. Terms of service report.

8 1103. Violations and remedies.

9 1104. Application.

10 § 1100. Definitions. For purposes of this article, the following defi-

11 nitions apply:

12 1. "Actioned" means a social media company, that due to a suspected or

13 confirmed violation of the terms of service, has taken some form of

14 action, including, but not limited to, removal, demonetization, deprior-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets

[~~-~~] is old law to be omitted.

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1 itization, or banning, against the relevant
2 user or relevant item of
3 content.

4 2. "Content" means statements or comments
5 made by users and media that

6 are created, posted, livestreamed, shared,
7 or otherwise interacted with

8 by users on an internet-based service or
9 application. "Content" does not

10 include media put on a service or
11 application exclusively for the

12 purpose of cloud storage, transmitting files,
13 or file collaboration.

14 3. "Public or semipublic internet-based
15 service or application"

16 excludes a service or application used to
17 facilitate communication with-

18 in a business or enterprise among employees
19 or affiliates of the busi-

20 ness or enterprise, provided that access to
21 the service or application

22 is restricted to employees or affiliates of
23 the business or enterprise

24 using the service or application.

25 4. "Social media company" means a person
26 or entity that owns or oper-

27 ates one or more social media platforms.

16 5. "Social media platform" means a public
or semipublic internet-based

17 service or application that has users in New
York and that meets both of

18 the following criteria:

19 (a) A substantial function of the service
or application is to connect

20 users in order to allow users to interact
socially with each other with-

21 in the service or application. A service or
application that provides

22 email or direct messaging services shall not
be considered to meet this

23 criterion on the basis of that function
alone.

24 (b) The service or application allows users
to do all of the follow-

25 ing:

26 (i) construct a public or semipublic
profile for purposes of signing

27 into and using the service or application;

28 (ii) populate a list of other users with
whom an individual shares a

29 social connection within the system; and

30 (iii) create or post content viewable
or audible by other users,

31 including, but not limited to, livestreams,
on message boards, in chat

32 rooms, or through a landing page or main
33 feed that presents the user

34 with content generated by other users.

35 6. "Terms of service" means a policy or set
36 of policies adopted by a

37 social media company that specifies, at
38 least, the user behavior and

39 activities that are permitted on the
40 internet-based service owned or

41 operated by the social media company, and
42 the user behavior and activ-

43 ities that may subject the user or an item of
44 content to being actioned.

45 § 1101. Required disclosure of terms of
46 service. 1. A social media

47 company shall post terms of service for each
48 social media platform owned

49 or operated by the company in a manner
50 reasonably designed to inform all

51 users of the social media platform of the
52 existence and contents of the

53 terms of service.

54 2. The terms of service posted pursuant to
55 subdivision one of this

56 section shall include all of the following:

57 (a) contact information for the purpose
58 of allowing users to ask the

47 social media company questions about the terms of service;

48 (b) a description of the process that users must follow to flag

49 content, groups, or other users that they believe violate the terms of

50 service, and the social media company's commitments on response and

51 resolution time; and

52 (c) a list of potential actions the social media company may take

53 against an item of content or a user, including, but not limited to,

54 removal, demonetization, deprioritization, or banning.

55 3. The terms of service posted pursuant to subdivision one of this

56 section shall be available in the twelve most common non-English

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1 languages spoken by limited-English proficient individuals in the state,

2 as outlined in section two hundred two-a of the executive law, in which

3 the social media platform offers product features, including, but not

4 limited to, menus and prompts.

5 § 1102. Terms of service report. 1. On a
6 semiannual basis in accord-

7 ance with subdivision two of this section, a
8 social media company shall

9 submit to the attorney general a terms of
10 service report. The terms of

11 service report shall include, for each social
12 media platform owned or

13 operated by the company, all of the
14 following:

15 (a) The current version of the terms of
16 service of the social media

17 platform.

18 (b) If a social media company has filed its
19 first report, a complete

20 and detailed description of any changes to
the terms of service since

the previous report.

(c) A statement of whether the current
version of the terms of service

defines each of the following categories of
content, and, if so, the

definitions of those categories, including
any subcategories:

(i) hate speech or racism;

(ii) extremism or radicalization;

(iii) disinformation or misinformation;

21 (iv) harassment; and/or

22 (v) foreign political interference.

23 (d) A detailed description of content moderation practices used by the

24 social media company for that platform, including, but not limited to,

25 all of the following:

26 (i) any existing policies intended to address the categories of

27 content described in paragraph (c) of this subdivision;

28 (ii) how automated content moderation systems enforce terms of service

29 of the social media platform and when these systems involve human

30 review;

31 (iii) how the social media company responds to user reports of

32 violations of the terms of service;

33 (iv) how the social media company would remove individual pieces of

34 content, users, or groups that violate the terms of service, or take

35 broader action against individual users or against groups of users that

36 violate the terms of service; and

37 (v) the languages in which the social media platform does not make

38 terms of service available, but does offer product features, including,

39 but not limited to, menus and prompts.

40 (e) (i) Information on content that was flagged by the social media

41 company as content belonging to any of the categories described in para-

42 graph (c) of this subdivision, including all of the following:

43 (A) the total number of flagged items of content;

44 (B) the total number of actioned items of content;

45 (C) the total number of actioned items of content that resulted in

46 action taken by the social media company against the user or group of

47 users responsible for the content;

48 (D) the total number of actioned items of content that were removed,

49 demonetized, or deprioritized by the social media company;

50 (E) the number of times actioned items of content were viewed or heard

51 by users;

52 (F) the number of times actioned items of
content were shared, and the

53 number of users that viewed or heard the
content before it was actioned;

54 and

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1 (G) the number of times users appealed
social media company actions

2 taken on that platform and the number
of reversals of social media

3 company actions on appeal disaggregated by
each type of action.

4 (ii) All information required by
subparagraph (i) of this paragraph

5 shall be disaggregated into the following
categories:

6 (A) the category of content, including
any relevant categories

7 described in paragraph (c) of this
subdivision;

8 (B) the type of content, including, but
not limited to, posts, lives-

9 streams, comments, messages, profiles of
users, or groups of users;

10 (C) the type of media of the content,
including, but not limited to,

11 text, images, livestreams, and videos;

12 (D) how the content was flagged,
including, but not limited to,

13 flagged by company employees or
contractors, flagged by artificial

14 intelligence software, flagged by community
moderators, flagged by civil

15 society partners, and flagged by users; and

16 (E) how the content was actioned,
including, but not limited to,

17 actioned by company employees or
contractors, actioned by artificial

18 intelligence software, actioned by
community moderators, actioned by

19 civil society partners, and actioned by
users.

20 2. (a) A social media company shall
electronically submit a semiannual

21 terms of service report pursuant to
subdivision one of this section,

22 covering activity within the third and
fourth quarters of the preceding

23 calendar year, to the attorney general no
later than April first of each

24 year, and shall electronically submit a
semiannual terms of service

25 report pursuant to subdivision one of this
section, covering activity

26 within the first and second quarters of the
current calendar year, to

27 the attorney general no later than October
first of each year.

28 (b) Notwithstanding paragraph (a) of this
subdivision, a social media

29 company shall electronically submit its first
terms of service report

30 pursuant to subdivision one of this
section, covering activity within

31 the third quarter of two thousand twenty-
five, to the attorney general

32 no later than January first, two thousand
twenty-six, and shall elec-

33 tronically submit its second terms of service
report pursuant to subdi-

34 vision one of this section, covering
activity within the fourth quarter

35 of two thousand twenty-five, to the attorney
general no later than April

36 first, two thousand twenty-six. A social
media platform shall submit its

37 third report no later than October first, two
thousand twenty-six, in

38 accordance with paragraph (a) of this
subdivision.

39 3. The attorney general shall make
all terms of service reports

40 submitted pursuant to this section available
to the public in a searcha-

41 ble repository on its official internet
42 website.

43 § 1103. Violations and remedies. 1. (a) A
44 social media company that

45 violates the provisions of this article
46 shall be liable for a civil

47 penalty not to exceed fifteen thousand
48 dollars per violation per day,

49 and may be enjoined in any court of competent
50 jurisdiction.

51 (b) A social media company shall be
52 considered in violation of the

53 provisions of this article for each day the
54 social media company does

55 any of the following:

56 (i) fails to post terms of service in
57 accordance with section eleven

58 hundred two of this article;

59 (ii) fails to timely submit to the attorney
60 general a report required

61 pursuant to section eleven hundred two of
62 this article; or

63 (iii) materially omits or misrepresents
64 required information in a

65 report submitted pursuant to section eleven
66 hundred two of this article.

67 (c) In assessing the amount of a civil
68 penalty pursuant to paragraph

56 (a) of this subdivision, the court shall
consider whether the social

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1 media company has made a reasonable, good
faith attempt to comply with

2 the provisions of this article.

3 2. Actions for relief pursuant to this
article shall be prosecuted

4 exclusively in a court of competent
jurisdiction by the attorney general

5 in the name of the people of the state of New
York.

6 3. Any social media company determined to
have violated the provisions

7 set forth in this article shall be granted
a cure period of thirty

8 calendar days from the date of
notification of such violation. During

9 this cure period, the company must take all
necessary actions to rectify

10 the identified violation or violations and
achieve full compliance with

11 the requirements delineated in this
article. No civil penalty may be

12 imposed against the company provided the
violation is verifiably cured

13 within the thirty-day timeframe to the
satisfaction of the enforcing

14 authority.

15 § 1104. Application. This article shall not
apply to a social media

16 company that generated less than one
hundred million dollars in gross

17 revenue during the preceding calendar year
or to an internet-based

18 service or application for which
interactions between users are limited

19 to direct messages, commercial
transactions, consumer reviews of

20 products, sellers, services, events, or
places, or any combination ther-

21 eof.

22 § 2. This act shall take effect on the one
hundred eightieth day after

23 it shall have become a law.