STATE OF NEW YORK

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8102--A

2025-2026 Regular Sessions

IN SENATE

May 15, 2025
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Introduced by Sen. GOUNARDES -- 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

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:

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 1    Section 1. The general business law is amended by adding a new article
 2  45-B to read as follows:
 3                              ARTICLE 45-B
 4                       DEVICE-LEVEL AGE ASSURANCE

 5  Section 1540. Definitions.
 6          1541. Obligations for covered manufacturers.
 7          1542. Obligations for covered developers.
 8          1543. Nondiscrimination.
 9          1544. Data security.
10          1545. Rulemaking authority.
11          1546. Scope.
12          1547. Enforcement.
13    § 1540. Definitions. For the purposes of this article, the following
14  terms shall have the following meanings:
15    1. "Age assurance" shall mean any method to reasonably determine the
16  age category of a user, using methods that reasonably prevent against
17  circumvention. Such method may include a method that meets the require-
18  ments of article forty-five of this chapter, or may be a method that is
19  identified pursuant to new regulations promulgated by the attorney
20  general consistent with section fifteen hundred forty-five of this arti-
21  cle.
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 1   2. "Age category" shall mean data that a user is (a) under the age of
 2 thirteen years; (b) at least thirteen but under sixteen years; (c) at
 3 least sixteen but under eighteen years; or (d) at least eighteen years.
 4   3. "Application programming interface" or "API" shall mean a system
 5 that allows two or more software systems to communicate and exchange
 6 information, features, and functionality.
 7   4. "Application store" shall mean a publicly available website, soft-
 8 ware application, or online service that distributes third party plat-
 9 forms' software applications to an internet-enabled device.
10   5. "Covered developer" shall mean a person who owns or controls a
11 website, online service, online application, mobile application, or
12 portion thereof that is accessed by a user in the state of New York.
13   6. "Covered manufacturer" shall mean a manufacturer of an internet-en-
14 abled device, an operating system provider, or an application store.
15   7. "Covered minor" shall mean a user of an internet-enabled device who
16 a covered manufacturer has determined via one or more commercially
17 reasonable age assurance methods to be under the age of eighteen.
18   8. "Internet-enabled device" shall mean and include any desktop,
19 laptop, smartphone, tablet, or other device capable of connecting to the
20 internet and enabling the user to access content on the internet,
21 including a social media platform.
22   9. "Operating system" shall mean the system software that manages the
23 hardware of an internet-enabled device and allows programs and applica-
24 tions to run on such device.
25   10. "Operating system provider" shall mean any person, partnership,
26 association, firm, business, or other legal entity, or any member there-
27 of, who develops, distributes, and/or maintains an internet-enabled
28 device's operating system, including but not limited to the design,
29 programming, or supply of operating systems for internet-enabled
30 devices.
31   11. "Social media platform" shall have the same meaning as in subdivi-
32 sion five of section eleven hundred of this chapter.
33   § 1541. Obligations for covered manufacturers. 1. Upon activation of
34 an internet-enabled device after the effective date of this article, a
35 covered manufacturer shall conduct age assurance to determine a user's
36 age category at the point of such activation. For devices that were
37 activated prior to the effective date of this article, however, such
38 covered manufacturer shall conduct the age assurance described herein on
39 or before such effective date.
40   2.   A covered manufacturer shall provide a covered developer with a
41 digital signal indicating the age category of a user via a real-time
42 application programming interface (API) upon receiving a request for
43 such signal from such developer.
44   3. A covered manufacturer shall ensure that, for any internet-enabled
45 devices sold after the effective date of this article, the requirements
46 of this section are included in any operating system and application
47 store updates by default after such effective date.
48   § 1542. Obligations for covered developers. 1. All covered developers
49 shall request an age category signal for a user from a covered manufac-
50 turer when such user downloads and launches such developer's website,
51 service, or application.
52   2. If the signal indicates that a user is a covered minor, then such
53 covered developer shall treat such signal as an authoritative indicator
54 of such user's age for the purposes of compliance with any applicable
55 law and the covered developer shall be deemed to have actual knowledge
56 that a user is a covered minor across all platforms and points of access

1 **of the website, service, or application; provided, however, that a**
2 **covered developer shall not willfully disregard clear and convincing**
3 **information otherwise available to the developer that indicates a user's**
4 **age is different than that indicated by the age category signal provided**
5 **by a covered manufacturer.**
6 **§ 1543. Nondiscrimination. 1. A covered manufacturer shall impose at**
7 **least the same restrictions and obligations on its own websites, appli-**
8 **cations, and online services as it imposes on the websites, applica-**
9 **tions, and online services of third parties.**
10 **2. A covered manufacturer shall not withhold, degrade, lower the qual-**
11 **ity, or increase the price of any product, service, or feature to a user**
12 **due to the provisions of this article, other than as necessary for**
13 **compliance with the provisions of this article.**
14 **§ 1544. Data security. 1. A covered manufacturer or covered developer**
15 **shall delete all information collected for the purposes of this article**
16 **after such purpose has been achieved, except where necessary for compli-**
17 **ance with applicable provisions of law or regulation.**
18 **2. All digital signals transmitted pursuant to sections fifteen**
19 **hundred forty-one and fifteen hundred forty-two of this article shall be**
20 **encrypted to ensure data integrity and security.**
21 **§ 1545. Rulemaking authority. The attorney general may promulgate such**
22 **rules and regulations as are necessary to effectuate and enforce the**
23 **provisions of this article.**
24 **§ 1546. Scope. This article shall apply to conduct that occurs in**
25 **whole or in part in New York. For purposes of this article, conduct**
26 **takes place wholly outside of New York when an internet-enabled device,**
27 **an operating system provider, or an application store is accessed by a**
28 **user who is physically located outside of New York.**
29 **§ 1547. Enforcement. 1. Whenever it appears to the attorney general,**
30 **either upon complaint or otherwise, that any person, within or outside**
31 **the state, has engaged in or is about to engage in any of the acts or**
32 **practices stated to be unlawful in this article, the attorney general**
33 **may bring an action or special proceeding in the name and on behalf of**
34 **the people of the state of New York to enjoin any violation of this**
35 **article, to obtain restitution of any moneys or property obtained**
36 **directly or indirectly by any such violation, to obtain disgorgement of**
37 **any profits or gains obtained directly or indirectly by any such**
38 **violation, including but not limited to the destruction of unlawfully**
39 **obtained data, to obtain damages caused directly or indirectly by any**
40 **such violation, to obtain civil penalties of up to ten thousand dollars**
41 **per violation, and to obtain any such other and further relief as the**
42 **court may deem proper, including preliminary relief.**
43 **2. Nothing in this article shall be construed as providing the basis**
44 **for, or be subject to, a private right of action to violations of this**
45 **article or under any other law.**
46 **3. The attorney general shall maintain a website to receive**
47 **complaints, information, or referrals from members of the public**
48 **concerning a covered manufacturer's alleged compliance or noncompliance**
49 **with the provisions of this article.**
50 § 2. Subdivision 1 of section 899-ii of the general business law, as
51 added by chapter 121 of the laws of 2024, is amended to read as follows:
52 1. For the purposes of this article, an operator shall treat a user as
53 a covered user if the user's device communicates or signals that the
54 user is or shall be treated as a minor, including through a browser
55 plug-in or privacy setting, device setting, or other mechanism that
56 complies with regulations promulgated by the attorney general**, including**

1 **but not limited to the digital signals created in article forty-five-B**
2 **of this chapter**.
3   § 3. If any clause, sentence, paragraph, subdivision, section or part
4 of this act shall be adjudged by any court of competent jurisdiction to
5 be invalid, such judgment shall not affect, impair, or invalidate the
6 remainder thereof, but shall be confined in its operation to the clause,
7 sentence, paragraph, subdivision, section or part thereof directly
8 involved in the controversy in which such judgment shall have been
9 rendered. It is hereby declared to be the intent of the legislature that
10 this act would have been enacted even if such invalid provisions had not
11 been included herein.
12   § 4. This act shall take effect one year after it shall have become a
13 law. Effective immediately, the addition, amendment and/or repeal of any
14 rule or regulation necessary for the implementation of this act on its
15 effective date are authorized to be made and completed on or before such
16 effective date.