

STATE OF NEW YORK

8102

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

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-A to read as follows:

ARTICLE 45-A DEVICE-LEVEL AGE ASSURANCE

Section 1509. Definitions.

1510. Age assurance required.

1511. Nondiscrimination.

1512. Rulemaking authority.

1513. Scope.

1514. Enforcement.

§ 1509. Definitions. For the purposes of this article, the following terms shall have the following meanings:

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

2. "Application store" shall mean a publicly available website, software application, or online service that distributes third party platforms' software applications to an internet-enabled device.

3. "Covered manufacturer" shall mean a manufacturer of an internet-enabled device, an operating system provider, or an application store.

4. "Covered minor" shall mean a user of an internet-enabled device who a covered manufacturer has determined via one or more commercially reasonable age assurance methods to be under the age of eighteen.

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

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1 5. "Internet-enabled device" shall mean and include any desktop,
2 laptop, smartphone, tablet, or other device capable of connecting to the
3 internet and enabling the user to access content on the internet,
4 including a social media platform.

5 6. "Operating system" shall mean the system software that manages the
6 hardware of an internet-enabled device and allows programs and applica-
7 tions to run on such device.

8 7. "Operating system provider" shall mean any person, partnership,
9 association, firm, business, or other legal entity, or any member there-
10 of, who develops, distributes, and/or maintains an internet-enabled
11 device's operating system, including but not limited to the design,
12 programming, or supply of operating systems for internet-enabled
13 devices.

14 8. "Social media platform" shall have the same meaning as in subdivi-
15 sion five of section eleven hundred of this chapter.

16 § 1510. Age assurance required. 1. Upon activation of an internet-ena-
17 bled device, a covered manufacturer shall conduct commercially reason-
18 able age assurance to determine whether a user is a covered minor. The
19 attorney general shall promulgate regulations identifying methods for
20 commercially reasonable and technically feasible age assurance, which
21 shall consider the size, financial resources, and technical capabilities
22 of covered manufacturers, the costs and effectiveness of available age
23 assurance techniques for users of internet-enabled devices, and preva-
24 lent practices of the industry of covered manufacturers. Such regu-
25 lations shall also identify the appropriate levels of accuracy that
26 would be considered commercially reasonable and technically feasible for
27 operators to achieve in determining whether a user is a covered minor,
28 provided, however, that user self-reporting of age to a covered manufac-
29 turer with no other supporting evidence shall not be an acceptable meth-
30 od of age assurance under this section. Any information collected for
31 the purpose of the age assurance requirement under this subparagraph
32 shall be deleted immediately after an attempt to determine a person's
33 age, except where necessary for applicable provisions of state or feder-
34 al law or regulation.

35 2. After determining that a user is a covered minor under subdivision
36 one of this section, a covered manufacturer shall provide all websites,
37 online services, online applications, mobile applications, or portions
38 thereof on such user's internet-enabled device and/or application store
39 manufactured by the covered manufacturer with a digital signal that such
40 user is a covered minor via a real-time application programming inter-
41 face (API).

42 3. A covered manufacturer shall ensure that, for any internet-enabled
43 devices sold after the effective date of this article, the requirements
44 of this section are included in any operating system and application
45 store updates by default after such effective date.

46 § 1511. Nondiscrimination. 1. A covered manufacturer shall impose at
47 least the same restrictions and obligations on its own websites, appli-
48 cations, and online services as it imposes on the websites, applica-
49 tions, and online services of third parties.

50 2. A covered manufacturer shall not withhold, degrade, lower the qual-
51 ity, or increase the price of any product, service, or feature to a user
52 due to the provisions of this article, other than as necessary for
53 compliance with the provisions of this article.

54 3. A covered manufacturer shall delete all information collected for
55 the purposes of section fifteen hundred ten of this article after such
56 purpose has been achieved.

1 § 1512. Rulemaking authority. The attorney general shall promulgate
2 such rules and regulations as are necessary to effectuate and enforce
3 the provisions of this article.

4 § 1513. Scope. This article shall apply to conduct that occurs in
5 whole or in part in New York. For purposes of this article, conduct
6 takes place wholly outside of New York when an internet-enabled device,
7 an operating system provider, or an application store is accessed by a
8 user who is physically located outside of New York.

9 § 1514. Enforcement. 1. Whenever it appears to the attorney general,
10 either upon complaint or otherwise, that any person, within or outside
11 the state, has engaged in or is about to engage in any of the acts or
12 practices stated to be unlawful in this article, the attorney general
13 may bring an action or special proceeding in the name and on behalf of
14 the people of the state of New York to enjoin any violation of this
15 article, to obtain restitution of any moneys or property obtained
16 directly or indirectly by any such violation, to obtain disgorgement of
17 any profits or gains obtained directly or indirectly by any such
18 violation, including but not limited to the destruction of unlawfully
19 obtained data, to obtain damages caused directly or indirectly by any
20 such violation, to obtain civil penalties of up to ten thousand dollars
21 per violation, and to obtain any such other and further relief as the
22 court may deem proper, including preliminary relief.

23 2. Nothing in this article shall be construed as providing the basis
24 for, or be subject to, a private right of action to violations of this
25 article or under any other law.

26 3. A covered manufacturer shall not be subject to the liability under
27 this article if such manufacturer has taken commercially reasonable
28 steps to estimate the age of its users as provided in section fifteen
29 hundred ten of this article.

30 4. The attorney general shall maintain a website to receive
31 complaints, information, or referrals from members of the public
32 concerning a covered manufacturer's alleged compliance or noncompliance
33 with the provisions of this article.

34 § 2. If any clause, sentence, paragraph, subdivision, section or part
35 of this act shall be adjudged by any court of competent jurisdiction to
36 be invalid, such judgment shall not affect, impair, or invalidate the
37 remainder thereof, but shall be confined in its operation to the clause,
38 sentence, paragraph, subdivision, section or part thereof directly
39 involved in the controversy in which such judgment shall have been
40 rendered. It is hereby declared to be the intent of the legislature that
41 this act would have been enacted even if such invalid provisions had not
42 been included herein.

43 § 3. This act shall take effect one year after it shall have become a
44 law. Effective immediately, the addition, amendment and/or repeal of any
45 rule or regulation necessary for the implementation of this act on its
46 effective date are authorized to be made and completed on or before such
47 effective date.