



NEW YORK STATE SENATOR

Andrew Gounardes

## Governor Hochul Signs Gounardes and Rozic's Landmark Child Internet Safety Legislation into Law

ANDREW GOUNARDES June 20, 2024

| ISSUE: **SOCIAL MEDIA, MENTAL HEALTH**



New York becomes the first state in the nation to enact bi-partisan legislation aimed at protecting kids on social media from addictive algorithms.

**NEW YORK, NY** -- Today, Governor Kathy Hochul signed into law the [SAFE for Kids Act](#) and the [New York Child Data Privacy Act](#), landmark legislation introduced by Senator Andrew Gounardes and Assemblymember Nily Rozic that will protect children and teens on social media from addictive algorithms and exploitative data collection.

**State Senator Andrew Gounardes**, the Senate sponsor of both bills, issued the following statement:

"New York is sending a clear message to Big Tech: your profits are not more important than our kids' privacy and wellbeing. As a father of two young kids, this victory is personal, and I am particularly grateful to the young people, parents, educators, and organizations from across the state who stood up to some of the most powerful companies in the world and demanded a safer digital world. Today would not have been possible without the partnership of Governor Hochul and Attorney General James and their steadfast commitment to protecting children from the harms of social media, and I thank the Governor for signing these two critical bills into law. This milestone isn't just a win for New York's children - our new laws pave the way for the rest of the country to follow suit. We beat Big Tech, and you can too."

"Over two decades after child online privacy laws were last updated, the signing of these bills into laws signals that New York is taking the lead in putting New Yorkers' safety and privacy at the forefront. We are taking decisive action to protect our kids from the harmful influence of addictive algorithms and unchecked data collection enacting the SAFE for Kids Act and the NY Child Data Protection Act," said **Assemblywoman Nily Rozic**. "I thank Governor Hochul, Attorney General James, and Senator Gounardes for their unwavering collaborative efforts in order to protect young people in the digital age."

"When the state's most powerful leaders join forces to prioritize the well-being of kids and families over Big Tech's profits, amazing things can happen," said **James P. Steyer, Founder and CEO of Common Sense Media**. "Governor Hochul, Attorney General James, Senator Gounardes and Assemblywoman Rozic deserve all New Yorkers' gratitude for fighting for these groundbreaking bills and for enacting them into law. We're proud to have contributed to this victory and excited to see these bills set a precedent for other states, and Congress,

when it comes to ensuring kids' online safety."

"New York is standing up for our kids by taking on the tech companies and requiring heightened privacy for our children as well as greater protection from the addictive and predatory features of social media platforms. We applaud Gov. Kathy Hochul, Attorney General Tish James, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senator Andrew Gounardes, and Assembly Member Nily Rozic for protecting our children," said **Michael Mulgrew, President of the United Federation of Teachers.**

### **BACKGROUND:**

Parents in New York, and across the country, are noticing an immediate hit to their childrens' mental health once they begin using social media. Multiple independent studies reveal a [distressing link](#) between prolonged social media use and heightened rates of depression, anxiety, suicidal ideation, and self-harm among youth. Yet, the federal government last passed a law to protect youth online in 1998.

Several states have introduced and passed laws aimed at restricting harmful content, or platforms all together. But attempting to regulate content is legally complicated, often becoming entangled in the court system, and fails to address the root cause: social media companies purposely using addictive algorithms to keep kids online longer in order to serve them ads and profit from their doom scrolling. A Harvard [study](#) found that social media companies made \$11 billion alone from underage users in 2022.

New York lawmakers passed [Stop Addictive Feeds for Kids Act \(SAFE\)](#) and the [New York Child Data Protection Act](#), both sponsored by Senator Andrew Gounardes and Assemblymember Nily Rozic, and backed by Governor Kathy Hochul and Attorney General Letitia James, to regulate two of social media's most harmful tools against youth: addictive algorithms and data collection.

## **Bill #1: Stop Addictive Feeds Exploitation (SAFE) for Kids Act**

This SAFE for Kids Act requires social media companies to restrict the addictive features on their platforms that most harm young users. Currently, platforms supplement the content that users view from the accounts they follow by serving them additional content from accounts they do not follow or subscribe to. This content is curated using algorithms that gather and display content based on a variety of factors. However, algorithmic feeds have been shown to be addictive because they prioritize content that keeps users on the platform longer. Addictive feeds are correlated with an increase in the amount of time that teens and young adults spend on social media and significant negative mental health outcomes for minors.

To address this problem, the legislation will:

- Ban social media platforms from offering addictive feeds to any persons under 18 without parental consent. Instead, users will receive a chronological feed of content from only the users that they already follow or feeds of generally popular content – the same way that social media feeds functioned before the advent of addictive feeds. Users may also search for specific topics of interest.
- Prohibit social media platforms from sending notifications to minors from 12AM and 6AM without verifiable parental consent.
- Authorize the Office of the Attorney General (OAG) to bring an action to enjoin or seek damages or civil penalties of up to \$5,000 per violation.

This legislation only impacts social media platforms with feeds comprised of user-generated content along with other material that the platform recommends to users based on data it collects from them. For example, Facebook, Instagram, TikTok, Twitter, and YouTube will all be subject to this law.

## Bill #2: The New York Child Data Protection Act

With few privacy protections in place for minors online, children are vulnerable to having their location and other personal data tracked and shared with third parties. To protect children's privacy, the New York Child Data Protection Act prohibits all online sites from collecting, using, sharing, or selling personal data of anyone under the age of 18 for the purposes of advertising, unless they receive informed consent or unless doing so is strictly necessary for the purpose of the website. For users under 13, this informed consent must come from a parent. The law authorizes the Office of the Attorney General to enforce the law and may enjoin, seek damages, or civil penalties of up to \$5,000 per violation.

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### RELATED LEGISLATION

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## 2023-S7694A

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- Introduced
  
- ◦ In Committee Assembly
  - In Committee Senate
  
- ◦ On Floor Calendar Assembly
  - On Floor Calendar Senate
  
- ◦ Passed Assembly

- Passed Senate
- Delivered to Governor
- Signed By Governor
- 

Establishes the Stop Addictive Feeds Exploitation (SAFE) for Kids act prohibiting the provision of addictive feeds to minors

October 13, 2023

Signed by Governor

Sponsored by **Andrew Gounardes**

Do you support this bill?

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## 2023-S7695B

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- Introduced
- ◦ In Committee Assembly
  - In Committee Senate
- ◦ On Floor Calendar Assembly
  - On Floor Calendar Senate
- ◦ Passed Assembly

- Passed Senate

- Delivered to Governor

- Signed By Governor

- 

Establishes the New York child data protection act

October 13, 2023

Signed by Governor

Sponsored by [Andrew Gouardes](#)

Do you support this bill?