



February 25, 2026

New York Senate Committee on Internet and Technology  
Legislative Office Building  
198 State Street, Albany, NY 12247

## Re: S 9051 – “Prohibition on Unsafe Chatbot Features for Minors” (Oppose)

Dear Chair Gonzalez and Members of the Senate Committee on Internet and Technology:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose S 9051. CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.<sup>1</sup> Proposed regulations on the intrastate provision of digital services, therefore, can have a significant, nationwide impact on CCIA members.

CCIA firmly believes that children are entitled to security and privacy online. Our members have designed and developed parental tools to individually tailor younger users’ online use to their developmental needs. For example, various services allow parents to set time limits, provide enhanced privacy protections by default for known child users, and other tools allow parents to block specific sites entirely.<sup>2</sup> While CCIA shares the goal of increasing online safety, the bill raises the following concerns:

### S 9051’s vague and subjective definitions would create compliance uncertainty.

Many of the bill’s definitions are not clear enough for businesses to ensure they are in compliance. For example, the bill broadly defines “unsafe chatbot features” to include outputs that “simulate companionship or an interpersonal relationship with a user.” This open-ended, subjective definition risks scoping in businesses such as customer service chatbots that answer support questions, productivity tools that use conversation interfaces, wellness applications that respond to user prompts about goals or progress, and other products and services without the capabilities this bill contemplates.

Even if limited to “advanced chatbots”, which is defined in the bill as “a generative artificial intelligence system with a natural language interface, including via writing or sound, that provides ongoing, adaptive responses to users”, the definitions remain broad enough to capture widely used conversational interfaces, including AI tutors, language apps and research tools.

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<sup>1</sup> For more than 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. A list of CCIA members is available at <https://www.ccianet.org/members>.

<sup>2</sup> Competitive Enterprise Institute, *Children Online Safety Tools*, <https://cei.org/children-online-safety-tools/> (last updated June 10, 2025).

Similarly, it is difficult to objectively determine when a given output meets many of the listed criteria, such as “prioritiz[ing] flattery or sycophancy with the user over the user’s safety”, using “matters personal to the user”, “simulat[ing] companionship or an interpersonal relationship”, and many others. These vague terms do not allow businesses to determine in advance whether their products and services comply with the law (note also that the restrictions on generating “encouragement... to self-isolate” could prohibit models from generating basic public health warnings). Precise narrowing is required to focus any regulation solely on the intended targets.

### **To avoid restricting teens’ access to information, S 9051 should regulate users under 13 rather than 18 in accordance with established practices.**

S 9051 defines “minor” as an individual less than 18. Due to the nuanced ways in which children under the age of 18 use the internet, it is imperative to appropriately tailor such treatments to respective age groups. For example, if a 16-year-old is conducting research for a school project, it is expected that they would come across, learn from, and discern from a wider array of materials than a 7-year-old on the internet playing video games. We would suggest changing the scope of covered users to be minors under the age of 13 to align with the federal Children’s Online Privacy Protection Act (COPPA) standard.<sup>3</sup> This would also allow for those over 13, who use the internet much differently than their younger peers, to continue to benefit from its resources.

### **S 9051 conflicts with New York’s recently enacted AI companion model law.**

New York just enacted an AI companion model law that addresses chatbot safety concerns, effective as of November 2025.<sup>4</sup> S 9051 completely ignores that existing framework and instead proposes an unworkable ban. New York should focus on refining proven models for age-appropriate, transparent experiences, not on scrapping good-faith safety work in favor of a regressive, technology-banning framework. S 9051 creates a separate, conflicting layer of regulation before the impact of the existing law can even be measured, creating an unstable environment for New York’s tech economy.

Moreover, consumer facing digital services have already built considerable consensus around mitigating content- and conduct-related risks to users and other parties. Most of the leading firms in industry have committed to meet best practice standards for online safety which are embedded in a recently published 2025 international standard.<sup>5</sup>

### **The bill’s private right of action would result in the proliferation of costly and questionable claims based on subjective criteria.**

S 9051 permits “Any individual who suffers injury as a result of a violation” to “bring a civil action against any responsible party” and provides that “where a covered user has engaged in conduct harmful to themselves after an advanced chatbot encouraged such conduct, there shall

<sup>3</sup> See 15 U.S.C. § 6501(1).

<sup>4</sup> N.Y. Gen. Bus. Law § 1700 (2025).

<sup>5</sup> ISO/IEC 25389:2025, *Information technology – The safe framework* (Edition 1, June 2025), <https://www.iso.org/standard/90106.html>.



be rebuttable presumptions that the advanced chatbot caused or contributed to the injury.”

By creating a new private right of action, this measure would open the doors of state courthouses to plaintiffs advancing costly, time-intensive claims based on subjective criteria. The vague standards noted above necessitate fact-intensive inquiries that make courts reluctant — or unable — to dismiss claims until more facts can be gathered in the discovery phase. These new dynamics would significantly affect litigants’ incentives. If defendants are routinely forced past the motion to dismiss phase and into full discovery, the cost of litigation itself becomes a coercive force, encouraging settlements unrelated to the strength of the legal claims.

This dynamic is particularly troubling in the online safety context, where allegations about foreseeability and reasonableness may rest on broad assertions rather than concrete evidence. For instance, it is difficult to objectively define when a user has “engaged in conduct harmful to themselves,” or when such conduct can be traced to interactions with the technology in question. These overly fact-intensive standards make early resolution of such cases functionally unattainable, transforming the litigation process into a blunt regulatory tool — one that imposes substantial costs and uncertainty even in cases that ultimately fail on the merits. These costs would be passed on to individuals in New York, disproportionately impacting smaller businesses and startups across the state.<sup>6</sup> CCIA therefore recommends granting the state exclusive enforcement authority and adding a right to cure period to ensure that such costly litigation arises only when necessary, mirroring New Hampshire’s recent shift.<sup>7</sup>

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While we share concerns about protecting child safety online, we encourage Committee members to resist advancing legislation that is not adequately tailored to this objective. We appreciate your consideration of these issues and stand ready to provide additional information as the Legislature considers proposals related to technology policy.

Sincerely,

Kyle J. Sepe  
State Policy Manager, Northeast Region  
Computer & Communications Industry Association

<sup>6</sup> Trevor Wagener, *State Regulation of Content Moderation Would Create Enormous Legal Costs for Platforms*, Broadband Breakfast (Mar. 23, 2021), <https://broadbandbreakfast.com/trevor-wagener-state-regulation-of-content-moderation-would-create-enormous-legal-costs-for-platforms/>.

<sup>7</sup> *CCIA Applauds New Hampshire House Members for Improving Flawed AI Bill*, CCIA (May 23, 2025), <https://ccianet.org/news/2025/05/ccia-applauds-new-hampshire-house-members-for-improving-flawed-ai-bill/>.