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**SYNOPSIS**
Prohibits social media platforms from using certain practices or features that cause child users to become addicted to platform.

**CURRENT VERSION OF TEXT**
As reported by the Assembly Commerce and Economic Development Committee on June 22, 2023, with amendments.

(Sponsorship Updated As Of: 6/30/2023)
AN ACT prohibiting the use of certain addictive practices or features
by social media platforms and supplementing Title 56 of the
Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

1. As used in P.L. , c. (C. ) (pending before the
Legislature as this bill):
   “Addict” means to knowingly, recklessly, or negligently cause
addiction through any act or omission or any combination of acts or
omissions.
   “Addiction” means the use of one or more social media
platforms, the use of which:
   a. indicates preoccupation or obsession with, or withdrawal or
difficulty to cease or reduce the use of, a social media platform
despite the child user’s desire to cease or reduce such use; and
   b. causes physical, mental, emotional, developmental, or
material harm to the child user.
   “Child user” means a person who is younger than 18 years of age
and uses one or more social media platforms.
   “Content” means any statements, materials, documents,
photographs, graphics, or other information that is created, posted,
shared, or otherwise transmitted on a social media platform, except
that “content” does not include any information that is posted online
exclusively for the purpose of cloud storage, transmitting
documents, or file collaboration.
   “Public or semi-public internet-based service or application”
excludes any internet-based service or application that is used to
facilitate communication within a business or enterprise among
employees or affiliates of the business or enterprise, provided that
access to the service or application is restricted to employees or
affiliates of the business or enterprise using the service or
application.
   “Social media platform” or “platform” means a public or semi-
public internet-based service or application that has users in this
State, which service or application:
   a. allows users to construct a public or semipublic profile for
the purposes of using the platform, populate a list of other users
with whom the user shares a social connection through the platform,
and post content viewable by other users of the platform; and
   b. is designed to connect users within the platform to facilitate
social interactions, except that a service or application that provides
email or direct messaging services shall not be considered to meet
this criterion solely based on the existence of that functionality.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
Assembly ACE committee amendments adopted June 22, 2023.
2. a. Except as otherwise provided in this section, a social media platform shall not use any practice, design, feature, or affordance that the owner or operator of the platform knew, or which by the exercise of reasonable care should have known, would cause child users to become addicted to the platform.

b. A social media platform shall not be deemed to violate the provisions of subsection a. of this section if:

(1) the owner or operator of the social media platform demonstrates that the platform:

   (a) [has] maintained an audit program in which the owner or operator of the platform: (i) conducts quarterly audits of its practices, designs, features, and affordances to determine whether these practices, designs, features, or affordances cause, have the potential to cause, or contribute to the addiction of child users to the platform; and (ii) [hires an independent third party to conduct an annual audit of its practices, designs, features, or affordances to determine whether these practices, designs, features, or affordances cause, have the potential to cause, or contribute to the addiction of child users to the platform; and]

   (b) [does not use a practice, design, feature, or affordance that causes or is likely to cause the addiction of child users to the platform; and]

   (c) [if an audit determines that any practice, design, feature, or affordance used by the platform causes, has the potential to cause, or contributes to the addiction of child users, the owner or operator of the platform has corrected the practice, design, feature, or affordance within 30 calendar days of the completion of the audit;]

(2) the social media platform is controlled by a business entity that generated less than $100 million in gross revenue during the preceding calendar year; or

(3) the primary function of the social media platform is to enable users to play video games.

c. Nothing in this section shall be construed to impose liability on the owner or operator of a social media platform for:

(1) any content that is generated, uploaded, or shared on the social media platform by a user of the platform;

(2) any content that is created solely by a third party and passively displayed by the social media platform;

(3) any information or content for which the social media platform was not, in whole or in part, responsible for creating or developing; and

(4) any conduct involving child users that would otherwise be protected by 47 U.S.C. s.230, the First Amendment of the United States Constitution, or Article I, paragraph 6 of the State Constitution.

d. [A] The owner or operator of a social media platform that violates the provisions of subsection a. of this section shall be liable
for a civil penalty, not to exceed $250,000 per violation, to be collected in a civil action by a summary proceeding under the “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court and the municipal court shall have jurisdiction to enforce the provisions of the “Penalty Enforcement Law of 1999” pursuant to this subsection.

3. This act shall take effect on the first day of the third month following the date of enactment.