

[First Reprint]

**ASSEMBLY, No. 5069**

**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

INTRODUCED JANUARY 19, 2023

**Sponsored by:**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington)**

**Assemblywoman SHANIQUE SPEIGHT**

**District 29 (Essex)**

**Assemblyman STERLEY S. STANLEY**

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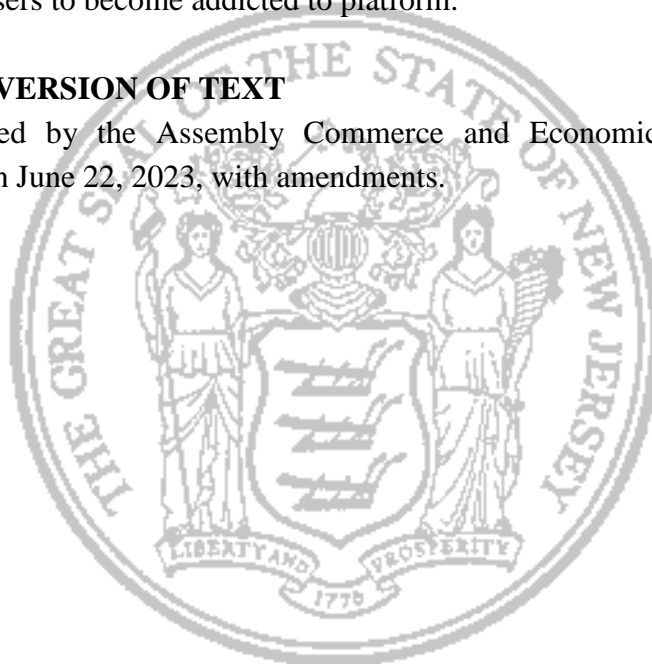
**Assemblyman Tully, Assemblywoman Jasey, Assemblyman Karabinchak,  
Assemblywomen Park, Murphy and Lopez**

**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)**

1 AN ACT prohibiting the use of certain addictive practices or features  
2 by social media platforms and supplementing Title 56 of the  
3 Revised Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. As used in P.L. , c. (C. ) (pending before the  
9 Legislature as this bill):

10 “Addict” means to knowingly, recklessly, or negligently cause  
11 addiction through any act or omission or any combination of acts or  
12 omissions.

13 “Addiction” means the use of one or more social media  
14 platforms, the use of which:

15 a. indicates preoccupation or obsession with, or withdrawal or  
16 difficulty to cease or reduce the use of, a social media platform  
17 despite the child user’s desire to cease or reduce such use; and

18 b. causes physical, mental, emotional, developmental, or  
19 material harm to the child user.

20 “Child user” means a person who is younger than 18 years of age  
21 and uses one or more social media platforms.

22 “Content” means any statements, materials, documents,  
23 photographs, graphics, or other information that is created, posted,  
24 shared, or otherwise transmitted on a social media platform, except  
25 that “content” does not include any information that is posted online  
26 exclusively for the purpose of cloud storage, transmitting  
27 documents, or file collaboration.

28 “Public or semi-public internet-based service or application”  
29 excludes any internet-based service or application that is used to  
30 facilitate communication within a business or enterprise among  
31 employees or affiliates of the business or enterprise, provided that  
32 access to the service or application is restricted to employees or  
33 affiliates of the business or enterprise using the service or  
34 application.

35 “Social media platform” or “platform” means a public or semi-  
36 public internet-based service or application that has users in this  
37 State, which service or application:

38 a. allows users to construct a public or semipublic profile for  
39 the purposes of using the platform, populate a list of other users  
40 with whom the user shares a social connection through the platform,  
41 and post content viewable by other users of the platform; and

42 b. is designed to connect users within the platform to facilitate  
43 social interactions, except that a service or application that provides  
44 email or direct messaging services shall not be considered to meet  
45 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:**

**<sup>1</sup>Assembly ACE committee amendments adopted June 22, 2023.**

1           2. a. Except as otherwise provided in this section, a social media  
2 platform shall not use any practice, design, feature, or affordance that  
3 the 'owner or operator of the' platform knew, or which by the exercise  
4 of reasonable care should have known, would cause child users to  
5 become addicted to the platform.

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

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

10          (a) 'has' instituted and '[maintained] maintains' an audit  
11 program in which the 'owner or operator of the' platform '[: (i)  
12 conducts quarterly audits of its practices, designs, features, and  
13 affordances to determine whether these practices, designs, features, or  
14 affordances cause, have the potential to cause, or contribute to the  
15 addiction of child users to the platform; and (ii)']' hires an independent  
16 third party to conduct an annual audit of its practices, designs, features,  
17 or affordances to determine whether these practices, designs, features,  
18 or affordances cause, have the potential to cause, or contribute to the  
19 addition of child users to the platform; '[and]'

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

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

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

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

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

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

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

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

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

45           d. '[A] The owner or operator of a' social media platform that  
46 violates the provisions of subsection a. of this section shall be liable

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1 for a civil penalty, not to exceed \$250,000 per violation, to be  
2 collected in a civil action by a summary proceeding under the “Penalty  
3 Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).  
4 The Superior Court and the municipal court shall have jurisdiction to  
5 enforce the provisions of the “Penalty Enforcement Law of 1999”  
6 pursuant to this subsection.

7

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