

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5069

STATE OF NEW JERSEY

DATED: MARCH 20, 2023

The Assembly Health Committee reports favorably Assembly Bill No. 5069.

This bill prohibits a social media platform from using any practice, design, feature, or affordance that would cause child users to become addicted to the platform. Under the bill, a social media platform would be liable for a civil penalty not to exceed \$250,000 for each violation.

However, if a social media platform implements an audit program and corrects certain addictive practices, the platform would not be deemed to violate the provisions of the bill. Specifically, the social media platform would be required to conduct quarterly audits, and hire an independent third party to conduct an annual audit, to determine whether any of its practices, designs, features, or affordances would cause, have the potential to cause, or contribute to the addiction of child users to the platform. If so, the social media platform would also be required to correct the practice, design, feature, or affordance within 30 calendar days of the completion of the audit.

Additionally, certain social media platforms would not be subject to the requirements of the bill. These social media platforms would include any platform that is controlled by a business entity that generated less than \$100 million in gross revenue during the preceding calendar year, or any platform whose primary function is to enable users to play video games.

The bill also clarifies that social media platforms would not be subject to liability under this bill for: (1) any content generated, uploaded, or shared by users of the platform; (2) any content that is created by third-party entities and passively displayed by the platform; (3) any information or content for which the platform was not responsible for creating and developing; and (4) any conduct involving child users that would otherwise be protected under certain federal law, the First Amendment of the United States Constitution, or Article I, paragraph 6 of the State Constitution.