

ASSEMBLY SCIENCE, INNOVATION AND TECHNOLOGY  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 4919**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 15, 2023

The Assembly Science, Innovation and Technology Committee reports favorably and with amendments Assembly Bill No. 4919.

As amended and reported, this bill establishes social media privacy and data management requirements for children and establishes the New Jersey Children's Data Protection Commission.

The bill requires that before offering any new online service, product, or feature to users residing in New Jersey that is likely to be accessed by children, a social media platform that provides the online service, product, or feature is required to take certain actions as described in the bill, including completing a Data Protection Impact Assessment.

Under the bill, a Data Protection Impact Assessment is to address: (1) whether the design of the online product, service, or feature could harm children, including by exposing children to harmful, or potentially harmful, content on the social media platform; (2) whether the design of the online service, product, or feature could lead to children experiencing or being targeted by harmful, or potentially harmful, contacts on the social media platform; (3) whether the design of the online service, product, or feature could permit children to witness, participate in, or be subject to harmful, or potentially harmful, conduct on the social media platform; (4) whether the design of the online service, product, or feature could allow children to be party to or exploited by a harmful, or potentially harmful, contact on the social media platform; (5) whether algorithms used by the online service, product, or feature could harm children; (6) whether targeted advertising systems used by the online service, product, or feature could harm children; (7) whether and how the online service, product, or feature uses system design features to increase, sustain, or extend use of the social media platform by children, including the automatic playing of media, rewards for time spent, and notifications; and (8) whether, how, and for what purpose the online service, product, or feature collects or processes children's personal information.

The bill requires a social media platform to review all Data Protection Impact Assessments at least every two years and upon a

material change. The bill provides the assessments to the Attorney General within a certain time after receiving a request.

The bill prohibits social media platforms that provide an online service, product, or feature likely to be accessed by children from taking certain action as provided in the bill.

Any social media platform that violates the provisions of the bill is subject to an injunction and is liable for a civil penalty of up to \$2,500 per affected child for each negligent violation, or up to \$7,500 per affected child for each intentional violation, which penalty is to be assessed and recovered only in a civil action brought by the Attorney General.

Finally, the bill establishes, within the Division of Consumer Affairs, the New Jersey Children's Data Protection Commission. The commission shall consist of nine members with expertise in children's data privacy, children's physical health, children's mental health and well-being, computer science, or children's rights. Under the bill, three members each are appointed by the Governor, the President of the Senate, and the Speaker of the General Assembly, respectively. The commission is tasked with taking input from a broad range of stakeholders and making recommendations to the Legislature on best practices regarding certain topics described in the bill. The commission is required to submit a report of its findings and recommendations within six months of its organizational meeting and annually thereafter.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) exclude news media as defined in N.J.S.A.2A:84A-21a from the definition of "social media platform" or "platform" for purposes of the bill

(2) add a definition for "material change" and provide that a social media platform is required to review all Data Protection Impact Assessments upon a material change, in addition to at least every two years;

(3) provide that the members of the New Jersey Children's Data Protection Commission are to be appointed within 120 days after the bill's effective date, rather than 30 days after the bill's effective date; and

(4) make technical changes to the bill.