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SYNOPSIS

“New Jersey Kids Code Act”; adopts New Jersey Age-Appropriate Design Code and requires certain online service providers to implement certain measures concerning minors’ use of online service.

CURRENT VERSION OF TEXT

As amended by the Senate on June 30, 2026.

AN ACT concerning online privacy for minors and supplementing
Title 56 of the Revised Statutes.

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

1. This act shall be known and may be cited as the “New Jersey Age-Appropriate Design Code.”

2. The Legislature finds and declares that:

a. New Jersey and the United States are facing a youth mental health crisis, with rates of adolescent suicides, depressive episodes, and feelings of sadness and hopelessness increasing significantly in recent years.

b. Studies have shown a correlation between high internet usage and increased risks of depression, anxiety, loneliness, and suicidal ideation, particularly in adolescents and young adults.

c. According to the Pew Research Center, in 2022, 46 percent of American teenagers aged 13 through 17 reported using the Internet almost constantly.

d. As children and youth spend more time interacting with the online world, the impact of the design of online services on their well-being has become a focus of significant concern.

e. There is widespread and bipartisan agreement in the United States that more needs to be done to create a safer online space for children to learn, explore, and play.

f. Lawmakers throughout the United States and in New Jersey have taken steps to enhance online privacy protections and security for children.

g. On September 15, 2025, the Growing Up Online report advised the Legislature to pass legislation requiring online platforms to implement strong default privacy settings for minors, restrict data collection and third-party access, and protect against targeted advertising, invasive tracking, and addictive design features.

h. Online services that are reasonably likely to be accessed by children should offer strong privacy protections by design and by default, as well as prevent the use of children’s personal data in ways that are reasonably likely to result in the sexual exploitation, abuse, discrimination, financial harm, or physical harm of children.

i. Establishing age-appropriate privacy and safety design requirements for online services used by children is consistent with federal safety laws and policies regulating the design of children’s products, ranging from toys and clothing to furniture and games, to prevent children from suffering harm at the hands of these products.

j. Therefore, it is essential for the Legislature to promote the health and safety of children and youth online by ensuring online services have age-appropriate designs that reflect the unique risks and challenges that these online services may have for young people.

3. As used in P.L. , c. (C.) (pending before the Legislature as this bill):

“Actual knowledge” is all information known to and inferences made by the covered online service provider relating to the age of an individual, including, but not limited to, the individual’s declared age, age flags, a commercially-reasonable and technically-feasible age assurance mechanism, and any age the covered online service provider has attributed or associated with the individual for any purpose, including marketing, advertising, or product development. If a covered online service provider’s classification of an individual for any purpose, including marketing, advertising, or user engagement is inconsistent with the individual’s declared age, a covered online service provider shall disregard the declared age for purposes of P.L. , c. (C.) (pending before the Legislature as this bill).

“Adult” means an individual who is 18 years of age or older.

“Algorithmic recommendation system” means a computational process used to determine the selection, order, rank, relative prioritization, or relative prominence of media provided to a user through an online service, product, or feature, including search results, ranking, recommendations, display, or any other method of automated selection. “Algorithmic recommendation system” does not include a computational process that:

a. enables users to find specific other users on a covered online service provider’s service, such as by entering individual information as a search query or uploading a list of contacts; or

b. otherwise returns media responsive to a user’s search query, as long as the system does not: process other personal data of the user to determine the selection, order, rank, relative prioritization, or relative prominence of the media; or associate the search query with the user after the search results are returned.

“Child” means an individual under the age of 13.

“Collect” means buying, renting, gathering, obtaining, receiving, or accessing any personal data pertaining to an individual by any means, including, but not limited to, receiving information from an individual, either actively or passively, or by observing the individual’s behavior.

“Compulsive use” means a pattern of use of a covered online service provider’s online service that, at a minimum: (1) is

repetitive and difficult for a user to stop or reduce despite a desire to do so; and (2) materially disrupts one or more major life activities, including but not limited to sleeping, eating, learning, reading, communicating, or working.

“Consumer Price Index” means the most comprehensive index of consumer prices available for this State from the Bureau of Labor Statistics of the United States Department of Labor.

“Controls” or “controlled by” means:

- a. ownership of, or the power to vote, more than 50 percent of the outstanding shares of any class of voting security of the legal entity;
- b. control in any manner over the election of a majority of the directors of the legal entity, or of individuals exercising similar functions in the legal entity; or
- c. power to exercise a controlling influence over the management of the legal entity.

“Covered adult” means an individual that a covered online service provider has actual knowledge is an adult.

“Covered child” means an individual that a covered online service provider has actual knowledge is a child.

“Covered design feature” means a feature or component of an online service for which there is an associated risk of resulting compulsive use, including, but not limited to, features ²[primarily designed to] that² encourage or increase a user’s frequency, time spent, or activity on the online service. “Covered design feature” also includes, but is not limited to:

- a. infinite scroll or a design feature where content automatically and continuously loads;
- b. auto-playing video or audio, or a design feature in which a video or audio automatically begins playing when a user navigates to, or scrolls through, a set of videos without any explicit action on the part of a user indicating the user’s desire to watch that video or listen to that audio;
- c. gamification, or a design feature that emulates gameplay, including, but not limited to, a streak, badge, or reward that motivates or causes more frequent or more extensive use of an online service through incentives;
- d. the use of clustering or timing of notifications or push alerts, irrespective of content, to encourage a user to return to the online service;
- e. design features in which virtual currencies are used or where digital items are purchased;
- f. appearance-altering filters;
- g. requiring, or repeatedly prompting, the creation of an account in order to access publicly available user-generated content;

h. the use of ephemerality to prompt the urgent use of an online service; and

i. intermittent variable reward schedules.

“Covered minor” means an individual who a covered online service provider has actual knowledge is a minor.

“Covered online service provider” means:

a. a sole proprietorship, limited liability company, corporation, association, or any other legal entity:

(1) that owns, operates, controls, or provides an online service, or generates the majority of its annual revenue from online services;

(2) that conducts business in this State;

(3) whose online services are reasonably likely to be accessed by a ²child or ²minor; and

(4) (a) that has annual gross revenue in excess of \$25,000,000. Beginning January 1, 2029, and every two years thereafter, the Department of the Treasury shall adjust the amount of annual gross revenue to reflect the percentage change in the Consumer Price Index; or

(b) that annually processes the personal data of not less than 25,000 consumers or households; or

b. a person that controls or is controlled by a legal entity described in subsection a. of this definition and that shares common branding with the legal entity.

²A “covered online service provider” ³[is a controller for the purposes of P.L.2023, c.266 (C.56:8-166.4 et seq.)] does not include an entity that solely provides a direct messaging service or product^{3 2}

“Dark pattern” means a user interface designed or manipulated with the substantial effect of subverting or impairing user autonomy, decision-making, or choice and includes, but is not limited to, any practice the United States Federal Trade Commission refers to as a “dark pattern.”

¹“Device” means any electronic equipment capable of collecting, processing, retaining, or transferring personal data.¹

“Minor” means an individual who is at least 13 years of age but less than 18 years of age.

“Online service” means ³[any service, product, or feature provided over the Internet that collects, uses, stores, discloses, analyzes, deletes, or modifies the personal data of consumers. “Online service” includes, but is not limited to, a website or application. “Online” a service or product that: (1) is accessible to the public via the Internet; (2) displays content that is generated by one or more account holders; (3) has an account holder in this State; and (4) allows account holders to interact

with content associated with other individual account holders as a central feature of the service.

“Online³ service” does not include:

a. a “telecommunications service,” as that term is defined in 47 U.S.C. s.153;

b. a “broadband internet access service,” as that term is defined in 47 C.F.R. s.8.1; ²[or]²

c. ²an email service; or

d.² the sale, delivery, or use of a physical ¹[device] product¹.

“Parent” means a legal guardian.

“Personal data” means any information that is linked or reasonably linkable to an identified or identifiable person.

“Personal data” shall not include de-identified data or publicly available information.

“Precise geolocation data” means information derived from technology, including, but not limited to, global positioning system level latitude and longitude coordinates or other mechanisms, that directly identifies the specific location of an individual with precision and accuracy within a radius of 1,750 feet. “Precise geolocation data” does not include the content of communications or any data generated by or connected to advanced utility metering infrastructure systems or equipment for use by a utility.

“Process” or “processing” means an operation or set of operations performed, whether by manual or automated means, on personal data or sets of personal data, such as the collection, use, storage, disclosure, analysis, deletion, or modification of personal data, and includes the actions to direct the processing of personal data.

“Publicly available information” means information that is lawfully made available from federal, State, or local government records or widely distributed media or information for which there is a reasonable basis to believe that an individual has lawfully made available to the general public and has not restricted to a specific audience.

“Reasonably likely to be accessed” means an online service is reasonably likely to be accessed by a covered child or covered minor because:

a. the online service is a “website or online service directed to children,” as that term is defined by the “Children’s Online Privacy Protection Act,” 15 U.S.C. s.6501 et seq. and the Federal Trade Commission rules implementing that act;

b. at least two percent of the audience of the online service is determined, based on competent and reliable evidence regarding audience composition, to be routinely accessed by individuals who are two through 17 years of age; or

c. the covered online service provider knew or should have known that at least two percent of the audience of the online service includes individuals two through 17 years of age, provided that, in making this assessment, the covered online service provider shall not collect or process any personal data that is not reasonably necessary to provide an online service with which a covered child or covered minor is actively and knowingly engaged.

“Search engine indexing” means the process by which search engines collect, parse, crawl, analyze, organize, or store web content to facilitate accurate information retrieval.

“User” means an individual whose personal data is directly or indirectly collected, used, stored, disclosed, analyzed, deleted, modified, or otherwise processed by a covered online service provider.

4. a. A covered online service provider shall configure all default privacy settings for a covered child and covered minor to the highest level of privacy, including, but not limited to:

(1) for a covered online service ²provider² that uses an algorithmic recommendation system to select, recommend, or prioritize media or contacts between users:

(a) not displaying the ²[existence] content² of a covered child’s or covered minor’s account to a covered adult unless the covered adult is the parent thereof, or the covered child or covered minor has expressly and unambiguously allowed the covered adult to view the covered child’s or covered minor’s account, or the covered child or covered minor has expressly and unambiguously chosen to make the covered child’s or covered minor’s account ²[existence]² public;

(b) not displaying media created or posted by a covered child or covered minor to a covered adult unless the covered adult is the parent thereof, or the covered child or covered minor has expressly and unambiguously allowed the covered adult to view the covered child’s or covered minor’s media, or the covered child or covered minor has expressly and unambiguously chosen to make the covered child’s or covered minor’s media publicly available; and

(c) prohibiting direct messaging between a covered child or covered minor and a covered adult unless the covered adult is the parent thereof, or the covered child or covered minor has expressly and unambiguously chosen to allow direct messaging with the covered adult;

(2) prohibiting the display of a covered child’s or covered minor’s location to other users, unless the covered child or covered minor has expressly and unambiguously chosen to share

the covered child's or covered minor's location with a specific user;

(3) not displaying the users connected to a covered child or covered minor;

(4) disabling search engine indexing of a covered child's or covered minor's account; and

(5) disabling all interaction counts, including but not limited to comments, reactions, and reshares, and offering:

(a) settings to enable or disable specific types of interaction counts; and

(b) a single setting to enable all interaction counts at once, provided the settings to enable specific types of interaction counts are equally or more prominent and accessible than the setting to enable all interaction counts at once.

b. A covered online service provider shall not:

(1) provide a covered child or covered minor with a single setting that makes multiple default privacy settings less protective at once; or

(2) request or prompt a covered child or covered minor to make privacy settings less protective, unless the change is necessary to access a service or feature a covered child, covered minor, or parent of a covered child or covered minor has expressly and unambiguously requested.

c. A covered online service provider shall offer individual, accessible privacy settings to a covered child or covered minor that allows a covered child or covered minor the option to block specific users from, at minimum:

(1) accessing the media of a covered child or covered minor;

(2) interacting with the media of a covered child or covered minor; and

(3) communicating with a covered child or covered minor through any means offered by the covered online service provider, including direct messaging.

5. A covered online service provider shall establish a prominent and accessible user interface to enable a covered child, covered minor, and parent of a covered child or covered minor to report harms experienced by the covered child or covered minor on the online service.

6. A covered online service provider shall not:

a. send notifications to any covered child or covered minor by default;

b. send notifications to a covered child or covered minor between 10:00 p.m. and 6:00 a.m. and, on a weekday between Labor Day and Memorial Day, between 8:00 a.m. and 4:00 p.m.;

- c. target, or allow an advertiser to target, an advertisement to a covered child or covered minor for narcotic drugs, tobacco products, gambling, or alcohol; or
- d. use dark patterns in regard to a covered child or covered minor.

7. a. A covered online service provider shall not:

(1) use the personal data of a covered child or covered minor for any reason other than the reason for which the personal data was collected; or

(2) use the personal data of a covered child or covered minor to select, recommend, or prioritize media using an algorithmic recommendation system unless the selection, recommendation, or prioritization of media is based on: user-selected privacy or accessibility settings; a user's search query, if the query is used only to select and prioritize media in response to the query; parent-selected privacy or accessibility settings; a user's age or age flag, only if the data is used to implement the covered online service's age-appropriate content policies; or the covered child's or covered minor's express and unambiguous request to receive:

(a) media from a specific account, feed, or user, or to receive more or less media from that account, feed, or user;

(b) a specific category of media, such as videos depicting specific types of content, or to view more or less of that category of media; or

(c) more or less media with similar characteristics as the media the covered child or covered minor is currently viewing.

b. A covered online service provider shall only process or retain the minimum amount of a covered child's or covered minor's personal data that is necessary to provide the specific features of the online service with which the covered child or covered minor has knowingly engaged.

8. a. A covered online service provider is not required to collect the personal data of a user to comply with the provisions of P.L. , c. (C.) (pending before the Legislature as this bill).

b. A covered online service provider that collects a user's personal data for purposes of age ²[verification] ³[assurance²] verification³ shall not use that personal data for any other purpose and shall delete that personal data not later than 15 days after ²[verifying] ³[determining²] verifying³ the user's age.

9. A covered online service provider shall provide a prominent and accessible mechanism for a covered child or covered minor to request that the covered child's or covered

minor's account be unpublished or permanently deleted. The mechanism shall require the same number or fewer steps than required for a covered child or covered minor to create an account on the covered online service provider. A covered online service provider shall unpublish ²[or permanently delete, as appropriate,]² the covered child's or covered minor's account not later than 10 business days after submission of the request ²to unpublish and shall permanently delete the covered minor's account not later than 45 calendar days after submission of the request to permanently delete².

10. a. A covered online service provider that uses an algorithmic recommendation system shall establish a prominent and accessible user interface to enable a covered child, covered minor, and parent of a covered child or covered minor to:

(1) communicate preferences about which types of media are to be recommended or blocked in the output of the relevant algorithmic recommendation system; and

(2) access, review, and make changes to any personal data the covered online service provider uses to determine the output of the relevant algorithmic recommendation system.

b. A covered online service provider shall ensure the selection, recommendation, and prioritization of media in an algorithmic recommendation system is informed by the preferences communicated via the user interface described in subsection a. of this section.

11. A covered online service provider shall provide a prominent and constant real-time signal to a covered child or covered minor when precise geolocation information is being collected or used or the online activity of that covered child or covered minor is being monitored by any individual, including a parent of the covered child or covered minor.

12. a. A covered online service provider shall take all reasonable steps to ensure that the covered online service provider's use of a covered child's or covered minor's personal data and the design of a covered design feature do not result in compulsive use in a covered child or covered minor.

b. Nothing in this section shall be construed to require a covered online service provider to prevent or preclude a covered child or covered minor from accessing or viewing content or media, or to opine whether any piece of media is harmful.

13. a. The Attorney General may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et

seq.), rules and regulations as may be necessary to implement the provisions of P.L. , c. (C.) (pending before the Legislature as this bill).

b. The Commissioner of Health may adopt, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), additional criteria for what constitutes “compulsive use” as that term is defined in section 3 of P.L. , c. (C.) (pending before the Legislature as this bill).

14. a. A violation of P.L. , c. (C.) (pending before the Legislature as this bill), or any rules adopted thereunder, shall constitute an unlawful practice and violation of P.L.1960, c.39 (C.56:8-1 et seq.).

b. The Attorney General shall have the same authority under P.L. , c. (C.) (pending before the Legislature as this bill) to conduct civil investigations, bring civil actions, and enter into assurances of discontinuance as provided under P.L.1960, c.39 (C.56:8-1 et seq.).

c. A covered child or covered minor injured by a violation of P.L. , c. (C.) (pending before the Legislature as this bill) may bring a civil action against the covered online service provider. The Attorney General or the parent of a covered child or covered minor injured by a violation of P.L. , c. (C.) (pending before the Legislature as this bill) may bring a civil action on the covered child’s or covered minor’s behalf against the covered online service provider. For any negligent or greater violation of P.L. , c. (C.) (pending before the Legislature as this bill), a court may award a prevailing plaintiff, as appropriate:

(1) \$5,000 per violation or treble damages, whichever is greater;

(2) punitive damages for reckless or knowing violations;

(3) injunctive relief;

(4) declaratory relief; and

(5) attorney’s fees and litigation costs.

d. Any violation of sections 4 through 12 of P.L. , c. (C. through C.) (pending before the Legislature as this bill) as to any covered child or covered minor shall constitute an injury to that covered child or covered minor for the purposes of subsection c. of this section.

15. The provisions of P.L. , c. (C.) (pending before the Legislature as this bill) shall not apply to:

a. a federal, State, tribal, or local government entity in the ordinary course of operations; or

b. the following data and information:

(1) information subject to Title V of the “Gramm-Leach-Bliley Act” (15 U.S.C. s.6801 et seq.);

(2) personal data governed under the “Health Information Technology for Economic and Clinical Health Act” (42 U.S.C. s.17921 et seq.);

(3) protected health information under the “Health Insurance Portability and Accountability Act of 1996,” Pub.L. 104-191, and regulations promulgated thereunder;

(4) information, including, but not limited to, personal data that is collected as part of a clinical trial that is subject to the federal policy for the protection of human subjects under 45 C.F.R. Part 46;

(5) information that is collected in accordance with the “Guideline for Good Clinical Practice” issued by the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use; or

(6) information that is collected in accordance with the human subject protection requirements of the United States Food and Drug Administration under 21 C.F.R. Part 50.

16. a. The provisions of P.L. , c. (C.) (pending before the Legislature as this bill) shall not limit or restrict in any way the application of other laws, statutes, rules, or regulations of this State.

b. Nothing in P.L. , c. (C.) (pending before the Legislature as this bill) shall be interpreted or construed to:

(1) impose liability in a manner that is inconsistent with 47 U.S.C. s.230;

(2) impose liability in a manner that is inconsistent with the First Amendment of the United States Constitution or Article One of the New Jersey Constitution; or

(3) preempt or otherwise affect any right, claim, remedy, presumption, or defense available at law or in equity, including but not limited to anti-discrimination, consumer protection, labor, and civil rights laws.

c. If any clause, sentence, paragraph, subparagraph, subsection, section or part of P.L. , c. (C.) (pending before the Legislature as this bill) shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subparagraph, subsection, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the Legislature that P.L. , c. (C.) (pending before the Legislature as this bill) would have been enacted even if such invalid provisions had not been included herein.

d. The provisions of P.L. , c. (C.) (pending before the Legislature as this bill), shall apply to conduct that occurs in whole or in part in New Jersey.

²e. The obligations of a covered online service provider pursuant to P.L. , c. (C.) (pending before the Legislature as this bill) shall apply with respect to each online service provided by the covered online service provider.

³[f. In the event of a conflict between the provisions of P.L. , c. (C.) (pending before the Legislature as this bill) and the provisions of another law or laws of this State, the law that affords minors the greatest protection from harm shall control.]³

17. This act shall take effect on the first day of the 13th month following the date of enactment.