



December 4, 2023

Senate Commerce Committee
Attn: Christian H. Weisenbacher, Liza Ackerman
State House Annex
Trenton, NJ 08625

RE: S.2579/A.3543 - An Act concerning online marketplaces and supplementing P.L.1960, c.39

Dear Chair Pou and Members of the Commerce Committee:

On behalf of the Computer & Communications Industry Association (CCIA), I am writing regarding S.2579/A.3543 - An Act concerning online marketplaces and supplementing P.L.1960, c.39. CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.¹ CCIA appreciates the work that the Legislature undertook last year to provide transparency to consumers in online transactions and deter the sale of stolen or counterfeit items online.

In the time since the Assembly passed A. 3543 last year, the U.S. Congress enacted a similar bill at the federal level, the Integrity, Notification, and Fairness in Online Retail Marketplaces for Consumers (INFORM) Act on December 29, 2022, which went into effect on June 27, 2023.² CCIA was proud to endorse Congress' efforts to get that bill over the finish line, and is pleased that residents of all 50 states now have additional transparency when purchasing from online marketplaces.

As the federal INFORM Act is now in effect, and explicitly preempts state laws,³ S.2579/A.3543 would be redundant if passed and signed into law, and therefore CCIA suggests that the Legislature decline to advance this legislation in the remaining days of the legislative session.

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We appreciate your consideration of these comments. CCIA stands ready to provide additional information as the Legislature considers proposals related to technology policy.

Sincerely,

Alexander Spyropoulos
Regional State Policy Manager - Northeast
Computer & Communications Industry Association

¹ For over 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. A list of CCIA members is available at <https://www.ccianet.org/members>.

² Codified at 15 U.S.C. § 45f.

³ See 15 U.S.C. § 45f(g) ("No State or political subdivision of a State, or territory of the United States, may establish or continue in effect any law, regulation, rule, requirement, or standard that conflicts with the requirements of this section.").