



June 10, 2026

New Jersey Senate Committee on Health, Human Services and Senior Citizens
Committee Room 6, 1st Floor, State House Annex
Trenton, NJ 08608

Re: S 3412 – "Requires certain social media platforms to take certain actions concerning user mental health" (Oppose)

Dear Chair Vitale and Members of the Senate Committee on Health, Human Services and Senior Citizens:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose S 3412. CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.¹ Proposed regulations on the intrastate provision of digital services therefore can have a significant, nationwide impact on CCIA members.

CCIA firmly believes that children are entitled to security and privacy online. Our members have designed and developed parental tools to individually tailor younger users' online use to their developmental needs. For example, various services allow parents to set time limits, provide enhanced privacy protections by default for known child users, and other tools allow parents to block specific sites entirely.² This is also why CCIA supports implementing digital citizenship curricula in schools, to not only educate children on proper social media use but also help teach parents how they can use existing mechanisms and tools to protect their children as they see fit.³

However, protecting children from harm online does not include a generalized power to restrict ideas to which one may be exposed. Lawful speech cannot be suppressed — or compelled⁴ — solely to protect young online users from ideas or images that a legislative body disfavors.⁵ While CCIA shares the goal of increasing online safety, this bill presents the following concerns.

¹ For more than 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 Competitive Enterprise Inst., *Children Online Safety Tools*, <https://cei.org/children-online-safety-tools/> (last updated June 10, 2025).

³ Jordan Rodell, *Why Implementing Education is a Logical Starting Point for Children's Safety Online*, Disruptive Competition Project (Feb. 7, 2023), <https://project-disco.org/privacy/020723-why-implementing-education-is-a-logical-starting-point-for-childrens-safety-online/>.

⁴ See, e.g., *NetChoice v. Weiser*, 808 F. Supp. 3d 1223, 1240 (D. Colo. 2025).

⁵ *Erznoznik v. City of Jacksonville*, 422 U.S. 205, 212–14 (1975). See also *FCC v. Pacifica Found.*, 438 U.S. 726, 749–50 (1978); *Pinkus v. United States*, 436 U.S. 293, 296–98 (1978).



S 3412's method of designating covered services violates the First and Fourteenth Amendments.

S 3412 covers online services and applications whose “primary function” is “to connect covered users in order to allow covered users to interact socially with each other within the service or application”. Multiple federal courts have found this method of designating covered services to violate the First Amendment’s prohibition on content-based speech restrictions and/or the Fourteenth Amendment’s prohibition on vague laws.⁶ As a Louisiana federal court recently explained, “Due to the phrase’s indeterminacy, companies must guess whether their websites cross the threshold... into ‘social interaction.’ On the one side are burdens to protected speech, not to mention compliance costs. On the other, the risk of ‘unpredictable and arbitrary enforcement’ of the Act, including fines.”⁷

The bill further violates the First Amendment by compelling speech based on a digital service’s content, as it exempts “A service or application that consists primarily of news, sports, entertainment, ecommerce, or content that is preselected by the provider”. As the above Louisiana court explained, such a law regulates a digital service “with reference to what it is not... Classification of websites under the Act therefore requires consideration of their content—that is, whether their content is “predominant[ly] or exclusive[ly]” socially interactive.”⁸ Several other federal courts have found such content-based regulation of digital service to be unconstitutional as well.⁹

Mandatory social media warning labels—especially when not backed by research—raise First Amendment concerns.

Much research on social media and adolescent health (including the National Academies of Sciences, the University of Oxford, the American Psychological Association, and the Journal of Pediatrics) has found that social media does not cause changes in adolescent health at the population level.¹⁰ Even the Surgeon General’s Social Media and Youth Mental Health advisory referenced in S 3412 acknowledges the benefits of social media, including social connection, information sharing, and civic engagement.¹¹ Indeed, as a federal court recently noted, “nearly

⁶ See, e.g., *NetChoice v. Murrill*, 812 F. Supp. 3d 594, 661 (M.D. La. 2025); *NetChoice v. Yost*, 778 F. Supp. 3d 923, 952-58 (S.D. Ohio 2025); *NetChoice v. Griffin*, No. 23-cv-05105, 2025 WL 978607 at *34-40 (W.D. Ark. Mar. 31, 2025); *SEAT v. Paxton*, 765 F. Supp. 3d 575, 594 (W.D. Tex. 2025); *CCIA v. Paxton*, 747 F. Supp. 3d 1011, 1032-24 (W.D. Tex. 2024).

⁷ *Murrill*, 812 F. Supp. 3d at 661.

⁸ *Id.* at 644.

⁹ See, e.g., *NetChoice v. Jones*, No. 1:25-cv-02067, 2026 WL 561099 at *18 (E.D. Va. Feb. 27, 2026); *Yost*, 778 F. Supp. 3d at 953; *Griffin*, 2025 WL 978607 at *22-24, *NetChoice v. Reyes*, 748 F. Supp. 3d 1105, 1122 (D. Utah 2024).

¹⁰ Regina Park, *The Internet Isn’t Harmful to Your Mental Health, Oxford Study Finds*, Disruptive Competition Project (Jan. 29, 2024),

<https://project-disco.org/innovation/the-internet-isnt-harmful-to-your-mental-health-oxford-study-finds/>.

¹¹ Mike Masnick, *Warning: Believing The Surgeon General’s Social Media Warning May Be Hazardous To Teens’ Health*, Techdirt (June 18, 2024),

<https://www.techdirt.com/2024/06/18/warning-believing-the-surgeon-generals-social-media-warning-may-be-hazardous-to-teens-health/>.

all of the research showing any harmful effects” for minors on social media “is based on correlation, not evidence of causation.”¹²

Mandated warning labels raise First Amendment concerns and have been ruled “compelled speech” in federal court, including in a similar case last year.¹³ This is important to note especially as many federal courts have ruled against state-imposed content regulations on digital services.¹⁴ Courts have permitted certain mandated warning labels, but only in cases when the science is absolute and incontrovertible, such as cigarette warnings.¹⁵ Further, a warning provided too often is ineffective due to a phenomenon called “alert fatigue” or “alarm fatigue.” The constant repetition of a warning leads users to be more likely to completely ignore the warning. This has appeared in contexts ranging from cookie warnings under the General Data Protection Regulation (GDPR)¹⁶ to medical equipment alerts for nurses.¹⁷

The bill’s scope is overly broad and its requirements are not well-defined.

It is difficult for covered businesses to ascertain their specific responsibilities under S 3412, leaving covered services unable to know whether they are violating the law. The bill requires the Commissioner of Health or their “designee” to “create a list of problematic behaviors that may negatively impact a covered user’s mental health,” requires covered services to “monitor covered users’ activity on the covered platform for problematic behaviors” and “upon detection of problematic behavior by a covered user” inform them and provide them with resources. There are no guidelines or guardrails for what this invasive, and likely expensive, monitoring or detection would entail. Consequently, covered entities will have no way of knowing what measures they need to institute, or how they are to know whether they are succeeding. Defining covered services’ obligations using such vague and subjective terms risks arbitrary and inconsistent application of the law.

Other definitions would restrict a wide swath of free expression. The bill’s examples of “problematic behaviors” “that may negatively impact a covered user’s mental health,” include “cumulative active use of a covered social media platform for three or more hours during one calendar day,” “accessing a covered social media platform within 10 minutes following awaking from sleep,” and “making 10 or more posts on the covered platform within one calendar day.” These categories could sweep in otherwise permitted activity such as writing on social media for a job or internship, school activities, journalism, art, or activism. The requirement for

¹² Yost, 778 F. Supp. 3d at 955.

¹³ See, e.g., *NetChoice v. Weiser*, 808 F. Supp. 3d 1223, 1240 (D. Colo. 2025). See also Aaron Mackey & Jason Kelley, *The Surgeon General’s Fear-Mongering, Unconstitutional Effort to Label Social Media*, EFF Deeplinks Blog (June 17, 2024), <https://www.eff.org/deeplinks/2024/06/no-online-speech-should-not-have-warning-labels>.

¹⁴ Mike Masnick, *California Politicians Embarrass Themselves By Calling For ‘Warning Labels’ On Social Media*, Techdirt (Sept. 12, 2024), <https://www.techdirt.com/2024/09/12/california-politicians-embarrass-themselves-by-calling-for-warning-labels-on-social-media/>.

¹⁵ Clay Calvert, *A Warning Against Warning Labels on Social Media Platforms*, AEIdeas (Jan. 28, 2025), <https://www.aei.org/technology-and-innovation/a-warning-against-warning-labels-on-social-media-platforms/>.

¹⁶ See, e.g., Utz et al., *(Un)informed Consent: Studying GDPR Consent Notices in the Field*, CCS ’19: Proceedings of the 2019 ACM SIGSAC Conference on Computer and Communications Security 973 (2019), <https://dl.acm.org/doi/10.1145/3319535.3354212>.

¹⁷ See, e.g., Chen Shaoru et al., *Determinants of Medical Equipment Alarm Fatigue in Practicing Nurses: A Systematic Review* (2023), <https://journals.sagepub.com/doi/pdf/10.1177/23779608231207227>.



advertising to “include a disclaimer about the potential negative mental health impacts of using social media based on findings by the department and the United States Department of Health and Human Services” is similarly constitutionally suspect.

The bill undermines privacy for the very users it is designed to protect.

S 3412 requires covered services to “monitor covered users’ activity on the covered platform for problematic behaviors.” This provision forces covered services to collect more data about younger users than they ordinarily would. Excessive monitoring of online activity has been shown to negatively affect young people’s mental health and development.¹⁸ Additionally, determining whether a user has accessed a covered service “within 10 minutes following awaking from sleep” will require some form of invasive monitoring. Even sending warnings when a minor accesses a covered service during particular times of day would require location-based tracking of minors’ devices, thus undermining the privacy of the very population the bill is designed to protect. Furthermore, the bill leaves open the possibility of commissioners limitlessly expanding the definition of “problematic behaviors,” which could force covered businesses to collect any amount of sensitive data from their users. This provision is therefore at odds with the bill’s ostensible goal of protecting young users online.

Moreover, as there is no indication that these provisions will even achieve the government’s objective, it fails constitutional scrutiny. As a federal court recently held when enjoining a similar requirement, the nighttime notification restrictions silence online services “for a third of the day without any indication that the burden will reduce nighttime social media use or otherwise serve the State’s asserted interest at all.”¹⁹ Such restrictions are not sufficiently narrowly tailored to meet the First Amendment’s requirements.

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We appreciate your consideration of CCIA’s comments and stand ready to provide additional information as you consider proposals related to technology policy.

Sincerely,

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State Policy Manager, Northeast Region
Computer & Communications Industry Association

¹⁸ See, e.g., Hannah Quay-de la Valle, *The Chilling Effect of Student Monitoring: Disproportionate Impacts and Mental Health Risks*, Ctr. for Democracy & Tech. (May 5, 2022), <https://cdt.org/insights/the-chilling-effect-of-student-monitoring-disproportionate-impacts-and-mental-health-risk/> (finding that “Monitoring programs, if not carefully implemented, can stifle growth and leave students vulnerable to the chilling effect, placing their mental health at risk”).

¹⁹ *NetChoice v. Griffin*, No. 5:25-CV-5140 at *17 (W.D. Ark. Apr. 20, 2026).