



October 22, 2026

New Jersey Assembly Committee on Appropriations
State House Annex
145 West State Street
Committee Room 11, 4th Floor
Trenton, NJ 08608

Re: A 5607- “Establishes content and data privacy requirements for chatbot providers.” (Oppose)

Dear Chair Swain, Vice Chair Reynolds-Jackson, and Members of the Assembly Committee on Appropriations:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose A 5607. 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 However, A 5607 contains overly broad restrictions that restrict the deployment of beneficial features for consumers without meaningfully improving privacy.

A 5607 contains vague standards for processing minors’ data.

A 5607 prevents chatbot providers from processing a user’s data “if the chatbot provider knows or should know that the user is under 13 years of age” absent affirmative consent. However, the bill does not make clear when a business “should know” that a user is a minor, and such inquiries are necessarily fact-intensive, limiting courts’ ability to set broadly applicable precedents. Without objective criteria to make such determinations, companies would be incentivized to collect more data about all users (such as via age verification) to ensure compliance, even if the bill does not directly require it.

This incentive structure carries several downsides. First, this increased data collection would undermine privacy for both adults and minors by creating centralized repositories of their sensitive data. Second, small businesses would face competitive disadvantages: A recent

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).



Digital Trust & Safety Partnership (DTSP) report, *Age Assurance: Guiding Principles and Best Practices*, found that “smaller companies may not be able to sustain their business” if forced to implement costly age verification or assurance methods.³ Third, the standard’s subjective language risks inconsistent enforcement, leaving companies unable to know whether the law applies to them. To avoid these problems, CCIA recommends assigning responsibilities based on providers’ actual knowledge of user ages, not when a provider “should know” a user’s age.

A 5607’s scope is overbroad.

A 5607 defines a “chatbot” as “a software application, web interface, or computer program that simulates human conversation and interaction through text, visual images, video, or aural communications.” This definition risks encompassing automated customer service systems (both online and via phone), scheduling apps, voice assistants, and many other applications that do not pose the safety risks the bill is designed to address. CCIA recommends narrowing this definition or providing exceptions to avoid scoping in these everyday technologies.

A 5607 contains contradictory requirements.

A 5607 prohibits chatbot providers from “retain[ing] a user’s chat log for longer than two years” unless required by law, while also requiring that they make such logs “available for a user to access and download at any time.” These obligations contradict with one another. If a user attempts to download chat logs dating back more than two years, the chatbot provider will be unable to comply with all aspects of the bill.

The bill’s required disclosures violate the First Amendment.

A 5607 requires covered businesses to “assess its chatbot for risks of harm to users on a monthly basis”. Requiring evaluations at this frequency is an excessive requirement that does not meaningfully improve consumer safety. Moreover, multiple federal Court of Appeals rulings have held that such mandatory disclosures constitute compelled speech in violation of the First Amendment.⁴ In 2024, the Ninth Circuit held that “requir[ing] the forced creation and disclosure of highly subjective opinions about content-related harms” constitutes “State attempts to indirectly censor the material available... online[] by delegating the controversial question... to the companies themselves.”⁵ Such requirements therefore “fall[] well short of satisfying strict First Amendment scrutiny” and are unconstitutional.⁶ To avoid these problems, CCIA recommends requiring chatbot providers to answer objective questions regarding their data processing practices rather than subjective ones.

A 5607 duplicates existing state privacy laws.

The New Jersey Data Privacy Act already requires providers to obtain affirmative consent before processing sensitive data, profiling teens, selling teens’ data, or using teens’ data for

³ *Age Assurance: Guiding Principles and Best Practices*, Dig. Tr. & Safety P’ship 10 (Sept. 2023), https://dtspartnership.org/wp-content/uploads/2023/09/DTSP_Age-Assurance-Best-Practices.pdf.

⁴ See, e.g., *NetChoice v. Bonta*, 113 F.4th 1101 (9th Cir. 2024); *X Corp. v. Bonta*, 116 F.4th 888 (9th Cir. 2024).

⁵ *NetChoice*, 113 F.4th at 1122.

⁶ *Id.*



targeted advertising.⁷ Likewise, the New Jersey Kids Code Act institutes many restrictions that apply when any online service, including chatbots, processes minors' data.⁸ A 5607 states that "In the event of a conflict [between this bill] and one or more other laws of this State, the law that affords the greatest protection from harm to users shall control." This standard requires chatbot providers to make highly subjective assessments as to which of New Jersey's three privacy regimes offers the "greatest protection from harm" for any given instance of processing minors' data. Such a standard is unworkable in practice, and would require constant litigation to determine which of the three regimes supersedes the others in any given scenario. CCIA recommends refining New Jersey's existing privacy regimes rather than adding a third.

The bill's private right of action would result in the proliferation of frivolous lawsuits and questionable claims.

Creating a new private right of action would open the doors of state courthouses to plaintiffs advancing costly, time-intensive claims based on subjective criteria. The vague standards noted above necessitate fact-intensive inquiries that make courts reluctant — or unable — to dismiss claims until more facts can be gathered in the discovery phase. These new dynamics would significantly affect litigants' incentives. If defendants are routinely forced past the motion to dismiss phase and into full discovery, the cost of litigation itself becomes a coercive force, encouraging settlements unrelated to the strength of the legal claims. Moreover, these costs would be passed on to New Jersey residents, disproportionately impacting smaller businesses and startups across the state.⁹

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We appreciate your consideration of these comments and stand ready to provide additional information as the legislature considers proposals related to technology policy.

Sincerely,

Kyle J. Sepe
State Policy Manager, Northeast Region
Computer & Communications Industry Association

⁷ N.J.S.A.56:8-166.12.9.a (West 2024), <https://pub.njleg.state.nj.us/Bills/2022/PL23/266 .HTM>.

⁸ N.J.S.A.56:8-166.4 *et seq.* (West 2024),
https://www.njleg.state.nj.us/bill-search/2026/A4015/bill-text?f=A4500&n=4015_I1.

⁹ Trevor Wagener, *State Regulation of Content Moderation Would Create Enormous Legal Costs for Platforms*, Broadband Breakfast (Mar. 23, 2021),
<https://broadbandbreakfast.com/trevor-wagener-state-regulation-of-content-moderation-would-create-enormous-legal-costs-for-platforms/>.