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ASSEMBLY COMMITTEE SUBSTITUTE FOR
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STATE OF NEW JERSEY
222nd LEGISLATURE

ADOPTED JUNE 8, 2026

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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.

(Sponsorship Updated As Of: 6/30/2026)

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

3

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

6

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

9

10 2. The Legislature finds and declares that:

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

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

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

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

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

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

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

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

41 i. Establishing age-appropriate privacy and safety design
42 requirements for online services used by children is consistent with
43 federal safety laws and policies regulating the design of children’s

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted June 11, 2026.

² Assembly ABU committee amendments adopted June 28, 2026.

³ Senate floor amendments adopted June 30, 2026.

1 products, ranging from toys and clothing to furniture and games, to
2 prevent children from suffering harm at the hands of these products.

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

8
9 3. As used in P.L. , c. (C.) (pending before the
10 Legislature as this bill):

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

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

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

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

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

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

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

46 “Compulsive use” means a pattern of use of a covered online
47 service provider’s online service that, at a minimum: (1) is
48 repetitive and difficult for a user to stop or reduce despite a desire

1 to do so; and (2) materially disrupts one or more major life
2 activities, including but not limited to sleeping, eating, learning,
3 reading, communicating, or working.

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

7 “Controls” or “controlled by” means:

8 a. ownership of, or the power to vote, more than 50 percent of
9 the outstanding shares of any class of voting security of the legal
10 entity;

11 b. control in any manner over the election of a majority of the
12 directors of the legal entity, or of individuals exercising similar
13 functions in the legal entity; or

14 c. power to exercise a controlling influence over the
15 management of the legal entity.

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

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

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

26 a. infinite scroll or a design feature where content
27 automatically and continuously loads;

28 b. auto-playing video or audio, or a design feature in which a
29 video or audio automatically begins playing when a user navigates
30 to, or scrolls through, a set of videos without any explicit action on
31 the part of a user indicating the user’s desire to watch that video or
32 listen to that audio;

33 c. gamification, or a design feature that emulates gameplay,
34 including, but not limited to, a streak, badge, or reward that
35 motivates or causes more frequent or more extensive use of an
36 online service through incentives;

37 d. the use of clustering or timing of notifications or push alerts,
38 irrespective of content, to encourage a user to return to the online
39 service;

40 e. design features in which virtual currencies are used or where
41 digital items are purchased;

42 f. appearance-altering filters;

43 g. requiring, or repeatedly prompting, the creation of an
44 account in order to access publicly available user-generated content;

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

47 i. intermittent variable reward schedules.

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

3 “Covered online service provider” means:

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

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

8 (2) that conducts business in this State;

9 (3) whose online services are reasonably likely to be accessed
10 by a ²child or² minor; and

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

16 (b) that annually processes the personal data of not less than
17 25,000 consumers or households; or

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

21 ²A “covered online service provider” ³is a controller for the
22 purposes of P.L.2023, c.266 (C.56:8-166.4 et seq.) ¹does not
23 include an entity that solely provides a direct messaging service or
24 product³ ².

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

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

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

34 “Online service” means ³any service, product, or feature
35 provided over the Internet that collects, uses, stores, discloses,
36 analyzes, deletes, or modifies the personal data of consumers.
37 “Online service” includes, but is not limited to, a website or
38 application. “Online” a service or product that: (1) is accessible to
39 the public via the Internet; (2) displays content that is generated by
40 one or more account holders; (3) has an account holder in this State;
41 and (4) allows account holders to interact with content associated
42 with other individual account holders as a central feature of the
43 service.

44 “Online”³ service” does not include:

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

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

3 c. ²an email service; or

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

5 “Parent” means a legal guardian.

6 “Personal data” means any information that is linked or
7 reasonably linkable to an identified or identifiable person.
8 “Personal data” shall not include de-identified data or publicly
9 available information.

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

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

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

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

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

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

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

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

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

8
9 4. a. A covered online service provider shall configure all
10 default privacy settings for a covered child and covered minor to
11 the highest level of privacy, including, but not limited to:

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

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

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

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

35 (2) prohibiting the display of a covered child’s or covered
36 minor’s location to other users, unless the covered child or covered
37 minor has expressly and unambiguously chosen to share the covered
38 child’s or covered minor’s location with a specific user;

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

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

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

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

47 (b) a single setting to enable all interaction counts at once,
48 provided the settings to enable specific types of interaction counts

- 1 are equally or more prominent and accessible than the setting to
2 enable all interaction counts at once.
- 3 b. A covered online service provider shall not:
- 4 (1) provide a covered child or covered minor with a single
5 setting that makes multiple default privacy settings less protective
6 at once; or
- 7 (2) request or prompt a covered child or covered minor to make
8 privacy settings less protective, unless the change is necessary to
9 access a service or feature a covered child, covered minor, or parent
10 of a covered child or covered minor has expressly and
11 unambiguously requested.
- 12 c. A covered online service provider shall offer individual,
13 accessible privacy settings to a covered child or covered minor that
14 allows a covered child or covered minor the option to block specific
15 users from, at minimum:
- 16 (1) accessing the media of a covered child or covered minor;
17 (2) interacting with the media of a covered child or covered
18 minor; and
- 19 (3) communicating with a covered child or covered minor
20 through any means offered by the covered online service provider,
21 including direct messaging.
- 22
- 23 5. A covered online service provider shall establish a
24 prominent and accessible user interface to enable a covered child,
25 covered minor, and parent of a covered child or covered minor to
26 report harms experienced by the covered child or covered minor on
27 the online service.
- 28
- 29 6. A covered online service provider shall not:
- 30 a. send notifications to any covered child or covered minor by
31 default;
- 32 b. send notifications to a covered child or covered minor
33 between 10:00 p.m. and 6:00 a.m. and, on a weekday between
34 Labor Day and Memorial Day, between 8:00 a.m. and 4:00 p.m.;
- 35 c. target, or allow an advertiser to target, an advertisement to a
36 covered child or covered minor for narcotic drugs, tobacco
37 products, gambling, or alcohol; or
- 38 d. use dark patterns in regard to a covered child or covered
39 minor.
- 40
- 41 7. a. A covered online service provider shall not:
- 42 (1) use the personal data of a covered child or covered minor for
43 any reason other than the reason for which the personal data was
44 collected; or
- 45 (2) use the personal data of a covered child or covered minor to
46 select, recommend, or prioritize media using an algorithmic
47 recommendation system unless the selection, recommendation, or
48 prioritization of media is based on: user-selected privacy or

1 accessibility settings; a user's search query, if the query is used
2 only to select and prioritize media in response to the query; parent-
3 selected privacy or accessibility settings; a user's age or age flag,
4 only if the data is used to implement the covered online service's
5 age-appropriate content policies; or the covered child's or covered
6 minor's express and unambiguous request to receive:

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

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

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

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

19
20 8. a. A covered online service provider is not required to
21 collect the personal data of a user to comply with the provisions of
22 P.L. , c. (C.) (pending before the Legislature as this bill).

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

28
29 9. A covered online service provider shall provide a prominent
30 and accessible mechanism for a covered child or covered minor to
31 request that the covered child's or covered minor's account be
32 unpublished or permanently deleted. The mechanism shall require
33 the same number or fewer steps than required for a covered child or
34 covered minor to create an account on the covered online service
35 provider. A covered online service provider shall unpublish ²**[or**
36 **permanently delete, as appropriate,]**² the covered child's or covered
37 minor's account not later than 10 business days after submission of
38 the request ²to unpublish and shall permanently delete the covered
39 minor's account not later than 45 calendar days after submission of
40 the request to permanently delete².

41
42 10. a. A covered online service provider that uses an
43 algorithmic recommendation system shall establish a prominent and
44 accessible user interface to enable a covered child, covered minor,
45 and parent of a covered child or covered minor to:

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

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

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

12
13 11. A covered online service provider shall provide a prominent
14 and constant real-time signal to a covered child or covered minor
15 when precise geolocation information is being collected or used or
16 the online activity of that covered child or covered minor is being
17 monitored by any individual, including a parent of the covered child
18 or covered minor.

19
20 12. a. A covered online service provider shall take all
21 reasonable steps to ensure that the covered online service provider's
22 use of a covered child's or covered minor's personal data and the
23 design of a covered design feature do not result in compulsive use
24 in a covered child or covered minor.

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

29
30 13. a. The Attorney General may adopt, pursuant to the
31 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
32 seq.), rules and regulations as may be necessary to implement the
33 provisions of P.L. , c. (C.) (pending before the Legislature
34 as this bill).

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

40
41 14. a. A violation of P.L. , c. (C.) (pending before the
42 Legislature as this bill), or any rules adopted thereunder, shall
43 constitute an unlawful practice and violation of P.L.1960, c.39
44 (C.56:8-1 et seq.).

45 b. The Attorney General shall have the same authority under
46 P.L. , c. (C.) (pending before the Legislature as this bill) to
47 conduct civil investigations, bring civil actions, and enter into

1 assurances of discontinuance as provided under P.L.1960, c.39
2 (C.56:8-1 et seq.).

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

- 13 (1) \$5,000 per violation or treble damages, whichever is greater;
- 14 (2) punitive damages for reckless or knowing violations;
- 15 (3) injunctive relief;
- 16 (4) declaratory relief; and
- 17 (5) attorney's fees and litigation costs.

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

23

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

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

28 b. the following data and information:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38
39 17. This act shall take effect on the first day of the 13th month
40 following the date of enactment.