Sponsored by:
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District 7 (Burlington)
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SYNOPSIS
Prohibits advertising of certain products on websites to minors.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning advertising on Internet websites and 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. As used in P.L. _, c. (C. ) (pending before the Legislature as this bill):
   "Body piercing" means the creation of an opening in a human body for the purpose of inserting jewelry or other decoration, which includes, but is not limited to, the piercing of an ear, lip, tongue, nose, or eyebrow.
   "Branding" means the process in which a mark or marks are burned into human skin tissue with a hot iron or other instrument, with the intention of leaving a permanent scar.
   “Ephedrine group alkaloids” means ephedrine, pseudoephedrine, norephedrine, norpseudoephedrine, methylephedrine, and methylpseudoephedrine.
   “Internet website, online service, online application program, or mobile application program directed to minors” means an Internet website, online service, online application program, or mobile application program, or a portion thereof, that is created for the purpose of reaching an audience that is predominately comprised of minors, and is not intended for a more general audience comprised of adults.
   “Market or advertise” means, in exchange for monetary compensation, to make a communication to one or more individuals, or to arrange for the dissemination to the public of communication, about a product or service the primary purpose of which is to encourage recipients of the communication to purchase or use the product or service.
   “Minor” means a person under 18 years of age.
   “Operator” means any person or entity that owns an Internet website, online service, online application program, or mobile application program that is available to individuals in this State.
   “Operator” shall not include any third party that operates, hosts, or manages, but does not own, an Internet website, online service, online application program, or mobile application program on the owner’s behalf or processes information on the owner’s behalf.
   "Tattooing" means the insertion of pigment in human skin tissue by piercing with a needle.

2. a. An operator of an Internet website, online service, online application program, or mobile application program directed to minors or an operator of an Internet website, online service, online application program, or mobile application program that has actual knowledge that a minor is using its Internet website, online service, online application program, or mobile application program shall not
market or advertise, or allow to be marketed or advertised, to a minor the following products or services:

(1) Alcoholic beverages, as defined in section 3 of P.L.1987, c.152 (C.2A:22A-3);
(2) Branding;
(3) Cigarettes, as defined in section 102 of P.L.1948, c.65 (C.54:40A-2);
(4) Dangerous fireworks, as defined in R.S.21:2-3;
(5) Drug paraphernalia, as defined in N.J.S.2C:36-1;
(6) Electronic smoking devices, as defined in section 3 of P.L.2005, c.383 (C.26:3D-57);
(7) Ephedrine group alkaloids;
(8) Firearms, as defined in N.J.S.2C:39-1;
(9) Less-lethal ammunition, as defined in N.J.S.2C:3-11;
(10) Obscene material, as defined in N.J.S.2C:34-3;
(11) Spray paint, as defined in section 7 of P.L.1995, c.251 (C.2C:33-24);
(12) Tanning facilities, as defined in section 2 of P.L.1989, 234 (C.26:2D-82);
(13) Tattooing and body piercing; and
(14) Tobacco products, as defined in section 2 of P.L.1990, c.39 (C.54:40B-2).

b. An operator shall be deemed to be in compliance with subsection a. of this section if the operator takes reasonable actions in good faith to not market or advertise, or to not allow the marketing or advertising of, the products or services provided in subsection a. of this section to a minor.

3. This act shall take effect on January 1, 2015.

STATEMENT

This bill prohibits an operator of an Internet website, online service, online application program, or mobile application program from marketing or advertising specified types of products or services to a minor. An operator is deemed to be in compliance with this bill if the operator takes reasonable actions in good faith to not market or advertise the prohibited products or services to a minor. The prohibited products and services include:

- Alcoholic beverages;
- Branding;
- Cigarettes;
- Dangerous fireworks;
- Drug paraphernalia;
- Electronic smoking devices;
- Ephedrine group alkaloids;
• Firearms;
• Less-lethal ammunition;
• Obscene material;
• Spray paint;
• Tanning facilities;
• Tattooing and body piercing; and
• Tobacco products.

This bill addresses public safety concerns as they relate to minors in this State. Minors have increasing access to various forms of interactive media through computers, smartphones, and other technological devices. It is in the interest of the State to protect minors from advertisements for harmful products on websites that minors may use.