

# ASSEMBLY, No. 3148

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MAY 15, 2014

**Sponsored by:**

**Assemblyman TROY SINGLETON**

**District 7 (Burlington)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex and Morris)**

**SYNOPSIS**

Prohibits advertising of certain products on websites to minors.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/16/2014)**

1 AN ACT concerning advertising on Internet websites and minors  
2 and supplementing Title 56 of the Revised Statutes.

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

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

9 "Body piercing" means the creation of an opening in a human  
10 body for the purpose of inserting jewelry or other decoration, which  
11 includes, but is not limited to, the piercing of an ear, lip, tongue,  
12 nose, or eyebrow.

13 "Branding" means the process in which a mark or marks are  
14 burned into human skin tissue with a hot iron or other instrument,  
15 with the intention of leaving a permanent scar.

16 "Ephedrine group alkaloids" means ephedrine, pseudoephedrine,  
17 norephedrine, norpseudoephedrine, methylephedrine, and  
18 methylpseudoephedrine.

19 "Internet website, online service, online application program, or  
20 mobile application program directed to minors" means an Internet  
21 website, online service, online application program, or mobile  
22 application program, or a portion thereof, that is created for the  
23 purpose of reaching an audience that is predominately comprised of  
24 minors, and is not intended for a more general audience comprised  
25 of adults.

26 "Market or advertise" means, in exchange for monetary  
27 compensation, to make a communication to one or more  
28 individuals, or to arrange for the dissemination to the public of  
29 communication, about a product or service the primary purpose of  
30 which is to encourage recipients of the communication to purchase  
31 or use the product or service.

32 "Minor" means a person under 18 years of age.

33 "Operator" means any person or entity that owns an Internet  
34 website, online service, online application program, or mobile  
35 application program that is available to individuals in this State.  
36 "Operator" shall not include any third party that operates, hosts, or  
37 manages, but does not own, an Internet website, online service,  
38 online application program, or mobile application program on the  
39 owner's behalf or processes information on the owner's behalf.

40 "Tattooing" means the insertion of pigment in human skin tissue  
41 by piercing with a needle.

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43 2. a. An operator of an Internet website, online service, online  
44 application program, or mobile application program directed to  
45 minors or an operator of an Internet website, online service, online  
46 application program, or mobile application program that has actual  
47 knowledge that a minor is using its Internet website, online service,  
48 online application program, or mobile application program shall not

1 market or advertise, or allow to be marketed or advertised, to a  
2 minor the following products or services:

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

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

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

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#### STATEMENT

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

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- 42 • Alcoholic beverages;
- 43 • Branding;
- 44 • Cigarettes;
- 45 • Dangerous fireworks;
- 46 • Drug paraphernalia;
- 47 • Electronic smoking devices;
- 48 • Ephedrine group alkaloids;

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- 1       • Firearms;
- 2       • Less-lethal ammunition;
- 3       • Obscene material;
- 4       • Spray paint;
- 5       • Tanning facilities;
- 6       • Tattooing and body piercing; and
- 7       • Tobacco products.

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