

February 19, 2026

Chair Chris Tully
New Jersey Assembly on Science, Innovation and Technology
Committee Room 13, 4th Floor
State House Annex
131-137 W. State Street
Trenton, NJ 08608

Dear Chair Tully and Members of the Committee:

Thank you for the opportunity to testify today in support of the New Jersey Age-Appropriate Design Code. My name is Suzanne Bernstein, and I am counsel at the Electronic Privacy Information Center, an independent nonprofit research organization founded 30 years ago to protect privacy, freedom of expression, and democratic values in the information age. EPIC supports the Age-Appropriate Design Code approach and has published its own model Age-Appropriate Design Code bill informed by our expertise in data protection, design regulation, the First Amendment, and Section 230.

There is an urgent need for New Jersey to pass the Age-Appropriate Design Code. Kids spend a lot of time online—often more than they would like. This is by design. Companies design their platforms to extract as much time and data as possible, and in the process they prey on minors' psychological vulnerabilities for profit. These manipulative design strategies lead to compulsive use, depriving minors of their control of their online experiences and subjecting them to heightened health, privacy, and data security risks, all so that companies can generate more revenue.

Kids also often have bad experiences online. Many of these bad experiences can be traced to their lack of control over key aspects of their online experiences, like who can contact them and what content they see in their feeds. This lack of control undermines their autonomy and increases the risk of secondary harms like cyberbullying, sexual exploitation, bodily injury, and mental health harms.

Parents can't solve this problem on their own, and they shouldn't have to. The right approach is to require the companies building these products to take responsibility for their harmful design choices and to start integrating privacy and safety by design. Making platforms less addictive will allow minors to make better choices about how much time they spend online. Giving kids tools to control their online experiences will make the time they spend online more positive. The New Jersey AADC approach will uplift, and not subvert, kids' autonomy online.

We do have a few suggestions for further strengthening the New Jersey AADC.

First, the NJ AADC does not currently prohibit certain design features that are known to induce compulsive use, such as autoplay, infinite scroll, and intermittent variable reward schedules. We recommend adding such prohibitions.

Second, the bill could give kids more control over their online experiences by requiring companies to provide kids additional tools to control the people who can contact them and the content they see in their feeds.

Third, the NJ AADC should use a constructive knowledge standard in the definition of a covered minor. This will stop businesses from turning a blind eye to information indicating that a

consumer is a minor without requiring the business to collect any additional information to estimate the consumer's age.

Thank you for the opportunity to testify in support of this important bill. I am happy to answer any questions and have provided a copy of EPIC's Model AADC to the Committee. EPIC is eager to remain a resource for the New Jersey Legislature as this bill moves through the legislative process. Please contact Suzanne Bernstein at bernstein@epic.org with any questions.

Respectfully submitted,

/s/ Megan Iorio

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