

## **New Jersey S. 4153 – Censorship Related to Online Diet and Eating Disorder Content**

### **Veto Request**

January 13, 2026

**The Honorable Governor Murphy**

Dear Governor Murphy,

On behalf of NetChoice, a trade association working to make the Internet safe for free enterprise and free expression, we write to request a veto to S. 4153. While the bill is noble in its intent—to protect children from content related to eating disorders—the bill is nonetheless violative of the First Amendment. No state can direct the removal of constitutionally protected speech, no matter how offensive it may be to any decent person.

### **Overbroad Construction will Lead to Censorship**

While the focus of the bill is on content related to eating disorders, the specific language is not limited to that category. This failure to specify or limit the bill's intent causes one of multiple First Amendment problems. Many New Jerseyans and other Americans use social media, not for the purpose of promoting eating disorders, but for the ability to share their fitness journeys, connect with others to share healthy recipes, advertise their personal training and fitness careers, and to simply seek out positive reinforcement and motivation. Much of this content becomes an immediate source of legal liability for online platforms if S. 4153 is signed into law. Though it is unlikely necessary we shall do so anyway and clarify that all of the aforementioned expression by New Jersey social media users is completely protected by the First Amendment, and a law undermining that expression violates their rights.

It should also be noted that this bill could likely implicate online speech related to survivors, or those currently suffering with eating disorders, who are using online platforms to seek out help and support. Such a scenario would both be at total odds with the bill's intent and, again, undermine the rights of your citizens.

Perhaps more difficult to accept but nonetheless true is the fact that vile, awful speech is also protected by the First Amendment. We do not contest that content glorifying eating disorders is morally abhorrent. But NetChoice members moderate that content and disallow it under their terms of service. More can always be done, but not if it means unconstitutionally empowering the government to censor.

### **Implications for Age Verification**

The provisions of this bill, in order to be properly enforced, seem to require that social media platforms implement some sort of age verification requirement. Since the content ban is directed towards children specifically, then platforms will be required to either strip large swaths of constitutionally protected speech from their service or collect additional, personally identifiable information on every user. These government requirements for age verification have routinely been struck down as unconstitutional. NetChoice itself has brought suit against a number of these state provisions. We have managed to permanently enjoin age verification laws in Ohio, Arkansas, and most recently Louisiana. We have acquired preliminary injunctions against similar laws in many other states. This is not a fruitful path for New Jersey to walk down and it will not lead to greater protections for your citizens.

### **Conclusion**

NetChoice shares the goal of the bill sponsors: to protect children from harmful content. But the nobility of the goal does not negate the breadth of the First Amendment or the supremacy of the U.S. Constitution. Censorship is not child safety, and an unconstitutional bill protects no one. We stand ready to work together with all of you to help improve safety outcomes for New Jersey's children online, and we appreciate your attention to this important matter.

Sincerely,

Zachary Lilly  
Director of State and Federal Affairs  
NetChoice

*NetChoice is a trade association that works to make the internet safe for free enterprise and free expression.*