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NetChoice
Defending Free Speech and Free Enterprise Online

New Jersey A 4013, an act relating to warning labels for social media

OPPOSITION TESTIMONY

June 23, 2026

New Jersey Assembly
Assembly Appropriations Committee

Dear Chair Swain, Vice-Chair Reynolds-Jackson and Members of the Assembly Appropriations Committee

NetChoice respectfully asks that you oppose A 4013 This bill would mandate warning labels and timer notifications for constitutionally protected speech posted on online platforms. While well-intentioned, the legislation presents significant policy and legal concerns.

NetChoice is a trade association of leading internet businesses that promotes the value, convenience, and choice that internet business models provide to American consumers. Our mission is to make the internet safe for free enterprise and free expression.

We share the sponsor's goal to better protect minors from harmful content online. NetChoice members take teen safety seriously and have rolled out new features, settings, parental tools, and protections to better empower parents in monitoring their children's use of social media. We ask that you oppose A 4013 and instead use this bill as a way to jumpstart a larger conversation about how best to protect minors online and consider alternatives that do not raise constitutional issues.

Mandated labeling requirements violate the First Amendment

While we share the Legislature's concern for youth mental health, this bill represents a fundamentally flawed approach that violates core constitutional principles while failing to address the underlying issues it purports to solve. The proposed legislation constitutes an unprecedented expansion of government power that would compel private companies to espouse the state's preferred messaging, a clear violation of the First Amendment's protection against compelled speech.

The Supreme Court has consistently held that the government cannot force private entities to serve as conduits for official messages, yet this bill does exactly that by requiring social media platforms to display state-mandated warnings crafted by political appointees. This compelled speech doctrine protects not only popular viewpoints but also ensures that private actors retain the fundamental right to control their own expression. By forcing platforms to display specific government-authored warnings, New Jersey

would be crossing a constitutional line that threatens the speech rights of all private entities operating within the state.

Every New Jerseyan –indeed every American–has constitutional guarantees to express themselves, and to engage with speech unobstructed by the government. That means that the New Jersey legislature, and every other legislature in this country, is severely limited in its ability to regulate speech or to attach stigma to lawful expression. New Jersey cannot require a speech platform to carry a message condemning the underlying lawful speech–especially given that the message is not scientifically substantiated. Even if we treat speech the same as other commercial products for the sake of argument, the courts have required mandated labels to disseminate true, uncontroversial messages. The claim that online speech is dangerous to mental health is not at all uncontroversial and, again, there is no scientific consensus.

The practical implementation challenges alone should give lawmakers pause about the feasibility of this legislation. Social media platforms serve users across state lines and international borders, making geographic targeting of warning labels both technically complex and legally problematic. Users routinely travel between states, use virtual private networks to mask their locations, or access platforms through various devices and connections that make precise geographic determination impossible. The result would be a confusing patchwork of user experiences that could easily be circumvented while imposing significant compliance costs on platforms.

These are not just hypothetical concerns. NetChoice successfully challenged a Colorado law that mandated warning pop-ups to inform minors about the impacts of scrolling on social media platforms (*NetChoice v. Weiser*, 2025). A federal court blocked this requirement, agreeing with NetChoice that forcing private entities to display state-written warnings is unconstitutional. Similar legislation is also being challenged in Minnesota (*NetChoice v. Ellison*, 2026).

There is a better approach

There is no evidence that such a government mandate would lead to improved outcomes for young people. A 4013 assumes a straightforward causal relationship between social media use and negative mental health outcomes. However, the research in this area remains nuanced, with many studies showing that impacts vary significantly based on how platforms are used, individual characteristics, and other factors. Additionally, research shows that repetitive warnings quickly become ineffective as users develop "warning fatigue." By mandating that warnings appear every time a platform is accessed, users will likely become desensitized to them, rendering the warnings ineffective and merely an annoyance.

That does not mean that the state cannot or should not engage regarding the issue of mental health outcomes for children on social media. The state is free, and should be encouraged, to expand high quality research into this issue. There does not currently exist substantial scientific literature and there is no general consensus from which to meaningfully operate. The state is also free to make available to

parents directly information currently available on the studies that do exist or information regarding parental controls, blocks, and other tools made available by the private sector.

Florida and Virginia have passed laws requiring specific online and social media education in the classroom. This helps arm young people with the information they need to keep their data more secure, focused on age appropriate content, and away from bad actors who would do them harm. Solutions for families and kids don't need to come in the form of government mandates and they need not violate the constitutional rights of New Jersey citizens.

In conclusion, A 4013 represents government overreach that violates fundamental constitutional principles while failing to provide meaningful solutions to the complex challenges it purports to address. For these reasons, we respectfully ask you to **oppose A 4013 .** As ever, we offer ourselves as a resource to discuss any of these issues with you in further detail, and we appreciate the opportunity to provide the committee with our thoughts on this important matter. [1]

Sincerely,

Amy Bos
Vice President of Government Affairs, NetChoice
NetChoice

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

[1] The views of NetChoice expressed here do not necessarily represent the views of all NetChoice members.