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NJSSA Lobby Report

*September 16th, 2026*

## Legislative Update

The Legislature is set to reconvene and begin meeting regularly again following a break for Summer after the State Fiscal Year 2027 budget was passed at the end of June. The Assembly schedule is set to begin with committee meetings on September 10th and the Senate is set to begin on October 1st. Both houses will have regular committee meetings and voting sessions throughout the rest of the year, taking a break for most of November and the holidays. This is the first year of New Jersey's two year legislative session, so all legislation that is currently pending will carry over into the new year.

We will continue to monitor and share updates on all relevant legislation and regulations over the coming months.

There are no state legislative elections this year. In November 2027, both the State Assembly and Senate will be up for election.

### Legislative Meetings

In July 2026, Dr. Lapicki met with Assemblyman Stanley, who is the Chair of the Assembly Health Infrastructure Committee and his staff.

In August 2026, Dr. Lapicki met with Assemblyman Freiman, the Chair of the Assembly Financial Institutions and Insurance Committee and his Chief of Staff.

Both meetings were to reintroduce the association to these members, build the relationships, and offer any assistance, as they are both leaders in the Legislature on healthcare policy.

### Advocacy and PAC Meeting Update

In August, we held the Advocacy Committee and PAC Committee meetings. Both committees will be meeting regularly going forward to discuss relevant items.

## NJDOL Adopts Rules on Worker Classification with Update

The New Jersey Department of Labor and Workforce Development (NJDOL) adopted new regulations that are intended to clarify the statutory ABC test for determining whether a worker is an independent contractor or employee. These rules are intended to provide businesses with clarity and guidance to be able to comply with the state's labor laws by classifying workers correctly.

The laws to which the regulations apply are the New Jersey Unemployment Compensation Law, the New Jersey Wage and Hour Law, and the New Jersey Wage Payment Law.

**The ABC Test—Simply Put**

To be classified as an independent contractor under New Jersey law, the putative employer has the burden of proof to meet all three prongs of the ABC test:

**A)** Worker has been and will continue to be free from control or direction over the performance of services, both under the worker's contract of service and in fact;
**B)** Work performed is either outside the usual course of the business for which the work is being performed, or the work is performed outside of all the places of business of the enterprise; and
**C)** Worker is customarily engaged in an independently established trade, occupation, profession or business.

The new rules will be operative on October 1, 2026, 120 days from the anticipated June 1, 2026 publication/effective date.

**New Update:** Senate President Scutari wrote a letter to the Governor asking her to delay implementing the new regulations, saying the rules are too broad and could seriously affect workers and businesses. In an August 25 letter to Sherrill, Scutari asked the New Jersey Department of Labor and Workforce Development to postpone the regulations' effective date from October 1, 2026, to July 1, 2027.

## Data Broker Registry

Along with the passage of the budget at the end of June, a flurry of legislation was also rushed through the legislative process and passed. Gov. Mikie Sherrill signed A-5328 into law 48 hours after it was introduced. The new law creates the nation's most expensive data broker registry, as well as introducing the broadest definition for who's liable for penalties. The full law is linked below, but there is widespread concern about its impact statewide and the potential application to healthcare facilities. The Governor has paused its implementation because of its impact on political campaigns.

**A3528 (Moen, McKeon) -** Regulates data brokers, data collectors, and collection and dissemination of certain sensitive information.

Some of the concerns on the bill are in regard to the exorbitant registration fees, listed below:

| Number of New Jersey consumers whose data is sold/licensed | Registration fee |
|---|---|
| Up to 100,000 | $5,000 |

| | |
|---|---|
| 100,001 to 499,999 | $10,000 |
| 500,001 to 999,999 | $100,000 |
| 1,000,001 to 1,499,999 | $500,000 |
| 1,500,001 to 2,499,999 | $750,000 |
| 2,500,001 to 4,499,999 | $1 million |
| 4,500,001 or more | $1.5 million |

These are by far the highest registration fees in the nation. This is estimated to generate about 50 million in revenue. The board definitions below are also wide-reaching. Companies are also barred from "selling sensitive data" for which the definition is below.

**Problematic Definitions**

- “data broker” as any person or entity, including, but not limited to, a controller, that knowingly collects or purchases personal data from consumers with whom it has no direct relationship and then sells or licenses that data to a third party.
- “data collector” as a business that collects personal data from a consumer it has a direct relationship with and sells or licenses that data to a data broker.
- "sensitive data" means personal data revealing racial or ethnic origin; religious beliefs; mental or physical health condition, treatment, or diagnosis; financial information, which shall include a consumer’s account number, account log-in, financial account, or credit or debit card number, in combination with any required security code, access code, or password that would permit access to a consumer’s financial account; sex life or sexual orientation; citizenship or immigration status; status as transgender or non- binary; genetic or biometric data that may be processed for the purpose of uniquely identifying an individual; personal data collected from a known child; or precise geolocation data

By these definitions, many are considered "data brokers". Healthcare facilities often will purchase consumer data to relay targeted educational materials on benefits they may be eligible for, whether or not a patient can receive charity care, etc., and so on. Violations of the "sensitive data" prohibition of sale are up to 50,000 per individual record sold, offered for sale, or licensed, so the penalties could very quickly reach into the millions.

**Other Regulatory Burdens**

In conjunction with the fees, data brokers and collectors must register with the Division of Consumer Affairs and provide the following information

- Name and physical, email, and internet website addresses.
- Consumers’ ability to opt out of personal data collection, including the opt-out method, type of opt-out, whether the opt-out is limited to certain activities or sales, and whether a third party may opt out on an individual’s behalf.
- Data collection, databases, or sales activities that a consumer may not opt out of.
- Consumers’ ability to request deletion of their personal data.
- Any credentialing process for purchasers of data and an explanation of the process.
- History of data breaches and other cybersecurity events, including the number of individuals affected.

- Data collection practices, databases, sales activities, and opt-out methods applicable to personal data of individuals under 18,, and whether the registrant has actual knowledge that it possesses personal data of individuals under 18.
- The registrant's data processors.
- Any other information required by the Division of Consumer Affairs.

**News Articles**

https://www.troutmanprivacy.com/2026/07/new-jersey-enacts-the-nations-costliest-data-broker-law-yet/

https://subscriber.politicopro.com/article/2026/07/new-jersey-implements-nations-highest-data-broker-fee-00984576

https://newjerseyglobe.com/governor/sherrill-administration-will-suspend-enforcement-of-new-data-law/