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New Jersey AG Is Unanimously Confirmed as Enforcement Agenda Takes Shape

WRITTEN BY

Clayton S. Friedman | Ashley L. Taylor, Jr.

On February 24, the New Jersey State Senate unanimously confirmed the appointment of Jennifer Davenport to serve as New Jersey's attorney general (AG). Davenport (whose nomination we covered here) has been serving in an acting capacity since Governor Mikie Sherrill took office in January.

Meanwhile, the regulatory and enforcement agenda that will guide the work of the AG's office continues to take shape. On February 18, Sherrill's office released 10 reports from the "Action Teams" established during the transition between administrations to recommend actions that would advance the governor's priorities.

The Action Teams' recommendations are not binding on the governor or the AG, and the administration may or may not agree with all of them. (A press release says the administration is "actively reviewing" the recommendations.) Nonetheless, the reports offer the most detailed articulation to date of how the administration might deliver both on the "affordability" agenda that was the focus of the governor's campaign and on her commitments to protecting kids online.

Several Action Team reports include recommendations for the AG to pursue specific regulatory and/or enforcement actions, alone or in coordination with agencies represented by the AG's office. Many of these recommendations reflect priorities identified by Sherrill and Davenport when Davenport's nomination was announced.

Across a wide variety of topics — from social media and other online services to housing and financial services to health care and labor law — the reports call for more robust enforcement by the AG and other regulators in service of the governor's agenda. And while some of these recommendations would require new legislative authority, many could be implemented through strategic enforcement of existing antitrust, consumer protection, civil rights, and labor laws.

Social Media and Online Safety

The report from the Kids' Mental Health and Online Safety Action Team includes a long list of proposed legislative reforms as well as some actions that the AG could take without new statutory authority.

Notably, New Jersey is already engaged in litigation against several major social media platforms after co-leading multistate consumer protection investigations focused on potential harms to children who use social media.

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While that litigation unfolds, one recommendation in the report suggests that the AG open a new line of inquiry into social media platforms by studying how they and other online platforms may facilitate scams. The recommended study could result in recommendations for statutory or regulatory changes or in enforcement actions against platforms that do not adequately address use of their services to scam users. This recommendation is reminiscent of pending federal legislation called the Safeguarding Consumers from Advertising Misconduct (SCAM) Act and an inquiry initiated by the Federal Trade Commission (FTC) in 2023.

The recommended study would map how scams originate and spread across platforms (including by examining targeted advertising, direct messaging, and algorithmic amplification); evaluate platforms' profits from scam-related content and advertising; evaluate reporting, detection, and takedown procedures as well as cooperation with law enforcement and consumer protection agencies; and analyze demographic and loss data to identify the most affected populations.

Of the report's recommendations that call for legislation, several would enhance the AG's authority to regulate and investigate social media platforms and other online service providers:

- ***Age-Appropriate Design Code.*** The report recommends legislation that would require online service providers to incorporate certain privacy and safety features for users who are minors, citing laws from Maryland, Nebraska, and Vermont as models. An already-pending bill would treat violations of these requirements as unlawful practices under the New Jersey Consumer Fraud Act, which the AG may enforce by seeking civil penalties. The report recommends amending that legislation so that it also provides a private right of action for victims of serious online harms.
- ***Age Restrictions for Social Media.*** The report recommends legislation prohibiting social media companies whose services include certain "addictive features" from establishing accounts for users under the age of 16 and that the AG be given authority to implement the legislation through rulemaking.
- ***Warning Labels for Social Media.*** Citing a recent New York law as a model, the report recommends legislation requiring social media platforms to display mental health warning labels consistent with regulations to be adopted by the AG.
- ***Strict Liability for Harms From AI Chatbots.*** The report recommends legislation imposing strict liability on "AI chatbot providers that promote damaging content to young people," citing "content promoting suicide, eating disorders, and substance use, and other potential categories." The recommended legislation would both empower the AG to pursue enforcement actions and confer a private right of action for damages and injunctive relief.
- ***Data Broker Registration and Deletion Requirements.*** The report recommends legislation — along the lines of California's Delete Act — that would allow New Jersey residents to access a centralized website to request "deletion of all the data collected about them" or to prohibit its sale. The report does not reference the AG in connection with this recommendation, but it is likely that the AG would be given authority to enforce the law.

Housing and Lending-Related Investigations

Citing reduced federal enforcement, the report of the Lowering Housing Costs and Expanding Homeownership Action Team includes recommendations that the AG prioritize investigations of "housing discrimination, lending discrimination, and predatory lending." The AG's office also pursued significant enforcement actions in these areas in the last administration. While this recommendation therefore reflects continuity — or perhaps a renewed emphasis — one change is that future enforcement actions involving housing and lending discrimination may invoke the disparate impact regulations that were finalized in December 2025.

The report also calls on the administration to support efforts by the AG to "investigate, and when appropriate, prosecute, collusion to raise rents." This recommendation also reflects continuity: the state filed an antitrust and consumer protection lawsuit last year against several large landlords and a software company for allegedly colluding to raise rents through algorithmic pricing software. The AG's office also created a new antitrust litigation and competition enforcement section in 2024, increasing the state's capacity to pursue complex antitrust cases.

A final recommendation breaks some new ground. The report calls on the AG to prioritize complaints about "landlords who fail to maintain safe, livable conditions or do not comply with state and/or local renters' rights laws." While other AGs have used their state consumer protection laws to address living conditions in multifamily housing complexes, New Jersey has not announced any similar actions.

Health Care Competition and Transparency

The report of the Affordable Healthcare Action Team includes recommendations for enhanced enforcement activity focused on various parts of the health care industry.

The report recommends that the administration consider addressing health care costs in part through more robust enforcement by the AG of antitrust laws. Citing experts who "believe that consolidation in the healthcare markets lead[s] to increased healthcare costs and may result in compromised healthcare," the report notes that the FTC and U.S. Department of Justice "review these issues at the national level" and that "New Jersey may wish to explore bolstering state authority and not rely entirely on federal efforts." Notably, the FTC effectively blocked two major hospital mergers in New Jersey during the Biden administration while New Jersey's AG stood on the sidelines.

The report also points to competition law as a potential tool for addressing prescription drug costs, recommending that the administration consider "bolster[ing]" the AG's "antitrust enforcement authority to investigate anticompetitive activity with PBMs, insurers and pharmacies that lead to higher prices."

Beyond antitrust enforcement, the report proposes increased enforcement of various laws administered by the state's health care regulatory agencies, "including staffing requirements, quality standards, and inspection of healthcare facilities." The report specifically calls for more robust enforcement by the Department of Banking and Insurance, including by "reviewing insurance companies' practices (market behavior) and payment for those who sell insurance (broker behavior and commissions)."

Finally, the report also notes, in its discussion of increased transparency around health care costs, that New Jersey may consider legislation along the lines of a Massachusetts law that requires health care providers to disclose information about their participation in a patient's health plan and about the potential costs of services. If New Jersey were to adopt such a law, the AG may play a role in enforcing its requirements.

Wage and Hour Enforcement

The report of the Jobs, Opportunity, and Prosperity for All Action Team includes a recommendation that "the Governor's Office staff work with the Department of Labor and Workforce Development to assess employer compliance with workforce, labor, and wage and hour protections and determine where enforcement should be

enhanced to protect the rights and safety of employees." The AG's office represents the Department of Labor in enforcement actions, including wage and hour matters, and also has sought penalties under the New Jersey False Claims Act for prevailing wage violations by government contractors. The recommendation reflects an interest in more strategically allocating regulatory and enforcement resources within the Department of Labor.

The Affordable Healthcare Action Team report echoes this call for stepped up enforcement of worker protection laws with a particular focus on the health care sector. According to this report, the Department of Labor "should ensure enforcement of labor protections for healthcare workers, particularly wage and hour enforcement for in-home and community-based workers," as a means of promoting better health outcomes at lower costs.

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Whether New Jersey's new AG takes up any of the Action Teams' recommendations remains to be seen. Meanwhile, companies operating in industries that have been identified as warranting increased enforcement should consider strategies for reinforcing their compliance programs and for proactively shaping the new administration's regulatory and enforcement plans from the outset of the new governor's term.

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