

The House Committee on Education offers the following substitute to SB 351:

A BILL TO BE ENTITLED

AN ACT

1 To amend Titles 20 and 39 of the Official Code of Georgia Annotated, relating to education
2 and minors, respectively, so as to provide for social media platform access by minors; to
3 provide for social media policies in public schools; to include promotion of safe and
4 appropriate use of technology and responsible digital citizenship in the state's comprehensive
5 character education program; to require the Department of Education to develop and
6 periodically update model programs for educating students regarding online safety; to
7 provide for required and optional instruction regarding social media for such programs; to
8 require public school local governing bodies to adopt, implement, and enforce social media
9 policies; to authorize the Department of Education to consult with and assist local governing
10 bodies in the development and implementation of such policies; to require local governing
11 bodies to submit such policies to the Department of Education for review; to authorize the
12 State Board of Education to withhold state funds from local governing bodies for failure to
13 comply with certain social media policy requirements; to provide for appeals; to provide for
14 venue; to revise provisions relating to the prohibition of bullying and cyberbullying in public
15 schools; to require social media platforms to verify the age of account holders and to refuse
16 account services to minors without parental consent; to require social medial platforms to
17 provide certain information to parents upon request; to provide for enforcement authority of
18 the Attorney General; to prohibit certain waivers; to create a civil remedy for damages

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19 against commercial entities that distribute material harmful to minors without performing age
20 verification methods; to provide for reasonable age verification process requirements for
21 commercial entities; to provide for standards for liability; to provide for exceptions; to
22 provide that age verification information shall not be retained by commercial entities; to
23 provide for the Attorney General's imposition of fines; to provide for definitions; to provide
24 for an effective date; to provide for a short title; to provide for related matters; to repeal
25 conflicting laws; and for other purposes.

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

27 **PART I**
28 **SECTION 1-1.**

29 This Act shall be known and may be cited as the "Protecting Georgia's Children on Social
30 Media Act of 2024."

31 **PART II**
32 **SECTION 2-1.**

33 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
34 secondary education, is amended in Part 2 of Article 6, relating to competencies and core
35 curriculum under the "Quality Basic Education Act," by revising Code Section 20-2-145,
36 relating to the comprehensive character education program, as follows:

37 "20-2-145.

38 (a) The State Board of Education shall develop by the start of the 1997-1998 school year
39 a comprehensive character education program for levels K-12. This comprehensive
40 character education program shall be known as the 'character curriculum' and shall focus

41 on the students' development of the following character traits: courage, patriotism,
 42 citizenship, honesty, fairness, respect for others, kindness, cooperation, self-respect,
 43 self-control, courtesy, compassion, tolerance, diligence, generosity, punctuality,
 44 cleanliness, cheerfulness, school pride, respect for the environment, respect for the creator,
 45 patience, creativity, sportsmanship, loyalty, perseverance, and virtue. Such program shall
 46 also address, by the start of the ~~1999-2000~~ 2025-2026 school year, methods of discouraging
 47 bullying and violent acts against fellow students and methods of promoting responsible
 48 digital citizenship and the safe and appropriate use of technology, the internet, and social
 49 media. Local ~~boards~~ governing bodies shall implement such a program in all grade levels
 50 at the beginning of the ~~2000-2001~~ 2025-2026 school year and shall provide opportunities
 51 for parental involvement in establishing expected outcomes of the character education
 52 program.

53 (b) The Department of Education shall develop character education program workshops
 54 designed for public school employees of ~~local school systems~~."

55 **SECTION 2-2.**

56 Said chapter is further amended in said part by revising Code Section 20-2-149, relating to
 57 program for educating students regarding online internet safety, as follows:

58 "20-2-149.

59 (a)~~(1)~~ The Department of Education shall develop ~~a model program~~ model programs for
 60 educating students regarding online safety while using the ~~Internet~~ internet, taking into
 61 consideration educational materials on this topic developed by other states as well as any
 62 other materials suggested by education experts, child psychologists, and technology
 63 companies that promote child online safety issues.

64 (2) The model programs provided for in this subsection shall include one or more model
 65 programs for students in grades six through 12 which:

66 (A) Shall include instruction regarding:

- 67 (i) The social, emotional, and physical effects of social media on users;
68 (ii) The effects of social media on the mental health of users, particularly teenagers;
69 (iii) The distribution of disinformation and misinformation on social media;
70 (iv) How social media influences thoughts and behaviors;
71 (v) The permanency and risks of sharing materials online;
72 (vi) How to maintain personal security and identify cyberbullying, predatory
73 behavior, and human trafficking on the internet and social media; and
74 (vii) How to report suspicious behavior encountered on the internet and social media
75 to appropriate persons and authorities; and
76 (B) May include information regarding the benefits of social media use, such as
77 supporting career readiness for future academic or employment opportunities, sharing
78 information with familiar family and friends, and safely connecting with other users
79 with similar interests.
- 80 (3) The Department of Education shall periodically update the model programs provided
81 for in this subsection to reflect changes in internet and social media use, emergent
82 technologies, social and psychological research, and information concerning new threats
83 to teenagers and young adults using social media platforms and other online
84 communication technologies.
- 85 (4) The Department of Education shall publish on its website information relating to the
86 model programs provided for in this Code section, including recommended curricula and
87 instructional materials as updated periodically as provided in this subsection. The
88 Department of Education shall provide technical assistance in addition to such model
89 programs and recommended curricula and instructional materials to aid any local board
90 of education that may elect to incorporate one or more components of internet and social
91 media safety into its instructional program.

92 (b) Each local board of education may incorporate into its instructional program a
 93 component on online ~~Internet~~ internet safety, including social media safety, to be taught
 94 on a schedule as determined by the local board of education."

95 **SECTION 2-3.**

96 Said chapter is further amended in Part 15 of Article 6, relating to miscellaneous provisions
 97 under the "Quality Basic Education Act," by adding a new Code section to read as follows:
 98 "20-2-324.7.

99 (a) As used in this Code section, the term:

100 (1) 'Internet' means the global information system that is logically linked together by a
 101 globally unique address space based on the internet protocol or its subsequent extensions;
 102 that is able to support communications using the transmission control protocol/internet
 103 protocol (TCP/IP) suite, its subsequent extensions, or other compatible protocols; and that
 104 provides, uses, or makes accessible, either publicly or privately, high-level services
 105 layered on such communications and related infrastructure.

106 (2) 'Local governing body' means the board of education of each local school system, the
 107 governing body of each charter school subject to the provisions of Article 31 or 31A of
 108 this chapter, and the governing board of each completion special school subject to the
 109 provisions of Article 31C of this chapter. Such term shall not include system charter
 110 schools, as defined in Code Section 20-2-2062; conversion charter schools, as defined in
 111 Code Section 20-2-2062, whose charter is not held by a nonprofit corporation; and
 112 college and career academies that are charter schools.

113 (3) 'Social media platform' has the same meaning as defined in Code Section 39-6-1.

114 (b) No later than April 1, 2026, each local governing body shall adopt a social media
 115 policy which shall:

116 (1) Prohibit students from accessing social media platforms through the use of computer
 117 equipment, communications services, or internet access that is operated, owned, leased,

118 and made available to students by the local governing body, the school system, or a
119 public school; and

120 (2) Establish appropriate measures to be taken when a student violates such policy.

121 (c) A local governing body shall take such steps as it deems appropriate to implement and
122 enforce its social media policy, which shall include, but shall not be limited to:

123 (1) Use of software programs and other technologies reasonably designed and intended
124 to block access to social media platforms; and

125 (2) Selection of online servers that block access to social media platforms.

126 (d) Each local school system or public school shall publish on its website a copy of the
127 social media policy adopted pursuant to subsection (b) of this Code section and shall
128 provide a paper copy of such upon written request of a parent or guardian of an enrolled
129 student.

130 (e) The Department of Education shall be authorized to consult with and assist any local
131 governing body in developing and implementing a social media policy pursuant to this
132 Code section.

133 (f)(1) No later than April 1, 2026, each local governing body shall submit a copy of the
134 social media policy adopted pursuant to subsection (b) of this Code section to the
135 Department of Education for compliance review. Such submission shall identify any
136 software program or other technology that is being or will be utilized to block access to
137 social media platforms in accordance with subsection (c) of this Code section.

138 (2) The Department of Education shall review each social media policy and any
139 subsequent revisions submitted pursuant to paragraph (3) of this subsection. If the
140 Department of Education determines after compliance review that a policy or revision
141 thereof is not reasonably designed to achieve the requirements of this Code section, it
142 shall provide written notice of noncompliance to the local governing body as provided
143 for in paragraph (4) of this subsection.

144 (3) No revision of a social media policy which has been deemed compliant pursuant to
145 paragraph (2) of this subsection shall be implemented until such revision is reviewed by
146 the Department of Education. If the Department of Education fails to provide a notice
147 of noncompliance for the revision within 60 days of its receipt, the local governing body
148 may proceed with the implementation of the revision.

149 (4)(A) The Department of Education shall be responsible for conducting any necessary
150 investigations and making written determinations as to whether a local governing body
151 has failed to comply with the requirements of this Code section.

152 (B) If the Department of Education determines that a local governing body has failed
153 to comply with the requirements of this Code section, it shall provide a written notice
154 of noncompliance to such local governing body and the local governing body shall have
155 30 days from the receipt of such notice to correct such noncompliance and to develop
156 a corrective action plan for preventing future recurrences. The Department of
157 Education may extend such 30 day period upon a showing of good cause by the local
158 governing body.

159 (5)(A) The State Board of Education shall be authorized to take corrective action,
160 including, but not limited to, withholding a portion of state funding to a local school
161 system or public school, as provided for in Code Section 20-2-243, if such local
162 governing body fails to comply with the provisions of this Code section or fails to
163 enforce or substantially disregards its social media policy.

164 (B) If the State Board of Education notifies the local governing body that it is subject
165 to the withholding of state funding pursuant to subparagraph (A) of this paragraph, such
166 local governing body may bring an action against the State Board of Education seeking
167 appropriate relief from the superior court of the county where the local governing body
168 is headquartered."

SECTION 2-4.

169
 170 Said chapter is further amended in Subpart 2 of Part 2 of Article 16, relating to public school
 171 disciplinary tribunals for students, by revising Code Section 20-2-751.4, relating to policies
 172 prohibiting bullying, assignment to alternative school, and notice, as follows:

173 "20-2-751.4.

174 (a) As used in this Code section, the term:

175 (1)(A) Bullying 'bullying' means an act that is:

176 ~~(1)~~(i) Any willful attempt or threat to inflict injury on another person, when
 177 accompanied by an apparent present ability to do so;

178 ~~(2)~~(ii) Any intentional display of force such as would give the victim reason to fear
 179 or expect immediate bodily harm; or

180 ~~(3)~~(iii) Any intentional written, verbal, or physical act which a reasonable person
 181 would perceive as being intended to threaten, harass, or intimidate, that:

182 ~~(A)~~(I) Causes another person substantial physical harm within the meaning of Code
 183 Section 16-5-23.1 or visible bodily harm as such term is defined in Code Section
 184 16-5-23.1;

185 ~~(B)~~(II) Has the effect of substantially interfering with a student's education or
 186 otherwise substantially infringing upon the rights of a student;

187 ~~(C)~~(III) Is so severe, persistent, or pervasive that it creates an intimidating or
 188 threatening educational environment; or

189 ~~(D)~~(IV) Has the effect of substantially disrupting the orderly operation of the
 190 school.

191 (B) Except as provided in subparagraph (C) of this paragraph, such ~~The~~ term applies
 192 to acts which occur on school property, on school vehicles, at designated school bus
 193 stops, or at school related functions or activities, including, but not limited to,
 194 extracurricular activities, or by use of data or software that is accessed through a

195 computer, computer system, computer network, or other electronic technology of a
196 local school system. ~~The term also applies to~~
197 (C) Such term includes acts of cyberbullying which occur through the use of electronic
198 communication, whether or not such electronic act originated that originate on school
199 property or involve the use of or with school equipment, including, but not limited to,
200 acts that occur within a school sponsored online activity. if the electronic
201 communication (1) is directed specifically at students or school personnel, (2) is
202 maliciously intended for the purpose of threatening the safety of those specified or
203 substantially disrupting the orderly operation of the school, and (3) creates a reasonable
204 fear of harm to the students' or school personnel's person or property or has a high
205 likelihood of succeeding in that purpose. For purposes of this Code section, electronic
206 communication includes but is not limited to any transfer of signs, signals, writings,
207 images, sounds, data or intelligence of any nature transmitted in whole or in part by a
208 wire, radio, electromagnetic, photo-electronic or photo-optical system.

209 (2) 'Cyberbullying' means bullying that involves the use of electronic communication,
210 including, but not limited to, communication devices and services, including, but not
211 limited to, cellular telephones, cameras, computers, social media platforms, text
212 messages, chat platforms, and internet sites.

213 (3) 'Electronic communication' means, but is not limited to, any transfer of signs, signals,
214 writings, images, sounds, data, or intelligence of any nature transmitted in whole or in
215 part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system. Such
216 term shall include photographs and video and audio recordings.

217 (4) 'Extracurricular activities' has the same meaning as defined in Code Section
218 20-2-319.6.

219 (5) 'Parent' means a person who has legal authority to act on behalf of a minor child as
220 a natural or adoptive parent or a legal guardian.

221 (6) 'School equipment' means any computer or computer networking equipment,
222 technology or technology related device or service, or communication system or service
223 that is operated, owned, leased, and made available to students by a local board of
224 education, local school system, or public school and that is used for transmitting,
225 receiving, accessing, viewing, hearing, downloading, recording, or storing electronic
226 communication.

227 (7) 'Transmit' means to send or broadcast an electronic communication.

228 (b) No later than ~~August 1, 2011~~ July 1, 2026:

229 (1) Each local board of education shall adopt a policy that prohibits bullying, including,
230 without limitation, cyberbullying, of a student by another by a student and shall require
231 such prohibition to be included in the student code of conduct for schools in that school
232 system;

233 (2) Each local board policy shall require that, upon a finding by the disciplinary hearing
234 officer, panel, or tribunal of school officials provided for in this subpart that a student in
235 grades six through 12 has committed the offense of bullying for the third time in a school
236 year, such student shall be assigned to an alternative school;

237 (3) Each local board of education shall establish and publish in its local board policy a
238 method to notify the parent, guardian, or other person who has control or charge of a
239 student upon a finding by a school administrator that such student has committed an
240 offense of bullying or is a target or suspected victim of bullying. Such notice shall, as
241 appropriate under the circumstances, include referrals to resources for counseling and
242 other appropriate services for students who have been found to have committed an
243 offense of bullying or are targets or suspected victims of bullying; and

244 (4) Each local board of education shall ensure that students and parents and guardians
245 of students are notified of the prohibition against bullying, and the penalties for violating
246 the prohibition, by posting such information at each school and by including such
247 information in student and parent handbooks; and

248 (5) Each local board of education shall establish a process to regularly evaluate and
249 update the use of technology solutions to aid in the prevention of cyberbullying on school
250 equipment, including, but not limited to, monitoring software intended to provide
251 electronic notification when the occurrence of cyberbullying is detected on such
252 equipment.

253 (c) No later than January 1, ~~2011~~ 2026, the Department of Education shall develop a
254 model policy regarding bullying, that may be revised from time to time, and shall post such
255 policy on its website in order to assist local school systems. Such model policy shall
256 include:

257 (1) A statement prohibiting bullying;

258 (2) A requirement that any teacher or other school employee who has reliable
259 information that would lead a reasonable person to suspect that someone is a target of
260 bullying shall immediately report it to the school principal;

261 (3) A requirement that each school have a procedure for the school administration to
262 promptly investigate in a timely manner and determine whether bullying has occurred;

263 (4) An age-appropriate range of consequences for bullying which shall include, at
264 minimum and without limitation, disciplinary action or counseling as appropriate under
265 the circumstances;

266 (5) A requirement that each school provide referrals, as appropriate under the
267 circumstances, to age-appropriate interventions and services, including, but not limited
268 to, counseling services, for students who have been found to have committed an offense
269 of bullying or are targets or suspected victims of bullying;

270 (6) A procedure for a teacher or other school employee, student, parent, guardian, or
271 other person who has control or charge of a student, either anonymously or in such
272 person's name, at such person's option, to report or otherwise provide information on
273 bullying activity;

274 ~~(6)~~(7) A statement prohibiting retaliation following a report of bullying; and

275 ~~(7)~~(8) Provisions consistent with the requirements of subsection (b) of this Code section.
 276 (d) No later than January 1, 2026, the The Department of Education shall develop and post
 277 on its website:
 278 (1) A a list of entities and their contact information which produce antibullying training
 279 programs and materials deemed appropriate by the department for use in local school
 280 systems. Such list shall include at least one entity that provides awareness and training
 281 programs relating to cyberbullying; and
 282 (2) A list of online and in-person providers of counseling and other appropriate services
 283 for students who have been found by school officials to have committed an offense of
 284 bullying or are targets or suspected victims of bullying. Such list shall include in-person
 285 providers available to families in areas throughout the state.
 286 (e) Any person who reports an incident of bullying in good faith shall be immune from
 287 civil liability for any damages caused by such reporting.
 288 (f) Nothing in this Code section or in the model policy promulgated by the Department of
 289 Education shall be construed to require a local board of education to provide transportation
 290 to a student transferred to another school as a result of a bullying incident.
 291 (g) Any school system which is not in compliance with the requirements of subsection (b)
 292 of this Code section shall be ineligible to receive state funding pursuant to Code Sections
 293 20-2-161 and 20-2-260."

294 **PART III**
 295 **SECTION 3-1.**

296 Title 39 of the Official Code of Georgia Annotated, relating to minors, is amended by adding
 297 a new chapter to read as follows:

298

"CHAPTER 6299 39-6-1.300 As used in this chapter, the term:301 (1) 'Account holder' means a person who is a resident of this state and has an account or
302 profile to use a social media platform, including a minor account holder.303 (2) 'Educational entity' means:304 (A) A public elementary or secondary school, including without exception public
305 schools provided for under Articles 31, 31A, and 31C of Chapter 2 of Title 20;306 (B) A private elementary or secondary school;307 (C) A unit of the University System of Georgia;308 (D) A unit of the Technical College System of Georgia;309 (E) An independent or private college or university located in Georgia and eligible to
310 be deemed an 'approved school' pursuant to paragraph (2) of Code Section 20-3-411;311 or312 (F) A nonpublic postsecondary educational institution provided for in Part 1A of
313 Article 7 of Chapter 3 of Title 20.314 (3) 'Minor' means an individual who resides in this state and is actually known or
315 reasonably believed by a social media platform to be under the age of 16 years.316 (4) 'Minor account holder' means an account holder who is a minor.317 (5) 'Post' means content that an account holder makes available on a social media
318 platform for other account holders or users to view or listen to, including text, images,
319 audio, and video.320 (6) 'Social media platform' means an online forum that allows an account holder to create
321 a profile, upload posts, view and listen to posts, form mutual connections, and interact
322 publicly and privately with other account holders and users. Such term shall not include

323 an online service, website, or application where the predominant or exclusive function
324 is any of the following:

325 (A) Email;

326 (B) A service that, pursuant to its terms of use, does not permit minors to use the
327 platform and utilizes commercially reasonable age assurance mechanisms to deter
328 minors from becoming account holders;

329 (C) A streaming service that provides only licensed media that is not user generated
330 in a continuous flow from the service, website, or application to the end user and does
331 not obtain a license to the media from a user or account holder by agreement to its
332 terms of service;

333 (D) News, sports, entertainment, or other content that is preselected by the provider
334 and not user generated, and any chat, comment, or interactive functionality that is
335 provided incidental to or directly or indirectly related to such content;

336 (E) Online shopping or ecommerce, if the interaction with other users or account
337 holders is generally limited to the ability to upload a post and comment on reviews, the
338 ability to display lists or collections of goods for sale or wish lists, and other functions
339 that are focused on online shopping or ecommerce rather than interaction between users
340 or account holders;

341 (F) Interactive gaming, virtual gaming, or an online service, website, or application that
342 allows the creation and uploading of content for the purpose of interactive gaming,
343 educational entertainment, or associated entertainment, and communications related to
344 that content;

345 (G) Photograph editing that has an associated photograph hosting service if the
346 interaction with other users or account holders is generally limited to liking or
347 commenting;

- 348 (H) Single-purpose community groups for public safety if the interaction with other
349 users or account holders is limited to that single purpose and the community group has
350 guidelines or policies against illegal content;
- 351 (I) Business-to-business software;
- 352 (J) Teleconferencing or videoconferencing services that allow reception and
353 transmission of audio and video signals for real-time communication;
- 354 (K) Cloud storage;
- 355 (L) Shared document collaboration;
- 356 (M) Cloud computing services, which may include cloud storage and shared document
357 collaboration;
- 358 (N) Providing access to or interacting with data visualization platforms, libraries, or
359 hubs;
- 360 (O) Permitting comments on a digital news website if the news content is posted only
361 by the provider of the digital news website;
- 362 (P) Providing or obtaining technical support for a platform, product, or service;
- 363 (Q) Academic, scholarly, or genealogical research where the majority of the content
364 is created or posted by the provider of the online service, website, or application and
365 the ability to chat, comment, or interact with other users is directly related to the
366 provider's content;
- 367 (R) Internet access and broadband service;
- 368 (S) A classified advertising service in which the provider of the online service, website,
369 or application is limited to all of the following:
- 370 (i) Permitting only the sale of goods;
- 371 (ii) Prohibiting the solicitation of personal services;
- 372 (iii) Posting or creating a substantial amount of the content; and
- 373 (iv) Providing the ability to chat, comment, or interact with other users only if it is
374 directly related to the provider's content; or

375 (T) An online service, website, or application that is used by or under the direction of
376 an educational entity, including a learning management system, student engagement
377 program, or subject- or skill-specific program, where the majority of the content is
378 created or posted by the provider of the online service, website, or application and the
379 ability to chat, comment, or interact with other users is directly related to the provider's
380 content.

381 (7) 'User' means a person who has access to view all or some of the posts on a social
382 media platform, but who is not an account holder.

383 39-6-2.

384 (a) The provider of a social media platform shall make commercially reasonable efforts
385 to verify the age of account holders with a level of certainty appropriate to the risks that
386 arise from the social media platform's information management practices or shall apply the
387 special conditions applied to minors under this chapter to all account holders.

388 (b) The provider of a social media platform shall treat as a minor any individual such
389 provider verifies to be under the age of 16 years.

390 (c) No provider of a social media platform shall permit a minor to be an account holder
391 unless such provider obtains the express consent of such minor's parent or guardian.

392 Acceptable methods of obtaining express consent from a parent or guardian include:

393 (1) Providing a form for the minor's parent or guardian to sign and return to the social
394 media platform by common carrier, facsimile, email, or scanning;

395 (2) Providing a toll-free telephone number for the minor's parent or guardian to call to
396 consent;

397 (3) Coordinating a call with the minor's parent or guardian using videoconferencing
398 technology;

399 (4) Collecting information related to the minor's parent's or guardian's government issued
400 identification or financial or payment card information and deleting such information
401 after confirming the identity of the parent or guardian;

402 (5) Allowing the minor's parent or guardian to provide consent by responding to an email
403 and taking additional steps to verify the parent's or guardian's identity; and

404 (6) Any other commercially reasonable method of obtaining consent using available
405 technology.

406 (d) Notwithstanding any other provision of this chapter, no provider of a social media
407 platform shall permit a minor to hold or open an account on the social media platform if
408 the minor is ineligible to hold or open an account under any other provision of state or
409 federal law.

410 (e) The provider of a social media platform shall make available, upon the request of a
411 parent or guardian of a minor, a list and description of the features offered by the social
412 media platform related to censoring or moderating content available on the social media
413 platform, including any features that can be disabled or modified by an account holder.

414 39-6-3.

415 For a minor account holder, the provider of a social media platform shall prohibit all of the
416 following:

417 (1) The display of any advertising in the minor account holder's account based on such
418 minor account holder's personal information, except age and location; and

419 (2) The collection or use of personal information from the posts, content, messages, text,
420 or usage activities of the minor account holder's account other than what is adequate,
421 relevant, and reasonably necessary for the purposes for which such information is
422 collected, as disclosed to the minor.

423 39-6-4.

424 (a) The Attorney General shall have exclusive authority to enforce the provisions of this
425 chapter.

426 (b) Nothing in this chapter shall be interpreted to serve as the basis for a private right of
427 action under this chapter or any other law.

428 (c) Subject to the ability to cure an alleged violation under subsection (d) of this Code
429 section, the Attorney General may initiate an action and seek damages for up to \$2,500.00
430 for each violation under this chapter.

431 (d) At least 90 days before the day on which the Attorney General initiates an enforcement
432 action against a person or entity that is subject to the requirements of this chapter, the
433 Attorney General shall provide the person or entity with a written notice that identifies each
434 alleged violation and an explanation of the basis for each allegation. The Attorney General
435 shall not initiate an action if the person or entity cures the noticed violation within 90 days
436 of receiving notice from the Attorney General and provides the Attorney General with a
437 written statement indicating that the alleged violation is cured.

438 39-6-5.

439 No provision in a contract, statement of terms or conditions, or any other purported
440 agreement, including, but not limited to, a choice of law provision, a waiver or limitation,
441 or a purported waiver or limitation, may be utilized to prevent the application of this
442 chapter or prevent, limit, or otherwise interfere with any person's or entity's right to
443 cooperate with the Attorney General or to file a complaint with the Attorney General. Any
444 such provision shall be null and void and unenforceable as contrary to public policy, and
445 a court or arbitrator shall not enforce or give effect to any such provision."

446 **SECTION 3-2.**

447 Said title is further amended in Chapter 5, relating to online internet safety, by adding a new
448 Code section to read as follows:

449 "39-5-5.

450 (a) As used in this Code section, the term:

451 (1) 'Commercial entity' means a corporation, limited liability company, partnership,
452 limited partnership, sole proprietorship, or other legally recognized entity.

453 (2) 'Digitized identification card' means a data file available on a mobile device with
454 connectivity to the internet that contains all of the data elements visible on the face and
455 back of a driver's license or identification card and displays the current status of the
456 driver's license or identification card as being valid, expired, cancelled, suspended,
457 revoked, active, or inactive.

458 (3) 'Distribute' means to issue, sell, give, provide, deliver, transfer, transmute, circulate,
459 or disseminate by any means.

460 (4) 'Material harmful to minors' means:

461 (A) Any material that the average person, applying contemporary community
462 standards, would find, taking the material as a whole and with respect to minors, is
463 designed to appeal to, or is designed to pander to, prurient interest;

464 (B) Any of the following materials that exploit, are devoted to, or principally consist
465 of descriptions of actual, simulated, or animated displays or depictions of any of the
466 following, in a manner patently offensive with respect to minors:

467 (i) Nipple of the female breast, pubic hair, anus, vulva, or genitals;

468 (ii) Touching, caressing, or fondling of nipples, breasts, buttocks, the anus, or
469 genitals; or

470 (iii) Any sexual act, including, but not limited to, sexual intercourse, masturbation,
471 sodomy, bestiality, oral copulation, flagellation, excretory functions, and exhibitions
472 of sexual acts; or

473 (C) The material taken as a whole lacks serious literary, artistic, political, or scientific
474 value for minors.

475 (5) 'Minor' means any individual under the age of 18 years.

476 (6) 'News-gathering organization' means:

477 (A) An employee of a newspaper, news publication, or news source, printed or
478 published on an online or mobile platform, while operating as an employee of a
479 news-gathering organization who can provide documentation of employment with the
480 newspaper, news publication, or news source; or

481 (B) An employee of a radio broadcast station, television broadcast station, cable
482 television operator, or wire service while operating as an employee of a news-gathering
483 organization who can provide documentation of employment.

484 (7) 'Publish' means to communicate or make information available to another person or
485 entity on a public website.

486 (8) 'Reasonable age verification' means to confirm that a person seeking to access
487 published material that may have a substantial portion of material that is harmful to
488 minors is at least 18 years of age.

489 (9) 'Substantial portion' means more than 33.33 percent of total material on a public
490 website which meets the definition of material that is harmful to minors as defined in this
491 Code section.

492 (b) Before allowing access to a public website that contains a substantial portion of
493 material that is harmful to minors, a commercial entity shall use a reasonable age
494 verification method, which may include, but not be limited to:

495 (1) The submission of a digitized identification card, including a digital copy of a driver's
496 license;

497 (2) The submission of government-issued identification; or

498 (3) Any commercially reasonable age verification method that meets or exceeds an
499 Identity Assurance Level 2 standard, as defined by the National Institute of Standards and
500 Technology.

501 (c)(1) A commercial entity that knowingly and intentionally publishes or distributes
502 material that is harmful to minors on a public website which contains a substantial portion
503 of material that is harmful to minors is liable if the commercial entity fails to perform
504 reasonable age verification of the individual attempting to access the material.

505 (2) A commercial entity that violates this Code section is liable to an individual for
506 damages resulting from a minor accessing material harmful to minors, including court
507 costs and reasonable attorneys' fees as ordered by the court.

508 (3) A commercial entity that violates this Code section shall be subject to a fine of up to
509 \$10,000.00 for each violation, the amount of which shall be determined by the superior
510 court in the county in which any affected minor resides. The Attorney General or
511 solicitor general or district attorney having jurisdiction shall institute proceedings to
512 impose such fine within one year of the violation. The issuance of a fine under this
513 paragraph shall not preclude any right of action.

514 (d)(1) When a commercial entity or third party performs a reasonable age verification,
515 the commercial entity shall not retain any identifying information after access to the
516 material has been granted.

517 (2) A commercial entity that is found to have knowingly retained identifying information
518 of an individual after access to the material has been granted is liable to such individual
519 for damages resulting from retaining the identifying information, including court costs
520 and reasonable attorney's fees as ordered by the court.

521 (e) This Code section shall not:

522 (1) Apply to a news or public interest broadcast, public website video, report, or event;

523 (2) Affect the rights of a news-gathering organization; or

524 (3) Apply to cloud service providers.

525 (f) An internet service provider and any affiliate, subsidiary, or search engine shall not be
526 considered to have violated this Code section solely by providing access or connection to
527 or from a public website or to other information or content on the internet or on a facility,
528 system, or network that is not under that internet service provider's control, to the extent
529 the internet service provider is not responsible for the creation of the content or the
530 communication that constitutes material that is harmful to minors."

531 **PART IV**
532 **SECTION 4-1.**

533 This Act shall become effective on July 1, 2025.

534 **SECTION 4-2.**

535 All laws and parts of laws in conflict with this Act are repealed.