

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10106-LR-25A

Short Title: Social Media Protections for Minors Under 16.

(Public)

Sponsors: Representative Zenger.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROTECT MINORS UNDER SIXTEEN YEARS OF AGE FROM HARMFUL
3 ONLINE SOCIAL MEDIA.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Effective March 1, 2025, the General Statutes are amended by adding
6 a new Chapter to read:

7 **"Chapter 114B.**

8 **"Social Media Protections for Minors.**

9 **"§ 114B-1. Title; definitions.**

10 (a) Title. – This Chapter shall be known and may be cited as the "Social Media Protection
11 for Minors Act."

12 (b) Definitions. – The following definitions apply in this Chapter:

13 (1) Account holder. – A resident who opens an account or creates a profile or is
14 identified by the social media platform by a unique identifier while using or
15 accessing a social media platform when the social media platform knows or
16 has reason to believe the resident is located in this State.

17 (2) Daily active users. – The number of unique users in the United States who
18 used the online forum, website, or application at least eighty percent (80%) of
19 the days during the previous 12 months or, if the online forum, website, or
20 application did not exist during the previous 12 months, the number of unique
21 users in the United States who used the online forum, website, or application
22 at least eighty percent (80%) of the days during the previous month.

23 (3) Department. – The North Carolina Department of Justice.

24 (4) Minor. – A person who is under 16 years of age.

25 (5) Resident. – A person who lives in this State for more than six months of the
26 year.

27 (6) Social media platform or platform. – An online forum, website, or application
28 that satisfies each of the following criteria:

29 a. Allows users to upload content or view the content or activity of other
30 users;

31 b. Ten percent (10%) or more of the daily active users who are younger
32 than 16 years of age spend on average two hours per day or longer on
33 the online forum, website, or application on the days when using the
34 online forum, website, or application during the previous 12 months
35 or, if the online forum, website, or application did not exist during the
36 previous 12 months, during the previous month;



- 1 c. Employs algorithms that analyze user data or information on users to
2 select content for users; and
- 3 d. Has any of the following addictive features:
- 4 1. Infinite scrolling, which means either (i) continuously loading
5 content or content that loads as the user scrolls down the page
6 without the need to open a separate page or (ii) seamless
7 content or the use of pages with no visible or apparent end or
8 page breaks.
- 9 2. Push notifications or alerts sent by the online forum, website,
10 or application to inform a user about specific activities or
11 events related to the user's account.
- 12 3. Displays personal interactive metrics that indicate the number
13 of times other users have clicked a button to indicate their
14 reaction to content or have shared or reposted the content.
- 15 4. Auto-play video or video that begins to play without the user
16 first clicking on the video or on a play button for that video.
17 Live-streaming or a function that allows a user or advertiser to
18 broadcast live video content in real time.

19 The term does not include an online service, website, or application where the
20 exclusive function is email or direct messaging consisting of text,
21 photographs, pictures, images, or videos shared only between the sender and
22 the recipients, without displaying or posting publicly or to other users not
23 specifically identified as the recipients by the sender.

24 **§ 114B-2. Social media protections for minors.**

25 (a) Minors Under 14 Years of Age. – A social media platform shall prohibit a minor who
26 is younger than 14 years of age from entering into a contract with the platform to become an
27 account holder and shall do all of the following:

- 28 (1) Terminate any account held by a minor under 14 years of age upon 30 days'
29 notice to the account holder. Termination must be effective upon the
30 expiration of the 30 days if the account holder fails to effectively dispute the
31 termination.
- 32 (2) Permanently delete all personal information held by the social media platform
33 relating to the terminated account, unless there are legal requirements to
34 maintain the information.

35 (b) Minors 14 or 15 Years of Age. – A social media platform shall prohibit a minor who
36 is 14 or 15 years of age from entering into a contract with the platform to become an account
37 holder unless the minor's parent or guardian provides consent for the minor to become an account
38 holder and shall do all of the following:

- 39 (1) Terminate any account held by an account holder who is 14 or 15 years of age
40 if the account holder's parent or guardian has not provided consent for the
41 minor to create or maintain the account. The social media platform shall
42 provide 30 days for an account holder to dispute the termination.
- 43 (2) Allow the parent or guardian of an account holder who is 14 or 15 years of
44 age to request that the minor's account be terminated. Termination must be
45 effective within 10 business days after the request.
- 46 (3) Permanently delete all personal information held by the social media platform
47 relating to the terminated account unless there are legal requirements to
48 maintain the information.

49 (c) Violations. – If the Department has reason to believe that a social media platform is
50 in violation of subsection (a) of this section, the Department, as the enforcing entity, may bring
51 an action against the platform for an unfair or deceptive act or practice.

1 Any knowing or reckless violation of subsection (a) of this section is deemed an unfair and
2 deceptive trade practice actionable under Chapter 75 of the General Statutes actionable solely by
3 the Department against a social media platform.

4 In addition to other remedies allowed by law, the Department may collect a civil penalty of
5 up to fifty thousand dollars (\$50,000) per violation and reasonable attorneys' fees and court costs.
6 When the social media platform's failure to comply with subsection (a) of this section is a
7 consistent pattern of knowing or reckless conduct, punitive damages may be assessed against the
8 platform.

9 A social media platform that knowingly or recklessly violates subsection (a) of this section
10 is liable to the minor account holder, including court costs and reasonable attorneys' fees.
11 Claimants may be awarded up to ten thousand dollars (\$10,000) in damages. Any action brought
12 under this paragraph may only be brought on behalf of a minor account holder. A civil action for
13 a claim under this paragraph must be brought within one year from the date the complainant
14 knew, or reasonably should have known, of the alleged violation.

15 If a social media platform allows an account holder to use the social media platform, the
16 parties have entered into a contract.

17 This section does not preclude any other available remedy at law or in equity.

18 For purposes of bringing an action under this section, a social media platform that allows a
19 minor to create an account on the platform is considered to be both engaged in substantial and
20 not isolated activities within this State and operating, conducting, engaging in, or carrying on a
21 business and doing business in this State, and is therefore subject to the jurisdiction of the courts
22 of this State.

23 (d) Enforcement. – If, by its own inquiry or as a result of complaints, the Department has
24 reason to believe that an entity or person has engaged in, or is engaging in, an act or practice that
25 violates this section, the Department may administer oaths and affirmations, subpoena witnesses
26 or matter, and collect evidence. Within five days, excluding weekends and legal holidays, after
27 the service of a subpoena or at any time before the return date specified therein, whichever is
28 longer, the party served may file in the superior court in the county in which it resides or in which
29 it transacts business and serve upon the enforcing authority a petition for an order modifying or
30 setting aside the subpoena. The petitioner may raise any objection or privilege which would be
31 available upon service of such subpoena in a civil action. The subpoena shall inform the party
32 served of its rights under this subsection.

33 If the matter that the Department seeks to obtain by subpoena is located outside the State, the
34 entity or person subpoenaed may make it available to the Department or its representative to
35 examine the matter at the place where it is located. The Department may designate
36 representatives, including officials of the state in which the matter is located, to inspect the matter
37 on its behalf, and may respond to similar requests from officials of other states.

38 Upon failure of an entity or person without lawful excuse to obey a subpoena and upon
39 reasonable notice to all persons affected, the Department may apply to the superior court for an
40 order compelling compliance.

41 The Department may request that an entity or person that refuses to comply with a subpoena
42 on the ground that testimony or matter may incriminate the entity or person be ordered by the
43 court to provide the testimony or matter. Except in a prosecution for perjury, an entity or
44 individual that complies with a court order to provide testimony or matter after asserting a valid
45 privilege against self-incrimination shall not have the testimony or matter so provided, or
46 evidence derived therefrom, received against the entity or person in any criminal investigation or
47 proceeding.

48 Any entity or person upon whom a subpoena is served pursuant to this subsection shall
49 comply with the terms thereof unless otherwise provided by order of the court.

50 Any entity or person that fails to appear with the intent to avoid, evade, or prevent compliance
51 in whole or in part with any investigation under this Chapter or who removes from any place,

1 conceals, withholds, mutilates, alters, or destroys, or by any other means falsifies any
2 documentary material in the possession, custody, or control of any entity or person subject to any
3 such subpoena, or knowingly conceals any relevant information with the intent to avoid, evade,
4 or prevent compliance shall be liable for a civil penalty of not more than five thousand dollars
5 (\$5,000) per week in violation, reasonable attorneys' fees, and costs.

6 (e) Rules. – The Department may adopt rules to implement this Chapter.

7 (f) Civil Penalties. – The clear proceeds of civil penalties provided for in this section
8 shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

9 **"§ 114B-3. Age verification for online access to materials harmful to minors.**

10 (a) The following definitions apply in this section:

11 (1) Anonymous age verification. – A commercially reasonable method used by a
12 government agency or a business for the purpose of age verification which is
13 conducted by a nongovernmental, independent third party organized under the
14 laws of a state of the United States which:

15 a. Has its principal place of business in a state of the United States; and

16 b. Is not owned or controlled by a company formed in a foreign country,
17 a government of a foreign country, or any other entity formed in a
18 foreign country.

19 (2) Commercial entity. – A corporation, limited liability company, partnership,
20 limited partnership, sole proprietorship, and any other legally recognized
21 entity.

22 (3) Distribute. – To issue, sell, give, provide, deliver, transfer, transmit, circulate,
23 or disseminate by any means.

24 (4) Harmful to minors. – As defined by G.S. 14-190.13. The term also includes
25 any material that the average person applying contemporary community
26 standards would find, taken as a whole, appeals to the prurient interest or
27 depicts or describes, in a patently offensive way, sexual conduct and when
28 taken as a whole, lacks serious literary, artistic, political, or scientific value
29 for minors.

30 (5) News-gathering organization. – Any of the following: (i) a newspaper, news
31 publication, or news source, printed or published online or on a mobile
32 platform, engaged in reporting current news and matters of public interest, and
33 an employee thereof who can provide documentation of such employment or
34 (ii) a radio broadcast station, television broadcast station, cable television
35 operator, or wire service, and an employee thereof who can provide
36 documentation of such employment.

37 (6) Publish. – To communicate or make information available to another person
38 or entity on a publicly available website or application.

39 (7) Standard age verification. – Any commercially reasonable method of age
40 verification approved by the commercial entity.

41 (8) Substantial portion. – More than thirty-three and three-tenths percent (33.3%)
42 of total material on a website or application.

43 (b) A commercial entity that knowingly and intentionally publishes or distributes
44 material harmful to minors on a website or application, if the website or application contains a
45 substantial portion of material harmful to minors, must use either anonymous age verification or
46 standard age verification to verify that the age of a person attempting to access the material is 16
47 years of age or older and prevent access to the material by a person younger than 16 years of age.
48 The commercial entity must offer anonymous age verification and standard age verification, and
49 a person attempting to access the material may select which method will be used to verify the
50 person's age.

1 (c) A commercial entity must ensure that the requirements of subsection (d) of this
2 section are met.

3 (d) A third party conducting anonymous age verification pursuant to this section must
4 comply with all of the following:

5 (1) Shall not retain personal identifying information used to verify age once the
6 age of an account holder or a person seeking an account has been verified.

7 (2) Shall not use personal identifying information used to verify age for any other
8 purpose.

9 (3) Must keep anonymous any personal identifying information used to verify
10 age. The information may not be shared or otherwise communicated to any
11 person.

12 (4) Must protect personal identifying information used to verify age from
13 unauthorized or illegal access, destruction, use, modification, or disclosure
14 through reasonable security procedures and practices appropriate to the nature
15 of the personal information.

16 (e) Any violation of subsection (b) or subsection (c) of this section is deemed an unfair
17 and deceptive trade practice actionable under Chapter 75 of the General Statutes solely by the
18 Department on behalf of a resident minor against a commercial entity.

19 If the Department has reason to believe that a commercial entity is in violation, the
20 Department may bring an action against the commercial entity for an unfair or deceptive act or
21 practice under Chapter 75 of the General Statutes. In addition to other remedies allowed by law,
22 the Department may collect a civil penalty of up to fifty thousand dollars (\$50,000) per violation
23 and reasonable attorneys' fees and court costs.

24 When the commercial entity's failure to comply with subsection (b) or subsection (c) of this
25 section is a consistent pattern of knowing or reckless conduct, punitive damages may be assessed
26 against the commercial entity.

27 (f) An internet service provider or its affiliates or subsidiaries, a search engine, or a cloud
28 service provider does not violate this section solely for providing access or connection to or from
29 a website or other information or content on the internet or a facility, system, or network not
30 under the provider's control, including transmission, downloading, intermediate storage, or
31 access software, to the extent the provider is not responsible for the creation of the content of the
32 communication which constitutes material harmful to minors.

33 (g) This section does not apply to any bona fide news or public interest broadcast, website
34 video, report, or event and does not affect the rights of a news-gathering organization.

35 **"§ 114B-4. Miscellaneous provisions.**

36 (a) It is the intent of the General Assembly that this Chapter be liberally construed for the
37 protection of minors.

38 (b) If any provision of this Chapter or its application to any person or circumstances is
39 held invalid, the invalidity does not affect other provisions or applications of this Chapter which
40 can be given effect without the invalid provision or application and, to this end, the provisions of
41 this Chapter are severable."

42 **SECTION 2.** Except as otherwise provided, this act is effective when it becomes
43 law.