

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE BILL 644  
Committee Substitute Favorable 4/25/23

Short Title: Social Media Algorithmic Control in IT Act.

(Public)

Sponsors:

Referred to:

April 18, 2023

1 A BILL TO BE ENTITLED  
2 AN ACT TO COMBAT SOCIAL MEDIA ADDICTION BY REQUIRING THAT SOCIAL  
3 MEDIA PLATFORMS RESPECT THE PRIVACY OF NORTH CAROLINA USERS'  
4 DATA AND NOT USE A NORTH CAROLINA MINOR'S DATA FOR ADVERTISING  
5 OR ALGORITHMIC RECOMMENDATIONS AND TO MAKE WILLFUL VIOLATIONS  
6 OF DATA USER PRIVACY AN UNFAIR PRACTICE UNDER G.S. 75-1.1.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Effective October 1, 2024, Chapter 75 of the General Statutes is  
9 amended by adding a new Article to read:

10 "Article 2B.

11 "Social Media Algorithmic Control in Information Technology Act.

12 **"§ 75-70. Title; definitions.**

13 (a) This Article shall be known and may be cited as the "Social Media Algorithmic  
14 Control in Information Technology Act."

15 (b) Definitions. – The following definitions apply in this Article:

16 (1) Algorithmic recommendation. – A recommendation of suggested, promoted,  
17 or ranked information.

18 (2) Algorithmic recommendation system. – A fully or partially automated system  
19 used to suggest, promote, or rank information.

20 (3) Minor. – An individual who is under 18 years of age.

21 (4) North Carolina platform user. – An individual who resides in North Carolina  
22 who uses a social media platform.

23 (5) Operator. – As defined in section 1302 of the Children's Online Privacy  
24 Protection Act of 1998, 15 U.S.C. § 6501.

25 (6) Social media algorithm. – The software used by social media platforms to  
26 prioritize content and direct the prioritized content to the user.

27 (7) Social media platform or platform. – An electronic medium with more than  
28 1,000,000 monthly active users in the United States, including a  
29 browser-based or application-based interactive computer service, telephone  
30 network, or data network, that allows users to create, share, and view  
31 user-generated content. The term does not include any of the following:

32 a. Internet search providers.

33 b. Internet service providers.

34 c. Electronic mail.

35 d. Communications services as defined in G.S. 160A-340(3).



1 e. Community forums where the primary purpose of the forum is for  
2 customer self-service support related to products, sellers, services,  
3 events, or places, or any combination thereof.

4 f. Interactive video game services.

5 g. Online shopping or e-commerce.

6 (8) User data. – Any data collected directly or indirectly from or concerning a  
7 North Carolina platform user.

8 **"§ 75-71. User data privacy; targeting minors prohibited; registry.**

9 (a) Privacy Requirements. – The General Assembly finds that unhealthy social media use  
10 has been linked to depression, anxiety, eating disorders, and suicidal ideation, especially among  
11 young people. Exploitation of user data can result in users being targeted in ways that increase  
12 unhealthy social media use. It is the policy of this State that user data shall be respected by  
13 platforms. Special protections are warranted for users who are minors. Therefore, the operator of  
14 a social media platform shall comply with all of the following requirements for North Carolina  
15 platform users:

16 (1) The platform's privacy policy must be accessible on the platform's website  
17 with the disclosure of how user data will be used by the platform stated in a  
18 succinct and easy to understand statement that communicates the true intent  
19 of the use in less than 250 words.

20 (2) User data may be used in algorithmic recommendations only when the user  
21 has been notified and consents to the use of the data in such manner.

22 (3) Requests for data access that will be used to inform algorithmic  
23 recommendations shall require full disclosure of the use of the data, including  
24 third-party use. This notification shall be separate and distinct from the  
25 platform's terms of service notification.

26 (4) The platform must be fully functional for a user without the user having to  
27 give consent for their user data to be used to inform algorithmic  
28 recommendations.

29 (5) The platform must use an age verification system that requires a user to  
30 self-attest to their age.

31 (b) Targeting Minors Prohibited. – The operator of a social media platform must control  
32 algorithmic recommendation systems so that no user data from a North Carolina platform user  
33 who is a minor is used:

34 (1) To inform content recommendations to the minor. This requirement is not  
35 intended to prevent content recommendations from being shown as a direct  
36 result of explicit actions, such as showing posts from accounts a user follows  
37 in a chronological feed, but it is intended to prevent any data, including  
38 follows, from being used in an algorithm to generate algorithmic  
39 recommendations.

40 (2) To inform what advertisements or promotions are shown to minors. This  
41 requirement is not intended to prevent the showing of advertisements or  
42 promotions that are shown to the user based upon explicit actions, such as  
43 being based on the results of a search initiated by the user on the platform.

44 (c) The operator of a social media platform may be held liable for violating subsection  
45 (b) of this section if the operator of the social media platform knew or had reason to know that  
46 the user was a minor. The operator of a social media platform that has made an estimation of a  
47 user's age based upon the user's self-attestation is not liable if the user was a minor who falsely  
48 attested to not being a minor.

49 (d) Exceptions. – A social media algorithm that is intended to block access to  
50 inappropriate or harmful content to an account holder that is a minor is exempt from the  
51 requirements of this section.

1       (e) Registry. – Beginning October 1, 2024, and then annually thereafter, a social media  
2 platform shall provide the Consumer Protection Division of the North Carolina Department of  
3 Justice (Division) with a digital copy of the platform's privacy policy and certification that the  
4 platform has complied with the requirements of this section. Platforms shall provide notice of  
5 substantive privacy policy changes to the registry. The Division shall maintain a registry of these  
6 policies and certifications on its internet website.

7 **"§ 75-72. Investigation; enforcement; private right of action.**

8       (a) Violations. – Effective January 1, 2025, a platform's violation of this Article is an  
9 unfair or deceptive act or practice under G.S. 75-1.1.

10       (b) Investigations. – The Attorney General shall monitor social media platforms for  
11 compliance with this Article.

12       (c) Complaints. – A North Carolina platform user may make a complaint to the Attorney  
13 General alleging that a social media platform has failed to comply with the requirements of this  
14 Article. The Attorney General may bring a civil action in any case in which the Attorney General  
15 has reason to believe that the interest of the residents of this State has been or is threatened due  
16 to noncompliance with this Article.

17       (d) Private Right of Action. – No private right of action may be brought by an individual  
18 for a violation of this Article unless the individual is harmed as a result of the violation.

19 **"§ 75-73. North Carolina Data Privacy Task Force.**

20       (a) There is created the North Carolina Data Privacy Task Force (Task Force) within the  
21 Department of Justice for budgetary purposes only.

22       (b) The Task Force shall be composed of 21 members. The ex officio members listed in  
23 subdivisions (1) through (6) of this subsection may designate representatives from their particular  
24 departments, divisions, or offices to represent them on the Task Force. In making appointments  
25 or designating representatives, appointing authorities and ex officio members shall use best  
26 efforts to select members or representatives with sufficient knowledge and experience to  
27 effectively contribute to the issues examined by the Task Force and, to the extent possible, to  
28 reflect the geographical, political, gender, and racial diversity of this State. The members shall  
29 be as follows:

30           (1) The Attorney General.

31           (2) The State Chief Information Officer.

32           (3) The Secretary of the Department of Health and Human Services.

33           (4) The Director of the State Bureau of Investigation.

34           (5) The Director of the Maternal and Child Health Section of the Department of  
35 Health and Human Services.

36           (6) The Director of the Division of Mental Health, Developmental Disabilities,  
37 and Substance Abuse Services.

38           (7) A representative from NC Child, appointed by the Governor upon  
39 recommendation of the President of the organization.

40           (8) A representative from a private group, other than NC Child, that advocates for  
41 children, appointed by the Governor upon recommendation of private child  
42 advocacy organizations.

43           (9) A pediatrician, licensed to practice medicine in North Carolina, appointed by  
44 the President Pro Tempore of the Senate.

45           (10) A psychiatrist, licensed to practice medicine in North Carolina, appointed by  
46 the Speaker of the House of Representatives.

47           (11) Two public members, one of whom is an educator, appointed by the Speaker  
48 of the House of Representatives.

49           (12) Two public members, one of whom is a social worker, appointed by the  
50 President Pro Tempore of the Senate.

1           (13) Two members of the Senate, appointed by the President Pro Tempore of the  
2           Senate, and two members of the House of Representatives, appointed by the  
3           Speaker of the House of Representatives.

4           (14) A representative from the North Carolina Young People's Alliance, appointed  
5           by the Governor upon recommendation of the head of the organization.

6           (15) Two youth representatives under the age of 21 appointed by the Secretary of  
7           the Department of Health and Human Services after conducting an  
8           application-based selection process.

9           (c) All members of the Task Force are voting members. Vacancies in the appointed  
10          membership shall be filled by the appointing officer who made the initial appointment. Terms  
11          shall be two years. The members shall elect a chair who shall preside for the duration of the  
12          chair's term as member. In the event a vacancy occurs in the chair before the expiration of the  
13          chair's term, the members shall elect an acting chair to serve for the remainder of the unexpired  
14          term.

15          (d) Beginning March 15, 2024, and then annually thereafter, the Task Force shall report  
16          to the General Assembly on its work, with a special focus on mental health issues related to social  
17          media, along with findings, recommendations, and any legislative proposals."

18          **SECTION 2.** Effective July 1, 2023, there is appropriated from the General Fund to  
19          the Department of Justice the sum of one hundred thousand dollars (\$100,000) for the 2023-2024  
20          fiscal year to develop the registry created in G.S. 75-71, as enacted by this act.

21          **SECTION 3.** Except as otherwise provided, this act is effective when it becomes  
22          law.