Article 51.

Commercial Publication and Distribution of Material Harmful to Minors.

§ 66-500. Short title; definitions.

(a) This Article shall be known as the Pornography Age Verification Enforcement Act or the PAVE Act.

(b) The following definitions shall apply to this Article:

(1) Commercial entity. – Corporations, limited liability companies, partnerships, limited partnerships, sole proprietorships, or other legally recognized entities.

(2) Distribute. – To issue, sell, give, provide, deliver, transfer, transmute, circulate, or disseminate by any means.

(3) Harmful to minors. – As defined in G.S. 14-190.13.

(4) Internet. – The international computer network of both federal and non-federal interoperable packet switched data networks.

(5) Material. – As defined in G.S. 14-190.13.

(6) News-gathering organization. – Any of the following:

a. An employee of a newspaper, news publication, or news source, printed or on an online or mobile platform, of current news and public interest, while operating as an employee as provided in this sub-subdivision, who can provide documentation of such employment with the newspaper, news publication, or news source.

b. A radio broadcast station, television broadcast station, cable television operator, or wire service, or an employee of a radio broadcast station, television broadcast station, cable television operator, or wire service.

(7) Publish. – To communicate or make information available to another person or entity on a publicly available website.

(8) Substantial portion. – More than thirty-three and one-third percent (33 1/3%) of total material on a website, which meets the definition of material harmful to minors as defined in this subsection. (2023-132, s. 3.20(a); 2025-25, s. 29(5).)

§ 66-501. Age verification requirements for commercial publication and distribution of material harmful to minors; civil liability.

(a) Age Verification Required. – Any commercial entity that knowingly and intentionally publishes or distributes material harmful to minors on the internet from a website that contains a substantial portion of such material shall, through use of (i) a commercially available database that is regularly used by businesses or governmental entities for the purpose of age and identity verification, or (ii) another commercially reasonable method of age and identity verification, verify the age of the individuals attempting to access the material.

(b) No Data Retention. – Any commercial entity, or third party that performs the required age verification on behalf of the commercial entity, shall not retain any identifying information of the individual after access has been granted to the material.

(c) Civil Liability. – Any commercial entity, or third party that performs the required age verification on behalf of the commercial entity, shall be subject to civil liability for any violation of this section.

(d) Cause of Action. – A civil action may be brought against any commercial entity, or third party that performs the required age verification on behalf of the commercial entity, that violates this section by any of the following:

(1) A parent or guardian whose minor was allowed access to the material.
(2) Any person whose identifying information is retained in violation of this section.

(e) Relief and Damages. – Any person authorized to institute a civil action by subsection (d) of this section may seek and a court may award any or all of the following types of relief:

(1) An injunction to enjoin continued violation of this section.
(2) Compensatory and punitive damages.
(3) All costs, expenses, and fees related to the civil suit investigation and proceedings associated with the violation, including attorney's fees.

Any judgment awarded under this section shall be subject to legal interest as provided in G.S. 24-5.

(f) News Gathering Organizations. – This section shall not apply to any bona fide news or public interest broadcast, website, video, report, or event and shall not be construed to affect the rights of any news-gathering organization.

(g) Internet Providers. – No internet service provider, or its affiliates or subsidiaries, search engine, or cloud service provider shall be held to have violated the provisions of this section solely for providing access or connection to or from a website or other information or content on the internet or a facility, system, or network not under the control of that provider, including transmission, downloading, intermediate storage, access software, or other related capabilities, to the extent such provider is not responsible for the creation of the content of the communication that constitutes material harmful to minors. (2023-132, s. 3.20(a).)