§ 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).)