

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 773
Committee Substitute Favorable 5/2/23

Short Title: Let Parents Choose/Sammy's Law of 2023. (Public)

Sponsors:

Referred to:

April 19, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE LET PARENTS CHOOSE PROTECTION ACT OF 2023 TO
3 FACILITATE MANAGEMENT OF THE SOCIAL MEDIA INTERACTIONS OF
4 CHILDREN.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Chapter 75 of the General Statutes is amended by adding a new Article
7 to read:

8 "Article 9.

9 "Let Parents Choose Protection Act of 2023.

10 **"§ 75-150. Title.**

11 This Article shall be known and may be cited as the "Let Parents Choose Protection Act of
12 2023" or "Sammy's Law of 2023."

13 **"§ 75-151. Findings.**

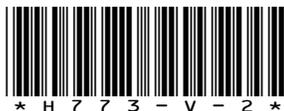
14 The General Assembly finds the following:

- 15 (1) Parents and legal guardians should have the choice to use the services of
16 third-party safety software providers to protect their children from harm on
17 large social media platforms.
18 (2) Dangers like cyberbullying, human trafficking, illegal drug distribution,
19 sexual harassment, and violence perpetrated, facilitated, or exacerbated
20 through the use of certain large social media platforms have harmed social
21 media users under the age of 18 years.

22 **"§ 75-152. Definitions.**

23 The following definitions apply in this Article:

- 24 (1) Child. – Any individual under the age of 18 years who has registered an
25 account with a large social media platform.
26 (2) Delegation. – A grant of authority from a child 13 years of age or older or the
27 legal guardian of a child to a third-party safety software provider to perform
28 the functions described in G.S. 75-153.
29 (3) Department. – North Carolina Department of Commerce.
30 (4) Large social media platform. – A service provided through an internet website
31 or a mobile application, or both, to which all of the following apply:
32 a. The terms of service do not prohibit use of the service by a child.
33 b. The service includes any feature that enables a child to share images,
34 text, or video through the internet with other users of the service whom
35 the child has met, identified, or become aware of solely through the
36 use of the service.



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1 c. The service has more than 30,000 monthly active users in the State or
2 generates more than fifteen million dollars (\$15,000,000) in annual
3 gross revenue from activities in the State.

4 The term does not include a service that primarily serves to facilitate (i) the
5 sale or provision of professional services, (ii) the sale of commercial products,
6 or (iii) if the service does not include the ability for content to be sent by a
7 user directly to a child, the provision of news or information. The term also
8 does not include a service that both (i) includes a feature that enables a user
9 who communicates directly with a child through a message, including a text,
10 audio, or video message not otherwise available to other users of the service,
11 to add to that message other users that the child may not have otherwise met,
12 identified, or become aware of solely through the use of the service and (ii)
13 does not include any feature described in sub-subdivision b. of this
14 subdivision.

15 (5) Large social media platform provider. – Any person who provides, manages,
16 operates, or controls a large social media platform. The term does not include
17 (i) an internet service provider, electronic mail, or online service application,
18 (ii) a website consisting primarily of news, sports, entertainment, or other
19 information or content that is not user generated but is preselected or curated
20 by the provider and for which chat, comment, or interactive functionality is
21 incidental to, directly related to, or dependent on the provision of that
22 information or content, (iii) interactive video game service, or (iv)
23 e-commerce or online shopping.

24 (6) State. – State of North Carolina.

25 (7) Third-party safety software provider. – Any person who is authorized by a
26 child 13 years of age or older or by the parent or legal guardian of a child to
27 interact with a large social media platform to manage or analyze the child's
28 online interactions, data, or account settings for the sole purpose of protecting
29 the child from harm, including physical, emotional, or financial harm.

30 (8) User data. – Any information or content, including images, video, audio, and
31 text, that is created by or sent to a child on or through the child's social media
32 platform account while under a delegation, but only during the 30-day period
33 beginning on the date the information or content is created by or sent to the
34 child.

35 **"§ 75-153. Duties of large social media platform providers.**

36 (a) A large social media platform provider with users in this State shall create, maintain,
37 and make available to any third-party safety software provider registered to do business in this
38 State a set of third-party accessible real-time application programming interfaces and any
39 information necessary to use the interfaces. The interfaces shall be made available upon the
40 request of the third-party safety software provider and shall facilitate the ability of a child 13
41 years of age or older or a legal guardian of a child to delegate permission to the third-party safety
42 software provider to perform the following functions:

43 (1) Manage the child's online interactions, content, and account settings on the
44 large social media platform on terms designated by the child 13 years of age
45 or older or the legal guardian of a child.

46 (2) Initiate secure transfers of user data from the large social media platform in a
47 commonly used and machine-readable format to the third-party safety
48 software provider. The social media platform provider shall not limit the
49 transfers to less than once per hour.

50 (b) A large social media platform provider shall comply with the requirements of this
51 Article beginning no later than 30 days from the date the platform first meets the definition under

1 G.S. 75-152 and shall continue to comply until it no longer meets that definition or until any of
2 the following occurs:

3 (1) The individual who made the delegation revokes the delegation.

4 (2) The individual who made the delegation revokes or disables the registration
5 of the account of the child with the large social media platform.

6 (3) The third-party safety software provider rejects the delegation.

7 **"§ 75-154. User data disclosure limitations.**

8 (a) A third-party safety software provider as described in this Article shall not disclose
9 any user data obtained under G.S. 75-153 to any other person, except as follows:

10 (1) Pursuant to a lawful request from a government body, including for law
11 enforcement purposes or for judicial or administrative proceedings by means
12 of a court order or a court-ordered warrant, a subpoena or summons issued by
13 a judicial officer, or a grand jury subpoena.

14 (2) To the extent that the disclosure is required by law and complies with and is
15 limited to the relevant requirements of the law.

16 (3) To the individual who made the delegation or with the explicit consent of the
17 individual who made the delegation.

18 (4) In the case of a reasonably foreseeable serious and imminent threat to the
19 health or safety of any individual, to a person reasonably able to prevent or
20 lessen the threat.

21 (5) To a public health authority or other appropriate government authority
22 authorized by law to receive reports of child abuse or neglect.

23 (b) A third-party safety software provider that makes a disclosure under subdivision (1),
24 (2), (4), or (5) of subsection (a) of this section shall promptly inform a parent or legal guardian
25 of the child who made the delegation that the disclosure has been or will be made, except in either
26 of the following circumstances:

27 (1) The third-party safety software provider, in the exercise of professional
28 judgment, believes informing the parent or legal guardian would place the
29 child at risk of serious harm.

30 (2) The third-party safety software provider is prohibited by law, including a valid
31 order by a court or administrative body, from informing the parent or legal
32 guardian.

33 **"§ 75-155. Permits, rulemaking.**

34 (a) Every large social media platform provider must obtain a permit from the Department
35 before operating in the State. Every large social media platform provider must pay to the
36 Department a nonrefundable application fee of one thousand dollars (\$1,000).

37 (b) Every large social media platform provider must renew the permit annually and pay
38 to the Department a nonrefundable renewal fee of one thousand dollars (\$1,000).

39 (c) The Department must prescribe the form of the application for a permit and renewal
40 of a permit.

41 (d) The initial application and renewal application must require information sufficient to
42 confirm compliance with this Article.

43 (e) The Department may retain the fees collected under this section and use the funds for
44 its operations.

45 (f) The Department may issue rules to implement this Article.

46 **"§ 75-156. Enforcement.**

47 A violation of this Article is an unfair and deceptive trade practice under G.S. 75-1.1."

48 **SECTION 2.** This act is effective when it becomes law, and the requirements of this
49 act on large social media platform providers apply beginning 30 days after that date.