

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

H

1

HOUSE BILL 644

Short Title: Social Media Algorithmic Control in IT Act. (Public)

Sponsors: Representatives McNeely, K. Hall, Humphrey, and Pickett (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Judiciary 1, if favorable, Appropriations, if favorable, Rules, Calendar, and  
Operations of the House

April 18, 2023

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

8 The General Assembly of North Carolina enacts:

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

11 "Article 2B.

12 "Social Media Algorithmic Control in Information Technology Act.

13 **"§ 75-70. Title; definitions.**

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

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

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

19 (2) Minor. – An individual who is age 18 or younger.

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

22 (4) Social media algorithm. – The software used by social media platforms to  
23 prioritize content and direct the prioritized content to the user.

24 (5) Social media platform or platform. – An electronic medium, including a  
25 browser-based or application-based interactive computer service, telephone  
26 network, or data network, that allows users to create, share, and view  
27 user-generated content. The term does not include internet search providers or  
28 electronic mail.

29 (6) User data. – Any data collected directly or indirectly from or concerning a  
30 user.

31 **"§ 75-71. User data privacy; targeting minors prohibited; registry.**

32 (a) Privacy Requirements. – The General Assembly finds that unhealthy social media use  
33 has been linked to depression, anxiety, eating disorders, and suicidal ideation, especially among  
34 young people. Exploitation of user data can result in users being targeted in ways that increase



\* H 6 4 4 - V - 1 \*

1 unhealthy social media use. It is the policy of this State that user data shall be respected by  
2 platforms. Special protections are warranted for users who are minors. Therefore, the operator of  
3 a social media platform shall comply with all of the following requirements:

- 4 (1) The platform's privacy policy must be accessible on the platform's website  
5 with the disclosure of how user data will be used by the platform stated in a  
6 succinct and easy to understand statement that communicates the true intent  
7 of the use in less than 250 words.
- 8 (2) User data may be used in algorithmic recommendations only when the user  
9 has been notified and consents to the use of the data in such manner.
- 10 (3) Requests for data access that will be used to inform algorithmic  
11 recommendations shall require full disclosure of the use of the data, including  
12 third-party use. This notification shall be separate and distinct from the  
13 platform's terms of service notification.
- 14 (4) The platform must be fully functional for a user without the user having to  
15 give consent for their user data to be used to inform algorithmic  
16 recommendations.
- 17 (5) The platform must use an age verification system that requires a user to  
18 self-attest to their age.

19 Beginning October 1, 2024, and then annually thereafter, a social media platform shall  
20 provide the Consumer Protection Division of the North Carolina Department of Justice  
21 (Division) with a digital copy of the platform's privacy policy and certification that the platform  
22 has complied with the requirements of this subsection. Platforms shall provide notice of  
23 substantive privacy policy changes to the registry. The Division shall maintain a registry of these  
24 policies and certifications on its internet website.

25 (b) Targeting Minors Prohibited. – The operator of a social media platform must control  
26 algorithmic recommendation systems so that no minor's user data is used:

- 27 (1) To inform content recommendations to the minor. This requirement is not  
28 intended to prevent algorithmic recommendations from being shown as a  
29 direct result of explicit actions, such as showing posts from accounts a user  
30 follows in a chronological feed, but it is intended to prevent any data,  
31 including follows, from being used in an algorithm to generate algorithmic  
32 recommendations.
- 33 (2) To inform what advertisements or promotions are shown to minors. This  
34 requirement is not intended to prevent the showing of advertisements or  
35 promotions that are shown to the user based upon explicit actions, such as  
36 being based on the results of a search initiated by the user on the platform.

37 The operator of a social media platform may be held liable for violating this subsection if the  
38 operator of the social media platform knew or had reason to know that the user was a minor. The  
39 operator of a social media platform that has made an estimation of a user's age based upon the  
40 user's self-attestation is not liable if the user was a minor who falsely attested to not being a  
41 minor.

42 (c) Exceptions. – A social media algorithm that is intended to block access to  
43 inappropriate or harmful content to an account holder that is a minor is exempt from the  
44 requirements of this section.

45 **"§ 75-72. Investigation; enforcement; private right of action.**

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

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

50 (c) Complaints. – A user may make a complaint to the Attorney General alleging that a  
51 social media platform has failed to comply with the requirements of this Article. The Attorney

1 General may bring a civil action in any case in which the Attorney General has reason to believe  
2 that the interest of the residents of this State has been or is threatened due to noncompliance with  
3 this Article.

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

6 **"§ 75-73. North Carolina Data Privacy Task Force.**

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

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

17 (1) The Attorney General.

18 (2) The State Chief Information Officer.

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

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

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

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

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

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

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

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

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

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

38 (13) Two members of the Senate, appointed by the President Pro Tempore of the  
39 Senate, and two members of the House of Representatives, appointed by the  
40 Speaker of the House of Representatives.

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

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

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

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

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

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