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SENATE BILL DRS45277-MQ-69

Short Title: Social Media Accountability Act. (Public)

Sponsors: Senators Alexander, Johnson, and Corbin (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE SOCIAL MEDIA ACCOUNTABILITY ACT TO PROHIBIT
3 CERTAIN SOCIAL MEDIA WEBSITES FROM CENSORING CERTAIN POLITICAL
4 OR RELIGIOUS SPEECH.

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 "Social Media Accountability Act.

10 **"§ 75-150. Title.**

11 This Article shall be known and may be cited as the "Social Media Accountability Act."

12 **"§ 75-151. Legislative findings.**

13 (a) The State has a compelling interest in holding certain social media websites to a
14 higher standard when such websites have substantially created a digital public square.

15 (b) The State has an interest in protecting and assisting residents in their exercise of rights
16 of religious and political speech.

17 (c) Nothing in this Article shall be construed to limit or expand any law pertaining to
18 intellectual property.

19 **"§ 75-152. Definitions.**

20 The following definitions apply in this Article:

21 (1) Algorithm. – A set of instructions designed to perform a specific task.

22 (2) Hate speech. – A phrase concerning content that an individual finds offensive
23 based upon his or her moral code.

24 (3) Obscene material. – As defined in G.S. 14-190.1.

25 (4) Political speech. – Speech relating to the State, government, body politic, or
26 public administration as it relates to governmental policy-making. The term
27 includes speech by the government or candidates for office and any discussion
28 of social issues. The term does not include speech concerning the
29 administration, law, or civil aspects of government.

30 (5) Religious speech. – A set of unproven answers, truth claims, faith-based
31 assumptions, and doctrines that attempt to explain greater questions, such as
32 how the world was created, what constitutes right and wrong actions by
33 humans, and what happens after death.

34 (6) Social media website. – An internet website or application that enables users
35 to communicate with each other by posting information, comments, messages,
36 or images and that (i) is open to the public, (ii) has more than 75,000,000 users



1 with user profiles provided by the website, and (iii) from its inception, has had
2 no specific affiliation with any one religion or political party. The term does
3 not include an internet service provider, electronic mail, or any online service,
4 application, or website consisting primarily of news, sports, entertainment, or
5 other information or content that is not user-generated but is preselected or
6 curated by the provider and for which any chat, comment, or interactive
7 functionality is incidental to, directly related to, or dependent upon the
8 provision of the content.

9 (7) User. – A resident of this State who is a natural person, 18 years of age or
10 older.

11 (8) User profile. – A collection of settings and information associated with a user
12 or subscriber who signs up for an account made available by a social media
13 website.

14 **"§ 75-153. Violations; private actions; civil actions; damages; exceptions.**

15 (a) The owner or operator of a social media website who contracts with a social media
16 website user in this State is subject to a private right of action by a user if the social media website
17 knowingly engages in any of the following conduct:

18 (1) Deletes or censors the user's religious speech or political speech.

19 (2) Uses an algorithm to disfavor or censor the user's religious speech or political
20 speech.

21 (b) A social media website user may be awarded the following damages for violations of
22 this section:

23 (1) Actual damages.

24 (2) Up to seventy-five thousand dollars (\$75,000) in statutory damages.

25 (3) Punitive damages, if aggravating factors, as provided in G.S. 1D-15(a), are
26 found.

27 (4) Injunctive and any other available equitable relief.

28 (c) The prevailing party in an action under this section may be awarded court costs and
29 reasonable attorneys' fees.

30 (d) A social media website that restores the deleted or removed speech of the user in a
31 reasonable amount of time may use that fact to mitigate damages imposed under this section.

32 (e) A social media website may not utilize a user's alleged hate speech as a basis for
33 justification or as a defense to an action under this section.

34 (f) The conduct described in subsection (a) of this section shall be deemed an unfair and
35 deceptive trade practice in violation of G.S. 75-1.1 and is subject to the penalties in G.S. 75-15.2.

36 (g) This section shall not apply to any of the following:

37 (1) A social media website that deletes or censors a user's speech or that uses an
38 algorithm to disfavor or censor speech that does any of the following:

39 a. Calls for immediate acts of violence.

40 b. Contains obscene, lewd, filthy, lascivious material, or material that is
41 harmful to minors.

42 c. Is the result of operational error.

43 d. Is the result of a court order.

44 e. Comes from an inauthentic source or involves false impersonation.

45 f. Encourages criminal conduct.

46 g. Involves bullying of minors.

47 h. Constitutes trademark or copyright infringement.

48 i. Is excessively violent.

49 j. Constitutes harassing spam that is commercial and not political or
50 religious in nature.

51 (2) A social media website user's censoring of another user's speech.

1 (3) A website that merely permits members of the general public to post
2 comments on content published by the owner of the website."
3 **SECTION 2.** G.S. 114-2 is amended by adding a new subdivision to read:
4 "(11) To enforce Article 9 of Chapter 75 of the General Statutes, the North Carolina
5 Social Media Accountability Act."
6 **SECTION 3.** This act is effective when it becomes law and applies to conduct
7 occurring on or after that date.