



ADOPTED

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 8

AMENDMENT NO. 2
(to be filled in by
Principal Clerk)

H8-ABN-42 [v.1]

Page 1 of 3

Amends Title [YES]

Date Sep. 21, 2023

Third Edition

CHANGES TITLE

Senator Galey

1 moves to amend the bill by rewriting the short title to read "Various Statutory Changes.";

4 and on page 1, lines 2-3, by rewriting those lines to read:

5 "AN ACT TO MAKE VARIOUS CHANGES TO THE GENERAL STATUTES.";

8 and on page 3, lines 20-21, by inserting the following between those lines:

9 "SECTION 3.20.(a) Chapter 66 of the General Statutes is amended by adding a new
10 Article to read:

11 "Article 51.

12 "Commercial Publication and Distribution of Material Harmful to Minors.

13 "§ 66-500. Short title; definitions.

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

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

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

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

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

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

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

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

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



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- 1                    b. A radio broadcast station, television broadcast station, cable television  
2                    operator, or wire service, or an employee of a radio broadcast station,  
3                    television broadcast station, cable television operator, or wire service.  
4                    (7) Publish. – To communicate or make information available to another person  
5                    or entity on a publicly available internet website.  
6                    (8) Substantial portion. – More than thirty-three and one-third percent (33 1/3%)  
7                    of total material on a website, which meets the definition of material harmful  
8                    to minors as defined in this subsection.

9                    **"§ 66-501. Age verification requirements for commercial publication and distribution of**  
10                    **material harmful to minors; civil liability.**

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

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

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

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

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

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

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

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

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

40                    (g) Internet providers. – No internet service provider, or its affiliates or subsidiaries,  
41                    search engine, or cloud service provider shall be held to have violated the provisions of this  
42                    section solely for providing access or connection to or from a website or other information or  
43                    content on the internet or a facility, system, or network not under the control of that provider,



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1 including transmission, downloading, intermediate storage, access software, or other related  
2 capabilities, to the extent such provider is not responsible for the creation of the content of the  
3 communication that constitutes material harmful to minors."  
4       **SECTION 3.20.(b)** This section becomes effective January 1, 2024, and applies to  
5 websites accessed on or after that date."

SIGNED *Army A. Foley*  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED 47-0 FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

*Sarah Holland*  
*sep. 21, 2023*

**ADOPTED**

