



HOUSE BILL 462: Personal Data Privacy/Social Media Safety.

2025-2026 General Assembly

Committee:	House Judiciary 3. If favorable, re-refer to Commerce and Economic Development. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 29, 2025
Introduced by:	Reps. T. Brown, Chesser, N. Jackson, Longest	Prepared by:	Michael Johnston & Jessica Sammons
Analysis of:	PCS to First Edition H462-CSCN-5		Committee Co-Counsel

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 462 would do the following:*

- *Enact the North Carolina Personal Data Privacy Act, which would do the following:*
 - *Regulate the processing and distribution of consumers' personal data.*
 - *Provide certain rights to consumers regarding the use of their personal data, including the right to obtain their personal data from controllers and the right to request deletion of their personal data.*
 - *Impose duties on controllers and processors of personal data.*
 - *Require that certain controllers conduct regular data protection assessments to evaluate any processing activities that present a heightened risk of harm to consumers.*
 - *Authorize the Department of Justice to investigate alleged violations and enforce the provisions of the Data Privacy Act.*
 - *Require the Department of Justice to engage in public outreach to educate consumers and businesses about this act.*
- *Require social media companies to perform a reasonable age verification on North Carolina users requesting to open an account on that social media company's social media platform, and restrict social media companies from allowing any North Carolina user under the age of 18 from being an account holder, unless the social media company has confirmed that the minor has the express consent of a parent or legal guardian.*

BILL ANALYSIS:

PART I. ENACT PERSONAL DATA PRIVACY ACT

Part I of the PCS for House Bill 462 would enact the North Carolina Personal Data Privacy Act. Part I would create a new Chapter of the General Statutes, Chapter 75F, which would be effective January 1, 2026. This new Chapter would do the following:

- Define several terms related to the processing of personal data, including the following:
 - "Consumer" would generally be defined as an individual who is a resident of this State.

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- "Controller" would be defined as a person that determines the purpose and means of processing personal data.
- "Personal data" would be defined as any information that is linked or reasonably linkable to an identified or identifiable individual and would not include de-identified data or publicly available information.
- "Processor" would generally be defined as a person that collects, uses, stores, discloses, analyzes, deletes, or modifies personal data on behalf of a controller.
- Provide consumers with the following rights, subject to certain legal and practical limitations:
 - The right to confirm whether a controller is processing the consumer's personal data and to access the data.
 - The right to correct inaccuracies in the consumer's personal data.
 - The right to have the consumer's personal data deleted.
 - The right to obtain a copy of the consumer's personal data processed by the controller.
 - The right to obtain a list of the specific third parties to which the controller has disclosed the consumer's personal data.
 - The right to opt out of the processing of personal data for certain purposes, including targeted advertising and the sale of personal data.
- Establish duties of controllers related to processing and distribution of personal data, including establishing processes for consumers to invoke their rights under this Chapter.
- Establish the duties of processors, including that a processor would be required to adhere to the instructions of a controller and assist the controller in complying with the provisions of this Chapter.
- For controllers that control or process the data of at least 100,000 consumers, excluding data controlled or processed for payment transactions, the controllers would be required to conduct regular data protection assessments for each processing activity that presents a heightened risk of harm to consumers, including processing personal data for targeted advertising and the sale of personal data.
- Authorize the Department of Justice to investigate alleged violations and enforce the provisions of this Chapter. The Department of Justice would be authorized to provide controllers and processors with an opportunity to cure alleged violations of this Chapter before bringing an enforcement action.
- Establish that a violation of this Chapter would be an unfair practice under G.S. 75-1.1.
- Exclude certain controllers, processors, data, and activities from the provisions of this Chapter.

Additionally, Part I would require the Department of Justice to engage in public outreach to educate consumers and the business community about the North Carolina Personal Data Privacy Act.

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PART II. ENACT SOCIAL MEDIA SAFETY ACT

Part II of the PCS for House Bill 462 would, effective January 1, 2026, require a social media company meeting certain criteria to use a commercial entity or third-party vendor to perform reasonable age verification before allowing a North Carolina user to open an account on the social media company's social media platform. A "North Carolina user" would be defined as an individual who is a resident of the State and who accesses or attempts to access a social media platform meeting certain criteria while present in the State. Reasonable age verification methods would include providing a digitized identification card, including a digital copy of a drivers license issued by the Division of Motor Vehicles, or a government-issued identification, or any other commercially reasonable age verification method.

If the reasonable age verification indicates that the North Carolina user is under the age of 18, the social media company would not be able to permit the user to be an account holder on that social media company's social media platform unless the social media company has confirmed that the minor has the express consent of a parent or legal guardian at the time of the opening of the account.

Both the social media company and any commercial entity or third-party vendor performing the age verification would not be permitted to retain any identifying information of the user after access to an account on the social media platform has been granted. If the commercial entity or third-party vendor retains any identifying information of the user, the commercial entity or third-party vendor would be liable for damages resulting from the retention of the identifying information, including court costs and reasonable attorneys' fees.

A social media company failing to perform a reasonable age verification prior to opening the account for a North Carolina user would be a Class 1 misdemeanor. The Attorney General would also be able to initiate a civil enforcement action against the social media company. In addition, the social media company would be liable to a user for either of the following:

- A penalty of \$2,500 per violation, court costs, and reasonable attorneys' fees.
- Damages resulting from a minor accessing a social media platform without consent of a parent or guardian, including court costs and reasonable attorneys' fees.

PART III. SEVERABILITY

Part III of the PCS for House Bill 462 would create a severability clause providing that if any provision of the act or application of the act is held invalid, the invalidity would not affect any other provision or application of the act that could be given effect without the invalid provision or application.

EFFECTIVE DATE: Except as otherwise provided, this act would be effective when it becomes law.