

Senate Bill 351

By: Senators Anavitarte of the 31st, Robertson of the 29th, Brass of the 28th, Kennedy of the 18th, Gooch of the 51st and others

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Titles 20 and 39 of the Official Code of Georgia Annotated, relating to education
2 and minors, respectively, so as to provide for social media platform access by minors; to
3 provide for social media policies in public schools; to include promotion of safe and
4 appropriate use of technology and responsible digital citizenship in the state's comprehensive
5 character education program; to require the Department of Education to develop and
6 periodically update model programs for educating students regarding online safety; to require
7 local boards of education and governing bodies of charter schools to annually submit
8 acceptable-use policies and technology protection measures for review by the State Board
9 of Education; to provide for compliance standards and specifications for technology
10 protection measures to be used in public schools; to provide for inclusion of parental
11 measures and controls in such technology protection measures; to provide for the
12 identification and prioritization of providers of technology protection measures which meet
13 or exceed such standards and specifications; to provide for the Department of Education to
14 provide guidance and develop training programs to assist public schools; to provide for the
15 withholding of state funds allotted for public schools that have not provided for adequate
16 technology protection measures; to prohibit certain waivers; to provide for required and
17 optional instruction regarding social media for such programs; to require public school local
18 governing bodies to adopt, implement, and enforce social media policies; to authorize the

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19 Department of Education to consult with and assist local governing bodies in the
20 development and implementation of such policies; to require local governing bodies to
21 submit such policies to the Department of Education for review; to authorize the State Board
22 of Education to withhold state funds from local governing bodies for failure to comply with
23 certain social media policy requirements; to provide for appeals; to provide for venue; to
24 revise provisions relating to the prohibition of bullying and cyberbullying in public schools;
25 to require social media platforms to verify the age of account holders and to refuse account
26 services to minors without parental consent; to require social medial platforms to provide
27 certain information to parents upon request; to provide for enforcement authority of the
28 Attorney General; to prohibit certain waivers; to create a civil remedy for damages against
29 commercial entities that distribute material harmful to minors without performing age
30 verification methods; to provide for reasonable age verification process requirements for
31 commercial entities; to provide for standards for liability; to provide for exceptions; to
32 provide that age verification information shall not be retained by commercial entities; to
33 provide for the Attorney General's imposition of fines; to provide for definitions; to provide
34 for an effective date; to provide for a short title; to provide for related matters; to repeal
35 conflicting laws; and for other purposes.

36 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

37 **PART I**
38 **SECTION 1-1.**

39 This Act shall be known and may be cited as the "Protecting Georgia's Children on Social
40 Media Act of 2024."

PART II

SECTION 2-1.

43 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
 44 secondary education, is amended in Part 2 of Article 6, relating to competencies and core
 45 curriculum under the "Quality Basic Education Act," by revising Code Section 20-2-145,
 46 relating to the comprehensive character education program, as follows:

47 "20-2-145.

48 (a) The State Board of Education shall develop by the start of the 1997-1998 school year
 49 a comprehensive character education program for levels K-12. This comprehensive
 50 character education program shall be known as the 'character curriculum' and shall focus
 51 on the students' development of the following character traits: courage, patriotism,
 52 citizenship, honesty, fairness, respect for others, kindness, cooperation, self-respect,
 53 self-control, courtesy, compassion, tolerance, diligence, generosity, punctuality,
 54 cleanliness, cheerfulness, school pride, respect for the environment, respect for the creator,
 55 patience, creativity, sportsmanship, loyalty, perseverance, and virtue. Such program shall
 56 also address, by the start of the ~~1999-2000~~ 2025-2026 school year, methods of discouraging
 57 bullying and violent acts against fellow students and methods of promoting responsible
 58 digital citizenship and the safe and appropriate use of technology, the internet, and social
 59 media. Local ~~boards governing bodies~~ shall implement such a program in all grade levels
 60 at the beginning of the ~~2000-2001~~ 2025-2026 school year and shall provide opportunities
 61 for parental involvement in establishing expected outcomes of the character education
 62 program.

63 (b) The Department of Education shall develop character education program workshops
 64 designed for public school employees ~~of local school systems.~~"

SECTION 2-2.

66 Said chapter is further amended in said part by revising Code Section 20-2-149, relating to
67 program for educating students regarding online internet safety, as follows:

68 "20-2-149.

69 (a)(1) The Department of Education shall develop ~~a model program~~ model programs for
70 educating students regarding online safety while using the ~~Internet~~ internet, taking into
71 consideration educational materials on this topic developed by other states as well as any
72 other materials suggested by education experts, child psychologists, and technology
73 companies that promote child online safety issues.

74 (2) The model programs provided for in this subsection shall include one or more model
75 programs for students in grades six through 12 which:

76 (A) Shall include instruction regarding:

- 77 (i) The social, emotional, and physical effects of social media on users;
- 78 (ii) The effects of social media on the mental health of users, particularly teenagers;
- 79 (iii) The distribution of disinformation and misinformation on social media;
- 80 (iv) How social media influences thoughts and behaviors;
- 81 (v) The permanency and risks of sharing materials online;
- 82 (vi) How to maintain personal security and identify cyberbullying, predatory
83 behavior, and human trafficking on the internet and social media; and
- 84 (vii) How to report suspicious behavior encountered on the internet and social media
85 to appropriate persons and authorities; and

86 (B) May include information regarding the benefits of social media use, such as
87 supporting career readiness for future academic or employment opportunities, sharing
88 information with familiar family and friends, and safely connecting with other users
89 with similar interests.

90 (3) The Department of Education shall periodically update the model programs provided
91 for in this subsection to reflect changes in internet and social media use, emergent

92 technologies, social and psychological research, and information concerning new threats
 93 to teenagers and young adults using social media platforms and other online
 94 communication technologies.

95 (4) The Department of Education shall publish on its website information relating to the
 96 model programs provided for in this Code section, including recommended curricula and
 97 instructional materials as updated periodically as provided in this subsection. The
 98 Department of Education shall provide technical assistance in addition to such model
 99 programs and recommended curricula and instructional materials to aid any local board
 100 of education that may elect to incorporate one or more components of internet and social
 101 media safety into its instructional program.

102 (b) Each local board of education may incorporate into its instructional program a
 103 component on online ~~Internet~~ internet safety, including social media safety, to be taught
 104 on a schedule as determined by the local board of education."

105 **SECTION 2-3.**

106 Said chapter is further amended in Part 15 of Article 6, relating to miscellaneous provisions
 107 under the "Quality Basic Education Act," by revising Code Section 20-2-324, relating to
 108 internet safety policies in public schools, as follows:

109 "20-2-324.

110 (a) As used in this Code section, the term:

111 (1) 'Acceptable-use policy' means a policy for ~~Internet usage~~ internet use adopted by a
 112 local board of education or appropriate school governing body that meets the
 113 requirements of this Code section.

114 (2) 'Child pornography' means any visual depiction, including any live performance,
 115 photograph, film, video, picture, or computer or computer generated image or picture,
 116 whether made or produced by electronic, mechanical, or other means, of sexually explicit
 117 conduct, as such term is defined in Code Section 16-12-100, when:

118 (A) The production of the visual depiction involves a minor engaging in sexually
 119 explicit conduct;

120 (B) The visual depiction is of a minor engaging in sexually explicit conduct; or

121 (C) The visual depiction has been created, adapted, or modified to appear that an
 122 identifiable minor is engaging in sexually explicit conduct. ~~computer depiction or other~~
 123 ~~material depicting a child under the age of 18 years engaging in sexually explicit~~
 124 ~~conduct or in the simulation of such conduct.~~

125 (3) ~~'Harmful to minors' has the meaning given to such term in Code Section 16-12-100.1~~
 126 means that quality of description or representation, in whatever form, of nudity, sexual
 127 conduct, sexual excitement, or sadomasochistic abuse, when:

128 (A) Taken as a whole, it predominantly appeals to the prurient, shameful, or morbid
 129 interest of minors;

130 (B) It is patently offensive to prevailing standards in the adult community as a whole
 131 with respect to what is suitable material for minors; and

132 (C) Taken as a whole, it is lacking in serious literary, artistic, political, or scientific
 133 value for minors.

134 (4) 'Identifiable minor' means a person:

135 (A)(i) Who was a minor at the time the visual depiction was created, adapted, or
 136 modified; or

137 (ii) Whose image as a minor was used in creating, adapting, or modifying the visual
 138 depiction; and

139 (B) Who is recognizable as an actual person by such person's face, likeness, or other
 140 distinguishing physical characteristic or other recognizable physical feature.

141 ~~(4)(5) 'Internet' means a global network that connects computers via telephone lines,~~
 142 ~~fiber networks, or both to electronic information~~ the global information system that is
 143 logically linked together by a globally unique address space based on the internet
 144 protocol or its subsequent extensions; that is able to support unencrypted communications

145 using the transmission control protocol/internet protocol (TCP/IP) suite, its subsequent
146 extensions, or other internet protocol compatible protocols; and that provides, uses, or
147 makes accessible, either publicly or privately, high level services layered on such
148 communications and related infrastructure.

149 ~~(5) 'Obscene' has the meaning given to such term in Code Section 16-12-80.~~

150 (6) 'Local governing body' means the board of education of each local school system, the
151 governing body of each charter school subject to the provisions of Article 31 or 31A of
152 this chapter, and the governing board of each completion special school subject to the
153 provisions of Article 31C of this chapter. Such term shall not include system charter
154 schools, as defined in Code Section 20-2-2062; conversion charter schools, as defined in
155 Code Section 20-2-2062, whose charter is not held by a nonprofit corporation; and
156 college and career academies that are charter schools.

157 (7) 'Obscene material' means material which meets the following requirements:

158 (A) To the average person, applying contemporary community standards, taken as a
159 whole, the material predominantly appeals or panders to prurient interest in nudity, sex,
160 or excretion;

161 (B) The material, taken as a whole, lacks serious literary, artistic, political, or scientific
162 value; and

163 (C) The material depicts or describes in a patently offensive way sexual conduct as
164 follows:

165 (i) Acts of sexual intercourse, heterosexual or homosexual, normal or perverted,
166 actual or simulated;

167 (ii) Acts of masturbation;

168 (iii) Acts involving excretory functions or lewd exhibition of the genitals;

169 (iv) Acts of bestiality or the fondling of sex organs of animals; or

170 (v) Sexual acts of flagellation, torture, or other violence indicating a sadomasochistic
171 sexual relationship.

172 ~~(6) 'Sexually explicit conduct' has the meaning given to such term in Code~~
173 ~~Section 16-12-100.~~

174 (8) 'School equipment' means any computer or computer networking equipment,
175 technology or technology related device or service, or communication system or service
176 that is operated, owned, leased, and made available to students by a local board of
177 education, local school system, or public school and that is used for transmitting,
178 receiving, accessing, viewing, hearing, downloading, recording, or storing electronic
179 communication.

180 (9) 'Technology protection measure' means a technology that inspects and analyzes
181 unencrypted internet traffic for malware and that blocks or filters electronic access to
182 obscene materials, child pornography, or material that is harmful to minors.

183 (b)(1) No later than January 1, 2007 October 1, 2025, each local governing body board
184 of education shall adopt an acceptable-use policy for its school system. At a minimum,
185 an acceptable-use policy shall contain provisions which are reasonably designed to:

186 (1)(A) Prevent and prohibit students and employees of the school system from using
187 any school equipment computer or equipment and communication services owned or
188 leased by the school system from being used for accessing, sending, receiving,
189 viewing, or downloading visual depictions of obscenity obscene materials, child
190 pornography, or material that is harmful to minors;

191 (2)(B) Establish appropriate measures to be taken by the school or local school system
192 in response to:

193 (i) Students against students and school employees who willfully intentionally violate
194 the acceptable-use policy, whether or not such student or school employee was, at the
195 time of such violation, on school property, on a school bus or other school vehicle, at
196 a school related function, or elsewhere, provided that such measures include
197 disciplinary measures; and

198 (ii) Any person who is not a student or school employee who violates the
199 acceptable-use policy, whether or not such person was, at the time of such violation,
200 on school property, on a school bus or other school vehicle, at a school related
201 function, or elsewhere;

202 (C) Provide for administrative procedures to enforce the acceptable-use policy;

203 (D) Provide for administrative procedures to address complaints regarding possible
204 violations of the acceptable-use policy which, at a minimum, require that each
205 complaint is responded to in writing by an appropriate school or local school system
206 official; and

207 ~~(E)~~ (E) Provide for expedited review and resolution of a claim that the application of
208 the acceptable-use policy is denying a student or school employee access to material
209 that is not within the ~~prohibition~~ prohibitions of the acceptable-use policy.

210 (2) The acceptable-use policy provided for in paragraph (1) of this subsection may
211 include terms, conditions, and requirements deemed appropriate by the local governing
212 body to differentiate acceptable uses among elementary, middle, and high school students
213 and among different age groups; provided, however, that any local governing body that
214 authorizes such differentiation shall articulate in its acceptable-use policy the rationale
215 for each method of differentiation included in such acceptable-use policy.

216 (3) Each local governing body shall provide reasonable opportunities and procedures for
217 parents or guardians of current students to confer and collaborate with school
218 administrators and teachers regarding appropriate internet access for such students.

219 ~~(c) A~~ Each local board of education governing body and local school superintendent shall
220 take such steps as it deems appropriate as are necessary and appropriate to implement and
221 enforce the acceptable-use policy, which shall include, but shall not be limited to,
222 providing for the adoption, use, and routine upgrading of technology protection measures
223 which meet or exceed compliance standards and specifications established by the
224 department.

225 ~~(1) Use of software programs reasonably designed to block access to visual depictions~~
226 ~~of obscenity, child pornography, and material that is harmful to minors; or~~

227 ~~(2) Selection of online servers that block access to visual depictions of obscenity, child~~
228 ~~pornography, and material that is harmful to minors.~~

229 (d) Each school and local school system shall provide, upon written request of a parent or
230 guardian, a copy of the acceptable-use policy adopted pursuant to subsection (b) of this
231 Code section and information regarding the administrative procedures in effect to enforce
232 such acceptable-use policy and to address complaints about such enforcement.

233 (e)(1)(A) Beginning with the 2025-2026 school year and each school year thereafter,
234 by April 1, the department shall establish compliance standards and specifications for
235 technology protection measures to be used by schools and local school systems. To the
236 extent practicable, such compliance standards and specifications for technology
237 protection measures shall include measures and controls for parents or guardians of
238 current students to supervise and manage appropriate internet access by such students
239 who are using a school issued computer or other electronic device while not on school
240 property, not on a school bus or other school vehicle, or not at a school related function.
241 In addition to establishing such compliance standards and specifications, the department
242 shall recommend technology protection measures to be installed by schools and local
243 school systems on each computer or other electronic device issued to students for
244 off-campus use.

245 (B) The department is authorized, in collaboration with the Department of
246 Administrative Services, to identify a nonexclusive list of providers of technology
247 protection measures that meet or exceed such standards and specifications; provided,
248 however, that the department shall no less than annually require each such provider to
249 verify that the technology protection measures it provides meet or exceed such
250 standards and specifications. The department is authorized to provide information to
251 schools and local school systems regarding state contracts with such providers of

252 technology protection measures. The department shall prioritize the identification of
253 providers of technology protection measures that include parental measures and
254 controls as provided for in subparagraph (A) of this paragraph.

255 (2)(A) The department shall provide guidance and technical assistance to assist schools
256 and local school systems in complying with the requirements of this Code section.

257 (B) No later than December 1, 2025, the department shall develop guidelines for the
258 training of school personnel. The training guidelines shall include instruction in:

259 (i) Implementing and complying with acceptable-use policies required by this Code
260 section;

261 (ii) Basic cyber security issues pertinent to schools, students, and educators,
262 including, but not limited to, phishing and multifactor authentication; and

263 (iii) Other current and emerging issues and topics which address the safe and secure
264 use of technology by students and educators.

265 ~~The Attorney General and the department shall consult with and assist any local board~~
266 ~~of education in the development and implementation of an acceptable-use policy pursuant~~
267 ~~to this Code section.~~

268 ~~(f)(1) No later than January 31, 2007, Beginning with the 2025-2026 school year and~~
269 ~~each school year thereafter, by October 15, each local board of education governing body~~
270 ~~shall submit a copy of the acceptable-use policy adopted pursuant to subsection (b) of this~~
271 ~~Code section to the State Board of Education. Such submission shall also include the~~
272 ~~identification of any software program or online server the technology protection~~
273 ~~measures that is are being ~~utilized~~ used to block access to material in accordance with~~
274 ~~subsection (c) of this Code section.~~

275 (2) The State Board of Education shall review each acceptable-use policy and technology
276 protection measure and any subsequent revisions submitted pursuant to paragraph (3) of
277 this subsection. If the state board determines after review that a policy, technology
278 protection measure, or revision is not reasonably designed to achieve the requirements

279 of this Code section, the state board shall provide written notice to the local ~~board of~~
280 education governing body explaining the nature of such noncompliance, and the local
281 ~~board of education governing body~~ shall have 30 days from the receipt of written notice
282 to correct such noncompliance. The state board may provide an extension to the 30 day
283 period on a showing of good cause.

284 (3) No revision of an acceptable-use policy submission which has been approved by the
285 state board pursuant to paragraph (2) of this subsection shall be implemented until such
286 revision is approved by the state board. If the state board fails to disapprove the revision
287 within 60 days after the submission is received, the local ~~board of education governing~~
288 body may proceed with the implementation of the revision.

289 (4) The state board shall be authorized to withhold a portion of the state funding
290 allotment for a school or to a local school system if the local board of education that:

291 (A) Fails to timely submit an acceptable-use policy or technology protection measure
292 in accordance with paragraph (1) of this subsection;

293 (B) Submits an acceptable-use policy that is not reasonably designed to achieve the
294 requirements of this Code section; ~~or~~

295 (C) Is not enforcing or is substantially disregarding its acceptable-use policy;:

296 (D) Is using technology protection measures which do not meet or exceed standards
297 and specifications established by the department to block access to material in
298 accordance with subsection (c) of this Code section; or

299 (E) Is not using any technology protection measures to block access to material in
300 accordance with subsection (c) of this Code section.

301 (5) If the state board disapproves an acceptable-use policy ~~of a local board of education~~
302 or any revision thereof or notifies ~~the a~~ local board of education governing body that it
303 is subject to the withholding of funding pursuant to paragraph (4) of this subsection, the
304 local ~~board of education governing body~~ may appeal the decision to the superior court of
305 the county where ~~the local board of education~~ such local governing body is situated.

306 (g)(1) The state board shall be responsible for conducting investigations and making
 307 written determinations as to whether a local ~~board of education~~ governing body has
 308 violated the requirements of this Code section.

309 (2) If the state board determines that a local ~~board of education~~ governing body is in
 310 violation of the requirements of this Code section, it shall direct ~~the local board of~~
 311 ~~education~~ such local governing body to acknowledge and correct the violation within 30
 312 days and to develop a corrective plan for preventing future recurrences.

313 (h)(1) Notwithstanding any other provision of this Code section to the contrary, an
 314 administrator or supervisor of a school or local school system, or designee thereof, may
 315 disable the ~~software program or online server that is being utilized~~ technology protection
 316 measure that is being used to block access to material or take other reasonable steps for
 317 an adult or for a minor who provides written consent from his or her parent or guardian
 318 to enable access to the ~~Internet~~ internet for bona fide research or other lawful purpose.

319 (2) Nothing in paragraph (1) of this subsection shall be construed to permit any person
 320 to have access to material the character of which is illegal under federal or state law.

321 (i) This Code section shall not be subject to waiver pursuant to Code Section 20-2-82 for
 322 a strategic waivers school system, Code Section 20-2-2063.2 or 20-2-2065 for a charter
 323 system, Code Section 20-2-2065 for a charter school, Code Section 20-2-2096.3 for a
 324 completion special school, or Code Section 20-2-244. A local board of education which
 325 is fulfilling the requirements of the federal Children's Internet Protection Act, P.L. 106-554,
 326 is not required to comply with this Code section."

327 **SECTION 2-4.**

328 Said chapter is further amended in Part 15 of Article 6, relating to miscellaneous provisions
 329 under the "Quality Basic Education Act," by adding a new Code section to read as follows:

330 "20-2-324.7.

331 (a) As used in this Code section, the term:

332 (1) 'Internet' means the global information system that is logically linked together by a
333 globally unique address space based on the internet protocol or its subsequent extensions;
334 that is able to support communications using the transmission control protocol/internet
335 protocol (TCP/IP) suite, its subsequent extensions, or other compatible protocols; and that
336 provides, uses, or makes accessible, either publicly or privately, high-level services
337 layered on such communications and related infrastructure.

338 (2) 'Local governing body' means the board of education of each local school system, the
339 governing body of each charter school subject to the provisions of Article 31 or 31A of
340 this chapter, and the governing board of each completion special school subject to the
341 provisions of Article 31C of this chapter. Such term shall not include system charter
342 schools, as defined in Code Section 20-2-2062; conversion charter schools, as defined in
343 Code Section 20-2-2062, whose charter is not held by a nonprofit corporation; and
344 college and career academies that are charter schools.

345 (3) 'Social media platform' has the same meaning as defined in Code Section 39-6-1.

346 (b) No later than April 1, 2026, each local governing body shall adopt a social media
347 policy which shall:

348 (1)(A) Except as provided in subparagraph (B) of this paragraph, prohibit students
349 from accessing social media platforms through the use of computer equipment,
350 communications services, or internet access that is operated, owned, leased, and made
351 available to students by the local governing body, the school system, or a public school.

352 (B) To the extent authorized by such social media policy, students shall be permitted
353 to access social media platforms only:

354 (i) As directed by school personnel;

355 (ii) For the exclusive purpose of accessing and utilizing age-appropriate educational
356 resources;

357 (iii) Under the supervision of such school personnel; and

358 (iv) During the course of a school related activity;

- 359 (2) Establish appropriate measures to be taken when a student violates such policy; and
360 (3) Establish procedures for parents and legal guardians to:
361 (A) Request information from school personnel about what social media platforms
362 have been or are intended to be accessed as provided in subparagraph (B) of
363 paragraph (1) of this subsection; and
364 (B) Prohibit their child from accessing one or more social media platforms as provided
365 in subparagraph (B) of paragraph (1) of this subsection.
366 (c) A local governing body shall take such steps as it deems appropriate to implement and
367 enforce its social media policy, which shall include, but shall not be limited to:
368 (1) Use of software programs and other technologies reasonably designed and intended
369 to block and monitor access to social media platforms; and
370 (2) Selection of online servers that block and monitor access to social media platforms.
371 (d) Each local school system or public school shall publish on its website a copy of the
372 social media policy adopted pursuant to subsection (b) of this Code section and shall
373 provide a paper copy of such upon written request of a parent or guardian of an enrolled
374 student.
375 (e) The Department of Education shall be authorized to consult with and assist any local
376 governing body in developing and implementing a social media policy pursuant to this
377 Code section.
378 (f)(1) No later than April 1, 2026, each local governing body shall submit a copy of the
379 social media policy adopted pursuant to subsection (b) of this Code section to the
380 Department of Education for compliance review. Such submission shall identify any
381 software program or other technology that is being or will be utilized to block access to
382 social media platforms in accordance with subsection (c) of this Code section.
383 (2) The Department of Education shall review each social media policy and any
384 subsequent revisions submitted pursuant to paragraph (3) of this subsection. If the
385 Department of Education determines after compliance review that a policy or revision

386 thereof is not reasonably designed to achieve the requirements of this Code section, it
387 shall provide written notice of noncompliance to the local governing body as provided
388 for in paragraph (4) of this subsection.

389 (3) No revision of a social media policy which has been deemed compliant pursuant to
390 paragraph (2) of this subsection shall be implemented until such revision is reviewed by
391 the Department of Education. If the Department of Education fails to provide a notice
392 of noncompliance for the revision within 60 days of its receipt, the local governing body
393 may proceed with the implementation of the revision.

394 (4)(A) The Department of Education shall be responsible for conducting any necessary
395 investigations and making written determinations as to whether a local governing body
396 has failed to comply with the requirements of this Code section.

397 (B) If the Department of Education determines that a local governing body has failed
398 to comply with the requirements of this Code section, it shall provide a written notice
399 of noncompliance to such local governing body and the local governing body shall have
400 30 days from the receipt of such notice to correct such noncompliance and to develop
401 a corrective action plan for preventing future recurrences. The Department of
402 Education may extend such 30 day period upon a showing of good cause by the local
403 governing body.

404 (5)(A) The State Board of Education shall be authorized to take corrective action,
405 including, but not limited to, withholding a portion of state funding to a local school
406 system or public school, as provided for in Code Section 20-2-243, if such local
407 governing body fails to comply with the provisions of this Code section or fails to
408 enforce or substantially disregards its social media policy.

409 (B) If the State Board of Education notifies the local governing body that it is subject
410 to the withholding of state funding pursuant to subparagraph (A) of this paragraph, such
411 local governing body may bring an action against the State Board of Education seeking

412 appropriate relief from the superior court of the county where the local governing body
 413 is headquartered."

414 **SECTION 2-5.**

415 Said chapter is further amended in Subpart 2 of Part 2 of Article 16, relating to public school
 416 disciplinary tribunals for students, by revising Code Section 20-2-751.4, relating to policies
 417 prohibiting bullying, assignment to alternative school, and notice, as follows:

418 "20-2-751.4.

419 (a) As used in this Code section, the term:

420 (1)(A) Bullying' ~~'bullying'~~ means an act that is:

421 ~~(1)(i)~~ Any willful attempt or threat to inflict injury on another person, when
 422 accompanied by an apparent present ability to do so;

423 ~~(2)(ii)~~ Any intentional display of force such as would give the victim reason to fear
 424 or expect immediate bodily harm; or

425 ~~(3)(iii)~~ Any intentional written, verbal, or physical act which a reasonable person
 426 would perceive as being intended to threaten, harass, or intimidate, that:

427 ~~(A)(I)~~ Causes another person substantial physical harm within the meaning of Code
 428 Section 16-5-23.1 or visible bodily harm as such term is defined in Code Section
 429 16-5-23.1;

430 ~~(B)(II)~~ Has the effect of substantially interfering with a student's education or
 431 otherwise substantially infringing upon the rights of a student;

432 ~~(C)(III)~~ Is so severe, persistent, or pervasive that it creates an intimidating or
 433 threatening educational environment; or

434 ~~(D)(IV)~~ Has the effect of substantially disrupting the orderly operation of the
 435 school.

436 (B) Except as provided in subparagraph (C) of this paragraph, such ~~The~~ term applies
 437 to acts which occur on school property, on school vehicles, at designated school bus

438 stops, or at school related functions or activities, including, but not limited to,
439 extracurricular activities, or by use of data or software that is accessed through a
440 computer, computer system, computer network, or other electronic technology of a
441 local school system. ~~The term also applies to~~
442 (C) Such term includes acts of cyberbullying which occur through the use of electronic
443 communication, whether or not such electronic act originated that originate on school
444 property or involve the use of or with school equipment, including, but not limited to,
445 acts that occur within a school sponsored online activity. if the electronic
446 communication (1) is directed specifically at students or school personnel, (2) is
447 maliciously intended for the purpose of threatening the safety of those specified or
448 substantially disrupting the orderly operation of the school, and (3) creates a reasonable
449 fear of harm to the students' or school personnel's person or property or has a high
450 likelihood of succeeding in that purpose. For purposes of this Code section, electronic
451 communication includes but is not limited to any transfer of signs, signals, writings,
452 images, sounds, data or intelligence of any nature transmitted in whole or in part by a
453 wire, radio, electromagnetic, photo electronic or photo optical system.
454 (2) 'Cyberbullying' means bullying that involves the use of electronic communication,
455 including, but not limited to, communication devices and services, including, but not
456 limited to, cellular telephones, cameras, computers, social media platforms, text
457 messages, chat platforms, and internet sites.
458 (3) 'Electronic communication' means, but is not limited to, any transfer of signs, signals,
459 writings, images, sounds, data, or intelligence of any nature transmitted in whole or in
460 part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system. Such
461 term shall include photographs and video and audio recordings.
462 (4) 'Extracurricular activities' has the same meaning as defined in Code Section
463 20-2-319.6.

464 (5) 'Parent' means a person who has legal authority to act on behalf of a minor child as
465 a natural or adoptive parent or a legal guardian.

466 (6) 'School equipment' means any computer or computer networking equipment,
467 technology or technology related device or service, or communication system or service
468 that is operated, owned, leased, and made available to students by a local board of
469 education, local school system, or public school and that is used for transmitting,
470 receiving, accessing, viewing, hearing, downloading, recording, or storing electronic
471 communication.

472 (7) 'Transmit' means to send or broadcast an electronic communication.

473 (b) No later than ~~August 1, 2011~~ July 1, 2026:

474 (1) Each local board of education shall adopt a policy that prohibits bullying, including,
475 without limitation, cyberbullying, of a student by another by a student and shall require
476 such prohibition to be included in the student code of conduct for schools in that school
477 system;

478 (2) Each local board policy shall require that, upon a finding by the disciplinary hearing
479 officer, panel, or tribunal of school officials provided for in this subpart that a student in
480 grades six through 12 has committed the offense of bullying for the third time in a school
481 year, such student shall be assigned to an alternative school;

482 (3) Each local board of education shall establish and publish in its local board policy a
483 method to notify the parent, guardian, or other person who has control or charge of a
484 student upon a finding by a school administrator that such student has committed an
485 offense of bullying or is a target or suspected victim of bullying. Such notice shall, as
486 appropriate under the circumstances, include referrals to resources for counseling and
487 other appropriate services for students who have been found to have committed an
488 offense of bullying or are targets or suspected victims of bullying; and

489 (4) Each local board of education shall ensure that students and parents and guardians
490 of students are notified of the prohibition against bullying, and the penalties for violating

491 the prohibition, by posting such information at each school and by including such
492 information in student and parent handbooks; and

493 (5) Each local board of education shall establish a process to regularly evaluate and
494 update the use of technology solutions to aid in the prevention of cyberbullying on school
495 equipment, including, but not limited to, monitoring software intended to provide
496 electronic notification when the occurrence of cyberbullying is detected on such
497 equipment.

498 (c) No later than January 1, ~~2011~~ 2026, the Department of Education shall develop a
499 model policy regarding bullying, that may be revised from time to time, and shall post such
500 policy on its website in order to assist local school systems. Such model policy shall
501 include:

502 (1) A statement prohibiting bullying;

503 (2) A requirement that any teacher or other school employee who has reliable
504 information that would lead a reasonable person to suspect that someone is a target of
505 bullying shall immediately report it to the school principal;

506 (3) A requirement that each school have a procedure for the school administration to
507 promptly investigate in a timely manner and determine whether bullying has occurred;

508 (4) An age-appropriate range of consequences for bullying which shall include, at
509 minimum and without limitation, disciplinary action or counseling as appropriate under
510 the circumstances;

511 (5) A requirement that each school provide referrals, as appropriate under the
512 circumstances, to age-appropriate interventions and services, including, but not limited
513 to, counseling services, for students who have been found to have committed an offense
514 of bullying or are targets or suspected victims of bullying;

515 (6) A procedure for a teacher or other school employee, student, parent, guardian, or
516 other person who has control or charge of a student, either anonymously or in such

517 person's name, at such person's option, to report or otherwise provide information on
518 bullying activity;

519 ~~(6)~~(7) A statement prohibiting retaliation following a report of bullying; and
520 ~~(7)~~(8) Provisions consistent with the requirements of subsection (b) of this Code section.

521 (d) No later than January 1, 2026, the ~~The~~ Department of Education shall develop and post
522 on its website:

523 (1) A a list of entities and their contact information which produce antibullying training
524 programs and materials deemed appropriate by the department for use in local school
525 systems. Such list shall include at least one entity that provides awareness and training
526 programs relating to cyberbullying; and

527 (2) A list of online and in-person providers of counseling and other appropriate services
528 for students who have been found by school officials to have committed an offense of
529 bullying or are targets or suspected victims of bullying. Such list shall include in-person
530 providers available to families in areas throughout the state.

531 (e) Any person who reports an incident of bullying in good faith shall be immune from
532 civil liability for any damages caused by such reporting.

533 (f) Nothing in this Code section or in the model policy promulgated by the Department of
534 Education shall be construed to require a local board of education to provide transportation
535 to a student transferred to another school as a result of a bullying incident.

536 (g) Any school system which is not in compliance with the requirements of subsection (b)
537 of this Code section shall be ineligible to receive state funding pursuant to Code Sections
538 20-2-161 and 20-2-260."

539

PART III

540

SECTION 3-1.

541 Title 39 of the Official Code of Georgia Annotated, relating to minors, is amended by adding
542 a new chapter to read as follows:

543

"CHAPTER 6544 39-6-1.545 As used in this chapter, the term:

546 (1) 'Account holder' means a person who is a resident of this state and has an account or
547 profile to use a social media platform, including a minor account holder.

548 (2) 'Educational entity' means:

549 (A) A public elementary or secondary school, including without exception public
550 schools provided for under Articles 31, 31A, and 31C of Chapter 2 of Title 20;

551 (B) A private elementary or secondary school;552 (C) A unit of the University System of Georgia;553 (D) A unit of the Technical College System of Georgia;

554 (E) An independent or private college or university located in Georgia and eligible to
555 be deemed an 'approved school' pursuant to paragraph (2) of Code Section 20-3-411;

556 or

557 (F) A nonpublic postsecondary educational institution provided for in Part 1A of
558 Article 7 of Chapter 3 of Title 20.

559 (3) 'Minor' means an individual who resides in this state and is actually known or
560 reasonably believed by a social media platform to be under the age of 16 years.

561 (4) 'Minor account holder' means an account holder who is a minor.

562 (5) 'Post' means content that an account holder makes available on a social media
563 platform for other account holders or users to view or listen to, including text, images,
564 audio, and video.

565 (6) 'Social media platform' means an online forum that allows an account holder to create
566 a profile, upload posts, view and listen to posts, form mutual connections, and interact
567 publicly and privately with other account holders and users. Such term shall not include
568 an online service, website, or application where the predominant or exclusive function
569 is any of the following:

570 (A) Email;

571 (B) A service that, pursuant to its terms of use, does not permit minors to use the
572 platform and utilizes commercially reasonable age assurance mechanisms to deter
573 minors from becoming account holders;

574 (C) A streaming service that provides only licensed media that is not user generated
575 in a continuous flow from the service, website, or application to the end user and does
576 not obtain a license to the media from a user or account holder by agreement to its
577 terms of service;

578 (D) News, sports, entertainment, or other content that is preselected by the provider
579 and not user generated, and any chat, comment, or interactive functionality that is
580 provided incidental to or directly or indirectly related to such content;

581 (E) Online shopping or ecommerce, if the interaction with other users or account
582 holders is generally limited to the ability to upload a post and comment on reviews, the
583 ability to display lists or collections of goods for sale or wish lists, and other functions
584 that are focused on online shopping or ecommerce rather than interaction between users
585 or account holders;

586 (F) Interactive gaming, virtual gaming, or an online service, website, or application that
587 allows the creation and uploading of content for the purpose of interactive gaming,

588 educational entertainment, or associated entertainment, and communications related to
589 that content;
590 (G) Photograph editing that has an associated photograph hosting service if the
591 interaction with other users or account holders is generally limited to liking or
592 commenting;
593 (H) Single-purpose community groups for public safety if the interaction with other
594 users or account holders is limited to that single purpose and the community group has
595 guidelines or policies against illegal content;
596 (I) Business-to-business software;
597 (J) Teleconferencing or videoconferencing services that allow reception and
598 transmission of audio and video signals for real-time communication;
599 (K) Cloud storage;
600 (L) Shared document collaboration;
601 (M) Cloud computing services, which may include cloud storage and shared document
602 collaboration;
603 (N) Providing access to or interacting with data visualization platforms, libraries, or
604 hubs;
605 (O) Permitting comments on a digital news website if the news content is posted only
606 by the provider of the digital news website;
607 (P) Providing or obtaining technical support for a platform, product, or service;
608 (Q) Academic, scholarly, or genealogical research where the majority of the content
609 is created or posted by the provider of the online service, website, or application and
610 the ability to chat, comment, or interact with other users is directly related to the
611 provider's content;
612 (R) Internet access and broadband service;
613 (S) A classified advertising service in which the provider of the online service, website,
614 or application is limited to all of the following:

- 615 (i) Permitting only the sale of goods;
616 (ii) Prohibiting the solicitation of personal services;
617 (iii) Posting or creating a substantial amount of the content; and
618 (iv) Providing the ability to chat, comment, or interact with other users only if it is
619 directly related to the provider's content;
- 620 (T) An online service, website, or application that is used by or under the direction of
621 an educational entity, including a learning management system, student engagement
622 program, or subject- or skill-specific program, where the majority of the content is
623 created or posted by the provider of the online service, website, or application and the
624 ability to chat, comment, or interact with other users is directly related to the provider's
625 content;
- 626 (U) Peer-to-peer payments, provided that interactions among users or account holders
627 are generally limited to the ability to send, receive, or request funds; like or comment
628 on such transactions; or other functions related to sending, receiving, requesting, or
629 settling payments among users or account holders; or
- 630 (V) Career development opportunities, including professional networking, job skills,
631 learning certifications, and job posting and application services.
- 632 (7) 'User' means a person who has access to view all or some of the posts on a social
633 media platform, but who is not an account holder.

634 39-6-2.

- 635 (a) The provider of a social media platform shall make commercially reasonable efforts
636 to verify the age of account holders with a level of certainty appropriate to the risks that
637 arise from the social media platform's information management practices or shall apply the
638 special conditions applied to minors under this chapter to all account holders.
- 639 (b) The provider of a social media platform shall treat as a minor any individual such
640 provider verifies to be under the age of 16 years.

- 641 (c) No provider of a social media platform shall permit a minor to be an account holder
642 unless such provider obtains the express consent of such minor's parent or guardian.
643 Acceptable methods of obtaining express consent from a parent or guardian include:
644 (1) Providing a form for the minor's parent or guardian to sign and return to the social
645 media platform by common carrier, facsimile, email, or scanning;
646 (2) Providing a toll-free telephone number for the minor's parent or guardian to call to
647 consent;
648 (3) Coordinating a call with the minor's parent or guardian using videoconferencing
649 technology;
650 (4) Collecting information related to the minor's parent's or guardian's government issued
651 identification or financial or payment card information and deleting such information
652 after confirming the identity of the parent or guardian;
653 (5) Allowing the minor's parent or guardian to provide consent by responding to an email
654 and taking additional steps to verify the parent's or guardian's identity; and
655 (6) Any other commercially reasonable method of obtaining consent using available
656 technology.
- 657 (d) Notwithstanding any other provision of this chapter, no provider of a social media
658 platform shall permit a minor to hold or open an account on the social media platform if
659 the minor is ineligible to hold or open an account under any other provision of state or
660 federal law.
- 661 (e) The provider of a social media platform shall make available, upon the request of a
662 parent or guardian of a minor, a list and description of the features offered by the social
663 media platform related to censoring or moderating content available on the social media
664 platform, including any features that can be disabled or modified by an account holder.

665 39-6-3.

666 For a minor account holder, the provider of a social media platform shall prohibit all of the
667 following:

668 (1) The display of any advertising in the minor account holder's account based on such
669 minor account holder's personal information, except age and location; and

670 (2) The collection or use of personal information from the posts, content, messages, text,
671 or usage activities of the minor account holder's account other than what is adequate,
672 relevant, and reasonably necessary for the purposes for which such information is
673 collected, as disclosed to the minor.

674 39-6-4.

675 (a) The Attorney General shall have exclusive authority to enforce the provisions of this
676 chapter and the authority to take action pursuant to Part 2 of Article 15 of Chapter 1 of
677 Title 10, the 'Fair Business Practices Act of 1975.'

678 (b) Nothing in this chapter shall be interpreted to serve as the basis for a private right of
679 action under this chapter or any other law.

680 (c) Subject to the ability to cure an alleged violation under subsection (d) of this Code
681 section, the Attorney General may initiate an action and seek damages for up to \$2,500.00
682 for each violation under this chapter.

683 (d) At least 90 days before the day on which the Attorney General initiates an enforcement
684 action against a person or entity that is subject to the requirements of this chapter, the
685 Attorney General shall provide the person or entity with a written notice that identifies each
686 alleged violation and an explanation of the basis for each allegation. The Attorney General
687 shall not initiate an action if the person or entity cures the noticed violation within 90 days
688 of receiving notice from the Attorney General and provides the Attorney General with a
689 written statement indicating that the alleged violation is cured.

690 39-6-5.
691 No provision in a contract, statement of terms or conditions, or any other purported
692 agreement, including, but not limited to, a choice of law provision, a waiver or limitation,
693 or a purported waiver or limitation, may be utilized to prevent the application of this
694 chapter or prevent, limit, or otherwise interfere with any person's or entity's right to
695 cooperate with the Attorney General or to file a complaint with the Attorney General. Any
696 such provision shall be null and void and unenforceable as contrary to public policy, and
697 a court or arbitrator shall not enforce or give effect to any such provision."

698 **SECTION 3-2.**

699 Said title is further amended in Chapter 5, relating to online internet safety, by adding a new
700 Code section to read as follows:

701 "39-5-5.

702 (a) As used in this Code section, the term:

703 (1) 'Commercial entity' means a corporation, limited liability company, partnership,
704 limited partnership, sole proprietorship, or other legally recognized entity.

705 (2) 'Digitized identification card' means a data file available on a mobile device with
706 connectivity to the internet that contains all of the data elements visible on the face and
707 back of a driver's license or identification card and displays the current status of the
708 driver's license or identification card as being valid, expired, cancelled, suspended,
709 revoked, active, or inactive.

710 (3) 'Distribute' means to issue, sell, give, provide, deliver, transfer, transmute, circulate,
711 or disseminate by any means.

712 (4) 'Material harmful to minors' means:

713 (A) Any material that the average person, applying contemporary community
714 standards, would find, taking the material as a whole and with respect to minors, is
715 designed to appeal to, or is designed to pander to, prurient interest;

716 (B) Any of the following materials that exploit, are devoted to, or principally consist
717 of descriptions of actual, simulated, or animated displays or depictions of any of the
718 following, in a manner patently offensive with respect to minors:

719 (i) Nipple of the female breast, pubic hair, anus, vulva, or genitals;

720 (ii) Touching, caressing, or fondling of nipples, breasts, buttocks, the anus, or
721 genitals; or

722 (iii) Any sexual act, including, but not limited to, sexual intercourse, masturbation,
723 sodomy, bestiality, oral copulation, flagellation, excretory functions, and exhibitions
724 of sexual acts; or

725 (C) The material taken as a whole lacks serious literary, artistic, political, or scientific
726 value for minors.

727 (5) 'Minor' means any individual under the age of 18 years.

728 (6) 'News-gathering organization' means:

729 (A) An employee of a newspaper, news publication, or news source, printed or
730 published on an online or mobile platform, while operating as an employee of a
731 news-gathering organization who can provide documentation of employment with the
732 newspaper, news publication, or news source; or

733 (B) An employee of a radio broadcast station, television broadcast station, cable
734 television operator, or wire service while operating as an employee of a news-gathering
735 organization who can provide documentation of employment.

736 (7) 'Publish' means to communicate or make information available to another person or
737 entity on a public website.

738 (8) 'Reasonable age verification' means to confirm that a person seeking to access
739 published material that may have a substantial portion of material that is harmful to
740 minors is at least 18 years of age.

741 (9) 'Substantial portion' means more than 33.33 percent of total material on a public
742 website which meets the definition of material that is harmful to minors as defined in this
743 Code section.

744 (b) Before allowing access to a public website that contains a substantial portion of
745 material that is harmful to minors, a commercial entity shall use a reasonable age
746 verification method, which may include, but not be limited to:

747 (1) The submission of a digitized identification card, including a digital copy of a driver's
748 license;

749 (2) The submission of government-issued identification; or

750 (3) Any commercially reasonable age verification method that meets or exceeds an
751 Identity Assurance Level 2 standard, as defined by the National Institute of Standards and
752 Technology.

753 (c)(1) A commercial entity that knowingly and intentionally publishes or distributes
754 material that is harmful to minors on a public website which contains a substantial portion
755 of material that is harmful to minors is liable if the commercial entity fails to perform
756 reasonable age verification of the individual attempting to access the material.

757 (2) A commercial entity that violates this Code section is liable to an individual for
758 damages resulting from a minor accessing material harmful to minors, including court
759 costs and reasonable attorneys' fees as ordered by the court.

760 (3) A commercial entity that violates this Code section shall be subject to a fine of up to
761 \$10,000.00 for each violation, the amount of which shall be determined by the superior
762 court in the county in which any affected minor resides. The Attorney General or
763 solicitor general or district attorney having jurisdiction shall institute proceedings to
764 impose such fine within one year of the violation. The issuance of a fine under this
765 paragraph shall not preclude any right of action.

766 (d)(1) When a commercial entity or third party performs a reasonable age verification,
767 the commercial entity shall not retain any identifying information after access to the
768 material has been granted.

769 (2) A commercial entity that is found to have knowingly retained identifying information
770 of an individual after access to the material has been granted is liable to such individual
771 for damages resulting from retaining the identifying information, including court costs
772 and reasonable attorney's fees as ordered by the court.

773 (e) This Code section shall not:

774 (1) Apply to a news or public interest broadcast, public website video, report, or event;

775 (2) Affect the rights of a news-gathering organization; or

776 (3) Apply to cloud service providers.

777 (f) An internet service provider and any affiliate, subsidiary, or search engine shall not be
778 considered to have violated this Code section solely by providing access or connection to
779 or from a public website or to other information or content on the internet or on a facility,
780 system, or network that is not under that internet service provider's control, to the extent
781 the internet service provider is not responsible for the creation of the content or the
782 communication that constitutes material that is harmful to minors."

783

PART IV

784

SECTION 4-1.

785 This Act shall become effective on July 1, 2025.

786

SECTION 4-2.

787 All laws and parts of laws in conflict with this Act are repealed.