

**Sixty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2025**

SENATE BILL NO. 2380
(Senators Boehm, Beard, Paulson)
(Representatives VanWinkle, Steiner, Klemin)

AN ACT to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to a commercial entity's liability for publishing or distributing sexual material harmful to a minor; to provide a penalty; and to provide for application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 51-07 of the North Dakota Century Code is created and enacted as follows:

Liability for publishing or distributing sexual material harmful to minors - Age verification requirement - Damages.

1. As used in this section:

- a. "Commercial entity" includes a corporation, limited liability company, partnership, limited partnership, sole proprietorship, or other legally recognized business entity.
- b. "Distribute" means to issue, sell, give, provide, deliver, transfer, transmute, circulate, or disseminate by any means.
- c. "Minor" means an individual under eighteen years of age.
- d. "News-gathering organization" means an employee of a:
 - (1) Newspaper, news publication, or news source, printed or on an online or mobile platform, of current news and public interest, who is acting within the scope of employment and can provide documentation of employment with the newspaper, news publication, or news source; or
 - (2) Radio broadcast station, television broadcast station, cable television operator, or wire service, who is acting within the scope of employment and can provide documentation of employment with the radio broadcast station, television broadcast station, cable television operator, or wire service.
- e. "Publish" means to communicate or make information available to another person on a publicly available internet website.
- f. "Reasonable age verification methods" includes verifying the individual seeking to access the material is eighteen years of age or older by using:
 - (1) A digitized identification card; or
 - (2) Requiring the individual attempting to access the material to comply with a commercial age verification system including the use of:
 - (a) Government-issued identification;
 - (b) A commercially available database regularly used by a business or government entity for the purpose of age and identity verification; or

7. This section does not apply to any bona fide news or public interest broadcast, website video, report, or event, and may not be construed to affect the rights of any news-gathering organization.
8. An internet service provider or its affiliates or subsidiaries, a search engine, a cloud service provider, or an application store, may not be held to have violated this section solely for providing access or connection to or from a website or other information or content on the internet or a facility, system, or network not under the provider's control, including transmission, downloading, intermediate storage, access software, or other forms of access or storage to the extent the provider is not responsible for the creation of the content of the communication that constitutes sexual material harmful to a minor.

SECTION 2. APPLICATION. This Act applies to websites accessed on or after the effective date of this Act.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-ninth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2380.

Senate Vote: Yeas 47 Nays 0 Absent 0

House Vote: Yeas 90 Nays 0 Absent 4

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2025.

Approved at _____ M. on _____, 2025.

Governor

Filed in this office this _____ day of _____, 2025,

at _____ o'clock _____ M.

Secretary of State