

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 SENATE

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
7 provide for required and optional instruction regarding social media for such programs; to
8 require public school local governing bodies to adopt, implement, and enforce social media
9 policies; to authorize the Department of Education to consult with and assist local governing
10 bodies in the development and implementation of such policies; to require local governing
11 bodies to submit such policies to the Department of Education for review; to authorize the
12 State Board of Education to withhold state funds from local governing bodies for failure to
13 comply with certain social media policy requirements; to provide for appeals; to provide for
14 venue; to revise provisions relating to the prohibition of bullying and cyberbullying in public
15 schools; to require social media platforms to verify the age of account holders and to refuse
16 account services to minors without parental consent; to require social medial platforms to
17 provide certain information to parents upon request; to provide for enforcement authority of
18 the Attorney General; to prohibit certain waivers; to provide for definitions; to provide for

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19 an effective date; to provide for a short title; to provide for related matters; to repeal
20 conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 **PART I**
23 **SECTION 1-1.**

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

26 **PART II**
27 **SECTION 2-1.**

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

32 "20-2-145.

33 (a) The State Board of Education shall develop by the start of the 1997-1998 school year
34 a comprehensive character education program for levels K-12. This comprehensive
35 character education program shall be known as the 'character curriculum' and shall focus
36 on the students' development of the following character traits: courage, patriotism,
37 citizenship, honesty, fairness, respect for others, kindness, cooperation, self-respect,
38 self-control, courtesy, compassion, tolerance, diligence, generosity, punctuality,
39 cleanliness, cheerfulness, school pride, respect for the environment, respect for the creator,
40 patience, creativity, sportsmanship, loyalty, perseverance, and virtue. Such program shall

41 also address, by the start of the ~~1999-2000~~ 2025-2026 school year, methods of discouraging
 42 bullying and violent acts against fellow students and methods of promoting responsible
 43 digital citizenship and the safe and appropriate use of technology, the internet, and social
 44 media. Local ~~boards~~ governing bodies shall implement such a program in all grade levels
 45 at the beginning of the ~~2000-2001~~ 2025-2026 school year and shall provide opportunities
 46 for parental involvement in establishing expected outcomes of the character education
 47 program.

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

50

SECTION 2-2.

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

53 "20-2-149.

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

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

61 (A) Shall include instruction regarding:

- 62 (i) The social, emotional, and physical effects of social media on users;
- 63 (ii) The effects of social media on the mental health of users, particularly teenagers;
- 64 (iii) The distribution of disinformation and misinformation on social media;
- 65 (iv) How social media influences thoughts and behaviors;
- 66 (v) The permanency and risks of sharing materials online;

- 67 (vi) How to maintain personal security and identify cyberbullying, predatory
 68 behavior, and human trafficking on the internet and social media; and
 69 (vii) How to report suspicious behavior encountered on the internet and social media
 70 to appropriate persons and authorities; and
 71 (B) May include information regarding the benefits of social media use, such as
 72 supporting career readiness for future academic or employment opportunities, sharing
 73 information with familiar family and friends, and safely connecting with other users
 74 with similar interests.
- 75 (3) The Department of Education shall periodically update the model programs provided
 76 for in this subsection to reflect changes in internet and social media use, emergent
 77 technologies, social and psychological research, and information concerning new threats
 78 to teenagers and young adults using social media platforms and other online
 79 communication technologies.
- 80 (4) The Department of Education shall publish on its website information relating to the
 81 model programs provided for in this Code section, including recommended curricula and
 82 instructional materials as updated periodically as provided in this subsection. The
 83 Department of Education shall provide technical assistance in addition to such model
 84 programs and recommended curricula and instructional materials to aid any local board
 85 of education that may elect to incorporate one or more components of internet and social
 86 media safety into its instructional program.
- 87 (b) Each local board of education may incorporate into its instructional program a
 88 component on online ~~Internet~~ internet safety, including social media safety, to be taught
 89 on a schedule as determined by the local board of education."

90

SECTION 2-3.

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

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93 "20-2-324.7.

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

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

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

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

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

111 (1) Prohibit students from accessing social media platforms through the use of computer
112 equipment, communications services, or internet access that is operated, owned, leased,
113 and made available to students by the local governing body, the school system, or a
114 public school; and

115 (2) Establish appropriate measures to be taken when a student violates such policy.

116 (c) A local governing body shall take such steps as it deems appropriate to implement and
117 enforce its social media policy, which shall include, but shall not be limited to:

118 (1) Use of software programs and other technologies reasonably designed and intended
119 to block access to social media platforms; and

- 120 (2) Selection of online servers that block access to social media platforms.
- 121 (d) Each local school system or public school shall publish on its website a copy of the
122 social media policy adopted pursuant to subsection (b) of this Code section and shall
123 provide a paper copy of such upon written request of a parent or guardian of an enrolled
124 student.
- 125 (e) The Department of Education shall be authorized to consult with and assist any local
126 governing body in developing and implementing a social media policy pursuant to this
127 Code section.
- 128 (f)(1) No later than April 1, 2026, each local governing body shall submit a copy of the
129 social media policy adopted pursuant to subsection (b) of this Code section to the
130 Department of Education for compliance review. Such submission shall identify any
131 software program or other technology that is being or will be utilized to block access to
132 social media platforms in accordance with subsection (c) of this Code section.
- 133 (2) The Department of Education shall review each social media policy and any
134 subsequent revisions submitted pursuant to paragraph (3) of this subsection. If the
135 Department of Education determines after compliance review that a policy or revision
136 thereof is not reasonably designed to achieve the requirements of this Code section, it
137 shall provide written notice of noncompliance to the local governing body as provided
138 for in paragraph (4) of this subsection.
- 139 (3) No revision of a social media policy which has been deemed compliant pursuant to
140 paragraph (2) of this subsection shall be implemented until such revision is reviewed by
141 the Department of Education. If the Department of Education fails to provide a notice
142 of noncompliance for the revision within 60 days of its receipt, the local governing body
143 may proceed with the implementation of the revision.
- 144 (4)(A) The Department of Education shall be responsible for conducting any necessary
145 investigations and making written determinations as to whether a local governing body
146 has failed to comply with the requirements of this Code section.

147 (B) If the Department of Education determines that a local governing body has failed
 148 to comply with the requirements of this Code section, it shall provide a written notice
 149 of noncompliance to such local governing body and the local governing body shall have
 150 30 days from the receipt of such notice to correct such noncompliance and to develop
 151 a corrective action plan for preventing future recurrences. The Department of
 152 Education may extend such 30 day period upon a showing of good cause by the local
 153 governing body.

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

159 (B) If the State Board of Education notifies the local governing body that it is subject
 160 to the withholding of state funding pursuant to subparagraph (A) of this paragraph, such
 161 local governing body may bring an action against the State Board of Education seeking
 162 appropriate relief from the superior court of the county where the local governing body
 163 is headquartered."

164 **SECTION 2-4.**

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

168 "20-2-751.4.

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

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

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

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

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

177 ~~(A)~~(I) Causes another person substantial physical harm within the meaning of Code
178 Section 16-5-23.1 or visible bodily harm as such term is defined in Code Section
179 16-5-23.1;

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

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

184 ~~(D)~~(IV) Has the effect of substantially disrupting the orderly operation of the
185 school.

186 (B) Except as provided in subparagraph (C) of this paragraph, such ~~The~~ term applies
187 to acts which occur on school property, on school vehicles, at designated school bus
188 stops, or at school related functions or activities, including, but not limited to,
189 extracurricular activities, or by use of data or software that is accessed through a
190 computer, computer system, computer network, or other electronic technology of a
191 local school system. ~~The term also applies to~~

192 (C) Such term includes acts of cyberbullying ~~which occur through the use of electronic~~
193 ~~communication, whether or not such electronic act originated~~ that originate on school
194 property or involve the use of or with school equipment, including, but not limited to,
195 acts that occur within a school sponsored online activity. ~~if the electronic~~
196 ~~communication (1) is directed specifically at students or school personnel, (2) is~~
197 ~~maliciously intended for the purpose of threatening the safety of those specified or~~
198 ~~substantially disrupting the orderly operation of the school, and (3) creates a reasonable~~
199 ~~fear of harm to the students' or school personnel's person or property or has a high~~

200 ~~likelihood of succeeding in that purpose. For purposes of this Code section, electronic~~
201 ~~communication includes but is not limited to any transfer of signs, signals, writings,~~
202 ~~images, sounds, data or intelligence of any nature transmitted in whole or in part by a~~
203 ~~wire, radio, electromagnetic, photo-electronic or photo-optical system.~~

204 (2) 'Cyberbullying' means bullying that involves the use of electronic communication,
205 including, but not limited to, communication devices and services, including, but not
206 limited to, cellular telephones, cameras, computers, social media platforms, text
207 messages, chat platforms, and internet sites.

208 (3) 'Electronic communication' means, but is not limited to, any transfer of signs, signals,
209 writings, images, sounds, data, or intelligence of any nature transmitted in whole or in
210 part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system. Such
211 term shall include photographs and video and audio recordings.

212 (4) 'Extracurricular activities' has the same meaning as defined in Code Section
213 20-2-319.6.

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

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

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

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

224 (1) Each local board of education shall adopt a policy that prohibits bullying, including,
225 without limitation, cyberbullying, of a student by another by a student and shall require

226 such prohibition to be included in the student code of conduct for schools in that school
227 system;

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

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

239 (4) Each local board of education shall ensure that students and parents and guardians
240 of students are notified of the prohibition against bullying, and the penalties for violating
241 the prohibition, by posting such information at each school and by including such
242 information in student and parent handbooks; and

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

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

- 252 (1) A statement prohibiting bullying;
- 253 (2) A requirement that any teacher or other school employee who has reliable
254 information that would lead a reasonable person to suspect that someone is a target of
255 bullying shall immediately report it to the school principal;
- 256 (3) A requirement that each school have a procedure for the school administration to
257 promptly investigate in a timely manner and determine whether bullying has occurred;
- 258 (4) An age-appropriate range of consequences for bullying which shall include, at
259 minimum and without limitation, disciplinary action or counseling as appropriate under
260 the circumstances;
- 261 (5) A requirement that each school provide referrals, as appropriate under the
262 circumstances, to age-appropriate interventions and services, including, but not limited
263 to, counseling services, for students who have been found to have committed an offense
264 of bullying or are targets or suspected victims of bullying;
- 265 (6) A procedure for a teacher or other school employee, student, parent, guardian, or
266 other person who has control or charge of a student, either anonymously or in such
267 person's name, at such person's option, to report or otherwise provide information on
268 bullying activity;
- 269 ~~(6)(7)~~ A statement prohibiting retaliation following a report of bullying; and
- 270 ~~(7)(8)~~ Provisions consistent with the requirements of subsection (b) of this Code section.
- 271 (d) No later than January 1, 2026, the The Department of Education shall develop and post
272 on its website:
- 273 (1) A a list of entities and their contact information which produce antibullying training
274 programs and materials deemed appropriate by the department for use in local school
275 systems. Such list shall include at least one entity that provides awareness and training
276 programs relating to cyberbullying; and
- 277 (2) A list of online and in-person providers of counseling and other appropriate services
278 for students who have been found by school officials to have committed an offense of

279 bullying or are targets or suspected victims of bullying. Such list shall include in-person
 280 providers available to families in areas throughout the state.

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

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

286 (g) Any school system which is not in compliance with the requirements of subsection (b)
 287 of this Code section shall be ineligible to receive state funding pursuant to Code Sections
 288 20-2-161 and 20-2-260."

289 **PART III**
 290 **SECTION 3-1.**

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

293 "CHAPTER 6

294 39-6-1.

295 As used in this chapter, the term:

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

298 (2) 'Educational entity' means:

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

301 (B) A private elementary or secondary school;

- 302 (C) A unit of the University System of Georgia;
303 (D) A unit of the Technical College System of Georgia;
304 (E) An independent or private college or university located in Georgia and eligible to
305 be deemed an 'approved school' pursuant to paragraph (2) of Code Section 20-3-411;
306 or
307 (F) A nonpublic postsecondary educational institution provided for in Part 1A of
308 Article 7 of Chapter 3 of Title 20.
- 309 (3) 'Minor' means an individual who resides in this state and is actually known or
310 reasonably believed by a social media platform to be under the age of 16 years.
- 311 (4) 'Minor account holder' means an account holder who is a minor.
- 312 (5) 'Post' means content that an account holder makes available on a social media
313 platform for other account holders or users to view or listen to, including text, images,
314 audio, and video.
- 315 (6) 'Social media platform' means an online forum that allows an account holder to create
316 a profile, upload posts, view and listen to posts, form mutual connections, and interact
317 publicly and privately with other account holders and users. Such term shall not include
318 an online service, website, or application where the predominant or exclusive function
319 is any of the following:
- 320 (A) Email;
321 (B) A service that, pursuant to its terms of use, does not permit minors to use the
322 platform and utilizes commercially reasonable age assurance mechanisms to deter
323 minors from becoming account holders;
324 (C) A streaming service that provides only licensed media that is not user generated
325 in a continuous flow from the service, website, or application to the end user and does
326 not obtain a license to the media from a user or account holder by agreement to its
327 terms of service;

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

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

336 (F) Interactive gaming, virtual gaming, or an online service, website, or application that
337 allows the creation and uploading of content for the purpose of interactive gaming,
338 educational entertainment, or associated entertainment, and communications related to
339 that content;

340 (G) Photograph editing that has an associated photograph hosting service if the
341 interaction with other users or account holders is generally limited to liking or
342 commenting;

343 (H) Single-purpose community groups for public safety if the interaction with other
344 users or account holders is limited to that single purpose and the community group has
345 guidelines or policies against illegal content;

346 (I) Business-to-business software;

347 (J) Teleconferencing or videoconferencing services that allow reception and
348 transmission of audio and video signals for real-time communication;

349 (K) Cloud storage;

350 (L) Shared document collaboration;

351 (M) Cloud computing services, which may include cloud storage and shared document
352 collaboration;

353 (N) Providing access to or interacting with data visualization platforms, libraries, or
354 hubs;

- 355 (O) Permitting comments on a digital news website if the news content is posted only
356 by the provider of the digital news website;
- 357 (P) Providing or obtaining technical support for a platform, product, or service;
- 358 (Q) Academic, scholarly, or genealogical research where the majority of the content
359 is created or posted by the provider of the online service, website, or application and
360 the ability to chat, comment, or interact with other users is directly related to the
361 provider's content;
- 362 (R) Internet access and broadband service;
- 363 (S) A classified advertising service in which the provider of the online service, website,
364 or application is limited to all of the following:
- 365 (i) Permitting only the sale of goods;
- 366 (ii) Prohibiting the solicitation of personal services;
- 367 (iii) Posting or creating a substantial amount of the content; and
- 368 (iv) Providing the ability to chat, comment, or interact with other users only if it is
369 directly related to the provider's content; or
- 370 (T) An online service, website, or application that is used by or under the direction of
371 an educational entity, including a learning management system, student engagement
372 program, or subject- or skill-specific program, where the majority of the content is
373 created or posted by the provider of the online service, website, or application and the
374 ability to chat, comment, or interact with other users is directly related to the provider's
375 content.
- 376 (7) 'User' means a person who has access to view all or some of the posts on a social
377 media platform, but who is not an account holder.

378 39-6-2.

379 (a) The provider of a social media platform shall make commercially reasonable efforts
380 to verify the age of account holders with a level of certainty appropriate to the risks that
381 arise from the social media platform's information management practices or shall apply the
382 special conditions applied to minors under this chapter to all account holders.

383 (b) The provider of a social media platform shall treat as a minor any individual such
384 provider verifies to be under the age of 16 years.

385 (c) No provider of a social media platform shall permit a minor to be an account holder
386 unless such provider obtains the express consent of such minor's parent or guardian.

387 Acceptable methods of obtaining express consent from a parent or guardian include:

388 (1) Providing a form for the minor's parent or guardian to sign and return to the social
389 media platform by common carrier, facsimile, email, or scanning;

390 (2) Providing a toll-free telephone number for the minor's parent or guardian to call to
391 consent;

392 (3) Coordinating a call with the minor's parent or guardian using videoconferencing
393 technology;

394 (4) Collecting information related to the minor's parent's or guardian's government issued
395 identification or financial or payment card information and deleting such information
396 after confirming the identity of the parent or guardian;

397 (5) Allowing the minor's parent or guardian to provide consent by responding to an email
398 and taking additional steps to verify the parent's or guardian's identity; and

399 (6) Any other commercially reasonable method of obtaining consent using available
400 technology.

401 (d) Notwithstanding any other provision of this chapter, no provider of a social media
402 platform shall permit a minor to hold or open an account on the social media platform if
403 the minor is ineligible to hold or open an account under any other provision of state or
404 federal law.

405 (e) The provider of a social media platform shall make available, upon the request of a
406 parent or guardian of a minor, a list and description of the features offered by the social
407 media platform related to censoring or moderating content available on the social media
408 platform, including any features that can be disabled or modified by an account holder.

409 39-6-3.

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

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

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

418 39-6-4.

419 (a) The Attorney General shall have exclusive authority to enforce the provisions of this
420 chapter.

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

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

426 (d) At least 90 days before the day on which the Attorney General initiates an enforcement
427 action against a person or entity that is subject to the requirements of this chapter, the
428 Attorney General shall provide the person or entity with a written notice that identifies each
429 alleged violation and an explanation of the basis for each allegation. The Attorney General

430 shall not initiate an action if the person or entity cures the noticed violation within 90 days
431 of receiving notice from the Attorney General and provides the Attorney General with a
432 written statement indicating that the alleged violation is cured.

433 39-6-5.

434 No provision in a contract, statement of terms or conditions, or any other purported
435 agreement, including, but not limited to, a choice of law provision, a waiver or limitation,
436 or a purported waiver or limitation, may be utilized to prevent the application of this
437 chapter or prevent, limit, or otherwise interfere with any person's or entity's right to
438 cooperate with the Attorney General or to file a complaint with the Attorney General. Any
439 such provision shall be null and void and unenforceable as contrary to public policy, and
440 a court or arbitrator shall not enforce or give effect to any such provision."

441

PART IV

442

SECTION 4-1.

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

444

SECTION 4-2.

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