

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

FILED SENATE
Feb 8, 2023
S.B. 83
PRINCIPAL CLERK

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SENATE BILL DRS35035-LR-16

Short Title: No TikTok on Government Devices. (Public)

Sponsors: Senators Moffitt, Perry, and Hanig (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT PROHIBITING THE USE OF TIKTOK ON GOVERNMENT DEVICES AND
3 DURING PARTICIPATION IN STATE-FUNDED PROGRAMS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 10 of Chapter 143 of the General Statutes is amended by adding
6 a new section to read:

7 "**§ 143-162.10. Prohibition on the use of TikTok and other applications.**

8 (a) No employee of the State or of a local political subdivision of the State shall download
9 or use a covered application or access the website of a covered application on or using any
10 government-issued device or information technology.

11 (b) No person contracting with the State, or with a local political subdivision of the State,
12 may access, download, or use a covered application on equipment owned or leased by the State
13 or by a local political subdivision of the State.

14 (c) No person may access, download, or use a covered application on any
15 government-issued device or during participation in any State-funded program.

16 (d) State agencies and local political subdivisions of the State shall restrict access to the
17 websites of covered applications on government-issued devices and information technology.

18 (e) The following definitions apply in this section:

19 (1) Covered application. – Any of the following applications or services:

20 a. TikTok or any successor application or service developed or provided
21 by ByteDance Limited or an entity owned by ByteDance Limited.

22 b. WeChat or any successor application or service developed or provided
23 by Tencent Holdings Limited or an entity owned by Tencent Holdings
24 Limited.

25 (2) Device. – Any cellular phone, desktop computer, laptop, or other electronic
26 device capable of connecting to the internet issued by the State or by a local
27 political subdivision of the State.

28 (3) Information technology. – As defined by G.S. 143B-1320(a)(11). The term
29 also includes (i) any equipment or interconnected system or subsystem of
30 equipment used in the automatic acquisition, storage, analysis, evaluation,
31 manipulation, management, movement, control, display, switching,
32 interchange, transmission, or reception of data or information by a
33 State-funded program, whether the equipment is used by the State-funded
34 program directly or is used by a contractor under a contract with the
35 State-funded program that requires the use of that equipment in the
36 performance of a service or the furnishing of a product and (ii) computers,



1 mobile devices, and virtual machines as well as ancillary equipment,
2 peripheral equipment designed to be controlled by the central processing unit
3 of a computer, software, firmware and similar procedures, services (including
4 support services), and related resources.

5 (4) State-funded program. – Any program or activity funded in whole or in part
6 by State, federal, or local funds."

7 **SECTION 2.** Any employee of the State or of a local political subdivision of the
8 State, or any person contracting with the State or with a local political subdivision of the State,
9 who has already downloaded a covered application to a government-issued device shall remove,
10 delete, and uninstall the covered application no later than 30 days after the enactment of this act.

11 **SECTION 3.** Nothing in this act shall be construed to prevent prosecutorial and law
12 enforcement agencies from accessing the applications covered by this act for prosecutorial, law
13 enforcement, and investigative purposes. By March 1, 2023, the Departments of Information
14 Technology and Public Safety shall develop jointly the guidelines necessary for prosecutorial
15 and law enforcement agency access to covered applications along with the risk mitigation actions
16 necessary for such use.

17 **SECTION 4.** This act is effective when it becomes law.