

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 805
PROPOSED COMMITTEE SUBSTITUTE H805-PCS10500-CV-24

Short Title: Prevent Sexual Exploitation/Women and Minors.

(Public)

Sponsors:

Referred to:

April 8, 2025

1 A BILL TO BE ENTITLED
2 AN ACT TO PREVENT THE SEXUAL EXPLOITATION OF WOMEN AND MINORS.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. Chapter 66 of the General Statutes is amended by adding a new Article
5 to read:

6 "Article 51A.

7 "Prevent Sexual Exploitation of Women and Minors.

8 **"§ 66-505. Short title; definitions.**

9 (a) This Article shall be known and may be cited as the "Prevent Sexual Exploitation of
10 Women and Minors Act."

11 (b) The following definitions apply in this Article:

12 (1) Authorized representative. – With respect to an individual:

13 a. A person authorized in writing under State or other applicable law by
14 the individual to act on behalf of the individual with regard to the
15 matter in question; or

16 b. In the case of an individual under the age of 18, a parent or legal
17 guardian of the individual.

18 (2) Coerced consent. – Purported consent obtained from a person lacking the
19 capacity to consent or obtained from a person with capacity to consent under
20 any of the following circumstances:

21 a. Through fraud, duress, misrepresentation, undue influence, or
22 nondisclosure.

23 b. Through exploiting or leveraging the person's (i) immigration status,
24 (ii) pregnancy, (iii) disability, (iv) substance abuse disorder, (v)
25 juvenile status, or (vi) economic circumstances.

26 (3) Consent. – An agreement that is informed and thorough and does not include
27 coerced consent.

28 (4) Distribute. – As defined in G.S. 66-500.

29 (5) Eligible person. – An individual depicted in the pornographic image who has
30 not provided consent, or who has withdrawn consent in compliance with the
31 laws applicable to the jurisdiction, for the distribution of the pornographic
32 image, or an authorized representative of that individual.

33 (6) Intimate visual depiction. – Any visual depiction of an individual meeting all
34 of the following criteria:

35 a. The individual is reasonably identifiable from the visual depiction
36 itself or information displayed in connection with the visual depiction,



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1 including through (i) facial recognition, (ii) an identifying marking on
2 the individual, including a birthmark, piercing, or tattoo, (iii) an
3 identifying feature of the background of the visual depiction, (iv) voice
4 matching, or (v) written confirmation from an individual who is
5 responsible, in whole or in part, for the creation or development of the
6 visual depiction.

7 b. The individual depicted is engaging in sexual activity or the exposed
8 or substantially exposed genitals, anus, pubic area, or post-pubescent
9 female nipple of the individual depicted is visible.

10 (7) Online entity. – An individual or group of individuals working together or an
11 entity defined in G.S. 66-500.

12 (8) Online entity operator. – A provider for an online entity.

13 (9) Performer. – Any person portrayed in a visual depiction engaging in, or
14 assisting another person to engage in, sexual activity.

15 (10) Pornographic image. – A visual depiction of actual or feigned sexual activity
16 or an intimate visual depiction.

17 (11) Publish. – As defined in G.S. 66-500.

18 (12) Sexual activity. – As defined in G.S. 14-190.13.

19 (13) Visual depiction. – Any photograph, film, video, picture, digital image, or
20 computer-generated image or picture, whether made or produced by
21 electronic, mechanical, or other means.

22 **"§ 66-506. Age verification obligations.**

23 (a) An online entity operator may not publish or allow a user to publish a pornographic
24 image to the online entity unless the operator has verified that all of the following criteria are met
25 for each individual appearing in the pornographic image:

26 (1) The individual was not less than 18 years of age when the pornographic image
27 was created.

28 (2) The individual has provided explicit written evidence of consent for each act
29 of sexual activity in which the individual engaged during the creation of the
30 pornographic image.

31 (3) The individual has provided explicit written consent for the distribution of the
32 specific pornographic image.

33 (b) Separate consent is required for the act of sexual activity and for distribution of the
34 intimate visual depiction, as follows:

35 (1) Consent for sex act. – Consent described in subdivision (2) of subsection (a)
36 of this section does not imply or constitute evidence of consent described in
37 subdivision (3) of that subsection.

38 (2) Consent for distribution of image. – Consent described in subdivision (3) of
39 subsection (a) of this section does not imply or constitute evidence of consent
40 described in subdivision (2) of that subsection.

41 (c) To carry out the obligations of subsection (a) of this section, an online entity operator
42 shall obtain all of the following from the user or entity seeking to publish the pornographic image
43 or through other means:

44 (1) Written consent from each individual appearing in the pornographic image
45 that includes:

46 a. The name, date of birth, and signature of the individual.

47 b. A statement that the individual is not less than 18 years of age, unless
48 no reasonable person could conclude that the individual is less than 30
49 years of age.

50 c. A statement that the consent is for distribution of the specific
51 pornographic image.

1 d. A statement that explains coerced consent and that the individual has
2 the right to withdraw the individual's consent at any time.

3 (2) Not less than one form of valid identification for each individual appearing in
4 the pornographic image (i) issued by an agency of the federal government or
5 of a state, local, or foreign government; and (ii) containing the name, date of
6 birth, signature, and photograph of the individual; and on which the name,
7 date of birth, and signature of the individual match the name, date of birth,
8 and signature of the individual on the consent form required under subsection
9 (a) of this section.

10 **"§ 66-507. Removal of images.**

11 (a) An online entity operator shall establish a procedure for removing a pornographic
12 image from the online entity at the request of a person and designate one or more employees of
13 the operator to be responsible for handling requests for removal of pornographic images.

14 (b) An online entity operator shall display a prominently visible notice on the website or
15 mobile application of the online entity that provides instructions on how a person can request the
16 removal of a pornographic image.

17 (c) If an online entity operator receives a request from an eligible person or a law
18 enforcement officer acting pursuant to a valid court order, through any request mechanism
19 offered by the operator under subsection (b) of this section, to remove a pornographic image that
20 is being hosted by the online entity without the consent of an individual who appears in the
21 pornographic image, the operator shall remove the pornographic image as quickly as possible,
22 and in any event not later than 72 hours after receiving the request.

23 (d) If an online entity operator receives a request from a person other than an eligible
24 person or law enforcement officer acting pursuant to a court order, through any request
25 mechanism offered by the operator under subsection (b) of this section, to remove a pornographic
26 image that is being hosted by the online entity without the consent of an individual who appears
27 in the pornographic image, then not later than 72 hours after receiving the request, the operator
28 shall do the following:

29 (1) Review the records of the operator with respect to the pornographic image to
30 determine whether the pornographic image was published to the platform in
31 accordance with the verification requirements of G.S. 66-506; and

32 (2) Remove the pornographic image if the operator determines that the
33 pornographic image was not published to the platform in accordance with the
34 verification requirements of G.S. 66-506.

35 (e) An online entity operator shall remove a pornographic image temporarily if any
36 question arises as to the consent of a performer. This requirement is in addition to the
37 requirements of subsections (c) and (d) of this section.

38 (f) At the request of a performer, a pornographic image distributed or published by an
39 online entity operator must be removed within 72 hours of the request being made, regardless of
40 the age or consent of the performer.

41 (g) In the case of a pornographic image that has been removed from an online entity in
42 accordance with this section, the online entity operator shall block the pornographic image, and
43 any altered or edited version of the pornographic image, from being distributed on or published
44 to the online entity again.

45 **"§ 66-508. Obligations of users.**

46 (a) A user of an online entity may not distribute or publish a pornographic image of an
47 individual to the online entity without the consent of the individual.

48 (b) For purposes of subsection (a) of this section, whether an individual has provided
49 consent to the publishing of a pornographic image shall be determined in accordance with this
50 Article.

51 **"§ 66-509. Enforcement.**

1 (a) Violations of this Article are subject to the imposition of civil penalties. In
2 determining the amount of the penalty, the Attorney General shall consider the degree and extent
3 of harm caused by the violation. A civil penalty under this Article shall accrue on a per day and
4 per image basis. The clear proceeds of civil penalties assessed pursuant to this section shall be
5 remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

6 (b) The Attorney General may impose a civil penalty on any online entity operator that
7 violates this Article in an amount of not more than ten thousand dollars (\$10,000) for each day
8 during which a pornographic image remains on the online entity, beginning 24 hours after the
9 Attorney General provides notice of the violation to the operator.

10 (c) The Attorney General may impose a civil penalty on any online entity operator that
11 violates G.S. 66-507(b) in an amount of not more than ten thousand dollars (\$10,000) for each
12 day during which the online entity remains in violation, beginning 24 hours after the Attorney
13 General provides notice of the violation to the operator.

14 (d) The Attorney General may impose a civil penalty on any online entity operator that
15 violates G.S. 66-507(c) in an amount of not more than five thousand dollars (\$5,000) for each
16 day during which the online entity remains in violation of that subsection, beginning 24 hours
17 after the Attorney General provides notice of the violation to the operator.

18 (e) An online entity operator shall not be liable for a violation of this Article if, in
19 allowing the publishing of a pornographic image to the online entity, the operator reasonably
20 relied on verification materials that were later found to be in violation of this Article, provided
21 that the operator removes the pornographic image not later than 24 hours after receiving notice
22 that the verification materials are in violation of this Article.

23 (f) If an online entity operator fails to remove a pornographic image within 24 hours of
24 receiving notice that the verification materials are in violation of this Article, damages shall be
25 calculated with respect to each day on or after the date on which that 24-hour period expires.

26 (g) If an online entity operator violates this Article with respect to a pornographic image,
27 any eligible person may bring a civil action against the online entity operator for damages in an
28 amount equal to (i) ten thousand dollars (\$10,000) for each day during which a pornographic
29 image remains on the online entity in violation of this Article, calculated on a per day and per
30 image basis, or (ii) actual damages, whichever is greater. A prevailing eligible person shall be
31 awarded attorneys' fees.

32 (h) If a user of an online entity violates this Article with respect to a pornographic image,
33 any eligible person may bring a civil action against the user for damages in an amount equal to
34 (i) ten thousand dollars (\$10,000) for each day during which the pornographic image remains on
35 the online entity in violation of this Article, calculated on a per day and per image basis or (ii)
36 actual damages, whichever is greater. A prevailing eligible person shall be awarded attorneys'
37 fees.

38 **"§ 66-510. Severability.**

39 If any provision of this Article is held invalid or unenforceable, the invalidity or
40 unenforceability shall not affect other provisions or applications of this Article that can be given
41 effect without the invalid or unenforceable provision or application and, to this end, the
42 provisions of this Article are severable."

43 **SECTION 2.** This act becomes effective December 1, 2025, and applies to acts or
44 omissions occurring before, on, or after that date.