

Withdrawn



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 576

AMENDMENT NO. A2

(to be filled in by
Principal Clerk)

H576-ABP-23 [v.2]

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Amends Title [YES]
Second Edition

Date _____, 2025

Senator Grafstein

1 moves to amend the bill on page 1, line 3, by rewriting the line to read:

2 "LAWS PERTAINING TO THE DEPARTMENT OF HEALTH AND HUMAN
3 SERVICES; AND TO PREVENT THE SEXUAL EXPLOITATION OF WOMEN AND
4 MINORS."
5

6 And on page 17, lines 28-30, by rewriting the lines to read:

7 **"PART VII. PREVENT THE SEXUAL EXPLOITATION OF WOMEN AND MINORS**

8 **SECTION 7.1.(a)** Chapter 66 of the General Statutes is amended by adding a new
9 Article to read:

10 "Article 51A.

11 "Prevent Sexual Exploitation of Women and Minors.

12 **"§ 66-505. Short title; definitions.**

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

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

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

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

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

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

25 a. Through fraud, duress, misrepresentation, undue influence, or
26 nondisclosure.

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

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

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



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- 1 (5) Eligible person. – An individual depicted in the pornographic image who has
2 not provided consent, or who has withdrawn consent in compliance with the
3 laws applicable to the jurisdiction, for the distribution of the pornographic
4 image, or an authorized representative of that individual.
5 (6) Intimate visual depiction. – Any visual depiction of an individual meeting all
6 of the following criteria:
7 a. The individual is reasonably identifiable from the visual depiction
8 itself or information displayed in connection with the visual depiction,
9 including through (i) facial recognition, (ii) an identifying marking on
10 the individual, including a birthmark, piercing, or tattoo, (iii) an
11 identifying feature of the background of the visual depiction, (iv) voice
12 matching, or (v) written confirmation from an individual who is
13 responsible, in whole or in part, for the creation or development of the
14 visual depiction.
15 b. The individual depicted is engaging in sexual activity or the exposed
16 or substantially exposed genitals, anus, pubic area, or post-pubescent
17 female nipple of the individual depicted is visible.
18 (7) Online entity. – An individual or group of individuals working together or an
19 entity defined in G.S. 66-500.
20 (8) Online entity operator. – A provider for an online entity.
21 (9) Performer. – Any person portrayed in a visual depiction engaging in, or
22 assisting another person to engage in, sexual activity.
23 (10) Pornographic image. – A visual depiction of actual or feigned sexual activity
24 or an intimate visual depiction.
25 (11) Publish. – As defined in G.S. 66-500.
26 (12) Sexual activity. – As defined in G.S. 14-190.13.
27 (13) Visual depiction. – Any photograph, film, video, picture, digital image, or
28 computer-generated image or picture, whether made or produced by
29 electronic, mechanical, or other means.

30 **"§ 66-506. Age verification obligations.**

- 31 (a) An online entity operator may not publish or allow a user to publish a pornographic
32 image to the online entity unless the operator has verified that all of the following criteria are met
33 for each individual appearing in the pornographic image:
34 (1) The individual was not less than 18 years of age when the pornographic image
35 was created.
36 (2) The individual has provided explicit written evidence of consent for each act
37 of sexual activity in which the individual engaged during the creation of the
38 pornographic image.
39 (3) The individual has provided explicit written consent for the distribution of the
40 specific pornographic image.
41 (b) Separate consent is required for the act of sexual activity and for distribution of the
42 intimate visual depiction, as follows:

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- 1 (1) Consent for sex act. – Consent described in subdivision (2) of subsection (a)
2 of this section does not imply or constitute evidence of consent described in
3 subdivision (3) of that subsection.
4 (2) Consent for distribution of image. – Consent described in subdivision (3) of
5 subsection (a) of this section does not imply or constitute evidence of consent
6 described in subdivision (2) of that subsection.
7 (c) To carry out the obligations of subsection (a) of this section, an online entity operator
8 shall obtain all of the following from the user or entity seeking to publish the pornographic image
9 or through other means:
10 (1) Written consent from each individual appearing in the pornographic image
11 that includes:
12 a. The name, date of birth, and signature of the individual.
13 b. A statement that the individual is not less than 18 years of age, unless
14 no reasonable person could conclude that the individual is less than 30
15 years of age.
16 c. A statement that the consent is for distribution of the specific
17 pornographic image.
18 d. A statement that explains coerced consent and that the individual has
19 the right to withdraw the individual's consent at any time.
20 (2) Not less than one form of valid identification for each individual appearing in
21 the pornographic image (i) issued by an agency of the federal government or
22 of a state, local, or foreign government; and (ii) containing the name, date of
23 birth, signature, and photograph of the individual; and on which the name,
24 date of birth, and signature of the individual match the name, date of birth,
25 and signature of the individual on the consent form required under subsection
26 (a) of this section.

27 **"§ 66-507. Removal of images.**

- 28 (a) An online entity operator shall establish a procedure for removing a pornographic
29 image from the online entity at the request of a person and designate one or more employees of
30 the operator to be responsible for handling requests for removal of pornographic images.
31 (b) An online entity operator shall display a prominently visible notice on the website or
32 mobile application of the online entity that provides instructions on how a person can request the
33 removal of a pornographic image.
34 (c) If an online entity operator receives a request from an eligible person or a law
35 enforcement officer acting pursuant to a valid court order, through any request mechanism
36 offered by the operator under subsection (b) of this section, to remove a pornographic image that
37 is being hosted by the online entity without the consent of an individual who appears in the
38 pornographic image, the operator shall remove the pornographic image as quickly as possible,
39 and in any event not later than 72 hours after receiving the request.
40 (d) If an online entity operator receives a request from a person other than an eligible
41 person or law enforcement officer acting pursuant to a court order, through any request
42 mechanism offered by the operator under subsection (b) of this section, to remove a pornographic
43 image that is being hosted by the online entity without the consent of an individual who appears

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1 in the pornographic image, then not later than 72 hours after receiving the request, the operator
2 shall do the following:

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

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

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

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

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

19 **"§ 66-508. Obligations of users.**

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

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

25 **"§ 66-509. Enforcement.**

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

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

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

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

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

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

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

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

21 **"§ 66-510. Severability.**

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

26 **SECTION 7.1.(b)** This section becomes effective December 1, 2025, and applies to
27 acts or omissions occurring before, on, or after that date.

28
29 **PART VIII. EFFECTIVE DATE**

30 **SECTION 8.1** Except as otherwise provided, this act is effective when it becomes
31 law."
32

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____