



HOUSE BILL 805: Prevent Sexual Exploitation/Women and Minors.

2025-2026 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	June 19, 2025
Introduced by:	Reps. N. Jackson, Budd, Stevens, Balkcom	Prepared by:	Robert Ryan
Analysis of:	Third Edition		Staff Attorney

OVERVIEW: *House Bill 805 would do the following:*

- *Provide that certain definitions apply to all administrative rules, regulations, or public policies of North Carolina and its political subdivisions.*
- *Create age verification and consent requirements for individuals appearing in pornographic images, provide for the removal of those images, and create enforcement mechanisms.*
- *Prohibit State funds from being used to fund surgical gender transition procedures, puberty blocking drugs, or cross-sex hormones to any prisoner incarcerated in the State prison system or the Statewide Misdemeanor Confinement Program.*
- *Modify G.S. 130A-118, amendment of birth and death certificates, by adding a new subsection.*
- *Modify the law related to civil remedies for gender transition procedures on non-minors.*
- *Allow students to be excused from certain classroom discussions or activities, and allow parent access to library books in schools.*

CURRENT LAW & BILL ANALYSIS:

Section 1

Section 1 would create a new statute, G.S. 12-3.3, in Chapter 12 of the General Statutes, Statutory Construction.

G.S. 12-3.3 would provide that the following definitions apply to all administrative rules, regulations, or public policies of North Carolina and its political subdivisions, unless otherwise specified:

- **Biological Sex.** – The biological indication of male and female in the context of reproductive potential or capacity, such as sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience of gender.
- **Boy.** – A minor human male.
- **Father.** – A male parent.
- **Female.** – A term that when used to refer to a natural person, means a person belonging, at conception, to the sex characterized by a reproductive system with the biological function of producing ova (eggs).

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- Gender identity. – A term that means an individual's self declared identity that may not align with biological sex and, being a subjective internal sense, shall not be treated as legally or biologically equivalent to sex.
- Girl. – A minor human female.
- Male. – A term that when used to refer to a natural person, means a person belonging, at conception, to the sex characterized by a reproductive system with the biological function of producing sperm.
- Man. – An adult human male.
- Mother. – A female parent.
- Woman. – An adult human female

This section becomes effective January 1, 2026.

Section 2

Section 2 would enact Article 51A of Chapter 66, to be titled "Prevent Sexual Exploitation of Women and Minors Act."

The section would provide definitions for several terms, including "eligible person" and "online entity."

An online entity operator would be prohibited from publishing a pornographic image to the online entity unless the operator has verified that each individual in the image was not less than 18 years of age when the image was created, has provided written consent for each sexual act engaged in during the creation of the image, and has provided written consent for the distribution of the image.

Separate consent would be required for each act of sexual activity and for the distribution of the image, and the consent of one may not imply or constitute evidence of consent for the other.

An online entity operator would be required to obtain all of the following from the user or entity seeking to publish the pornographic image:

- Written consent from each individual appearing in the image, including the name, date of birth, and signature of the individual, a statement that the individual is not less than 18 years of age, a statement that the consent is for distribution of the specific image, and a statement that explains coerced consent and informs the individual of the individual's right to revoke consent at any time.
- Not less than one form of valid identification for each individual appearing in the pornographic image that is issued by a federal agency or a state, local, or foreign government, and that contains the name, date of birth, and signature of the same individual on the consent form.

An online entity would be required to do the following:

- Establish a procedure for removing a pornographic image from the online entity and designate one or more employees to be responsible for handling requests for removal.
- Display a prominently visible notice on the website that provides instructions on how a person may request removal.
- Remove within 72 hours a pornographic image that is being hosted by the online entity without the consent of an individual who appears in the image.
- If an online entity receives a request for removal from a person other than an eligible person or law enforcement officer acting pursuant to a valid court order, then not later than 72 hours after

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receiving the request, the operator shall review the records of the operator to determine if the image was published in accordance with the verification requirements and remove the image if not in accordance with the requirements.

- Remove the image temporarily if any question arises as to the consent of a performer.
- Remove the image within 72 hours if the performer requests removal, regardless of the age and consent of the performer.
- When an image is removed, block the pornographic image and any altered or edited version of the image from being distributed or published on the entity again.

A user of an online entity would be prohibited from distributing or publishing a pornographic image of an individual to the online entity without the consent of the individual.

Violations of Article 51A would be subject to the imposition of civil penalties, which would accrue on a per day and per image basis. The Attorney General could not impose more than \$10,000 for each day during which the image remains on the online entity. The clear proceeds of civil penalties assessed would be remitted to the Civil Penalty and Forfeiture Fund.

If an online entity operator violates these provisions, any eligible person would be permitted to bring a civil action against the operator for damages in an amount equal to the greater of (i) \$10,000 for each day during which an image remains on the online entity, calculated on a per day and per image basis, or (ii) actual damages.

The Attorney General may impose the following civil penalties on any operator:

- If the operator violates the provision requiring a prominently visible notice, in an amount of not more than \$10,000 for each day the entity remains in violation.
- If the operator does not comply with the provision governing a removal request, in an amount not more than \$5,000 for each day the entity remains in violation, beginning 24 hours after the Attorney General provides notice of the violation to the operator.

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

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

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

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

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This section would become effective December 1, 2025, and would apply to acts or omissions occurring before, on, or after that date.

Section 3

Section 3 would modify G.S. 143C-6-5.6, Limitation on use of State funds for gender transition procedures, to prohibit State funds from being used to fund surgical gender transition procedures, puberty blocking drugs, or cross-sex hormones to any prisoner incarcerated in the State prison system or the Statewide Misdemeanor Confinement Program or otherwise in the custody of the Department of Adult Correction, or to support the administration of any governmental health plan or government-offered insurance policy offering surgical gender transition procedures, puberty-blocking drugs, or cross-sex hormones to any prisoner incarcerated in the State prison system or the Statewide Misdemeanor Confinement Program or otherwise in the custody of the Department of Adult Correction. This provision would not apply to the State Health Plan for Teachers and State Employees.

This section becomes effective July 1, 2025. Subsection (c) of G.S. 143C 6 5.6 expires 30 days after the Memorandum and Order, dated June 10, 2022, or the permanent injunction ordered therein in *Kadel v. Folwell*, 1:19CV272 is vacated, overturned, or is no longer in force.

Section 3.1

G.S. 1-15 governs causes of action arising from malpractice. Causes of action arising from malpractice are typically deemed to accrue at the time of the occurrence of the last act of the defendant giving rise to the claim.

When the injury is not readily apparent to the claimant at the time of its origin, and the injury is discovered or should reasonably be discovered by the claimant two or more years after the occurrence of the last act of the defendant giving rise to the cause of action, suit must be commenced within one year from the date discovery is made. In no event shall an action be commenced more than four years from the last act of the defendant giving rise to the cause of action.

G.S. 90-21.150 provides definitions for gender transition procedures on minors. Gender transition is defined in this section as "the process in which a person goes from identifying with and living as a gender that corresponds to his or her biological sex to identifying with and living as a gender different from his or her biological sex and may involve social, legal, or physical changes."

Section 3.1 would create a new statute to provide that a cause of action for malpractice under G.S. 1-15 arising out of the performance of or failure to perform services while in the course of facilitating or perpetuating gender transition shall be commenced within 10 years from the time of discovery by the injured party of both the injury and the causal relationship between the treatment and the injury against the offending medical professional or entity.

Section 3.2

G.S. 115C-81.30(b) requires each local board of education to adopt a policy allowing a parent or guardian to withdraw his or her child from instruction related to any of the following:

- Sexually transmitted diseases
- Effectiveness and safety of FDA-approved contraceptive methods in preventing pregnancy.
- Awareness of sexual assault, sexual abuse, and risk reduction.
- Awareness of sex trafficking and prevention.

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G.S. 115C-81.30(c) requires local boards of education to adopt a policy providing parents or guardians to either consent to or withhold their consent to their students' participation in instruction related to sexually transmitted diseases or reproductive health and safety.

Section 3.2 would require local boards of education to adopt policies allowing a student or the student's parent or guardian to request excusal from any classroom discussions, activities, or assigned readings if the student, parent, or guardian believes either of the following:

- The discussion, activity, or assigned reading would impose a substantial burden on the student's religious beliefs.
- The discussion, activity, or assigned reading would invade the student's privacy by calling attention to the student's religion.

The school would be required to provide the excused student with an alternative activity or assignment aligned with the standard course of study.

Section 3.3

Section 3.3 would require local boards of education to adopt policies to do both of the following:

- Provide public access to the titles of library books maintained at each school's library.
- Allow a parent of a student to identify library books that could not be borrowed by the student.

Library books would be defined as electronic, print, and nonprint resources, excluding textbooks, for independent use by students and school personnel outside of the standard course of study for any grade or course. Library books could be held in a formal school library or in a classroom.

Section 4

Section 4 would modify G.S. 130A-118 by adding a new subsection. When sex of a person is changed on an amended or new birth certificate, the State Registrar shall attach the new certificate to the certificate of birth then on file and shall preserve both certificates as a multi page document. The State Registrar shall forward a copy of the new certificate to the register of deeds of the county of birth. The register of deeds of the county of birth shall attach the new certificate to the copy of the certificate of birth on file. The register of deeds shall preserve both certificates as a multi page document. Thereafter, when a certified copy of the certificate of birth of the person is issued, it shall be a copy of the multi page document. The State Registrar shall adopt rules and policies to implement these requirements.

This section would become effective when it becomes law.

EFFECTIVE DATE: Except as otherwise provided, this act is effective when it becomes law.

**Hannah Kendrick, Amy Darden, and Brian Gwyn, Staff Attorneys with the Legislative Analysis Division, substantially contributed to this summary.*