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Short Title: Prevent Sexual Exploitation/Women and Minors.

(Public)

Sponsors:

Referred to:

April 8, 2025

A BILL TO BE ENTITLED

AN ACT TO OFFICIALLY RECOGNIZE TWO SEXES IN NORTH CAROLINA, TO PREVENT THE SEXUAL EXPLOITATION OF WOMEN AND MINORS, TO LIMIT THE USE OF STATE FUNDING, TO MODIFY THE LAW RELATED TO BIRTH CERTIFICATES, TO MODIFY THE LAW RELATED TO CIVIL REMEDIES FOR GENDER TRANSITION PROCEDURES ON NON-MINORS, TO ALLOW STUDENTS WITH RELIGIOUS OBJECTIONS TO BE EXCUSED FROM CERTAIN CLASSROOM DISCUSSIONS OR ACTIVITIES, AND TO ALLOW PARENT ACCESS TO LIBRARY BOOKS AND TO PROVIDE FOR RESTRICTIONS ON SCHOOL SLEEPING QUARTERS.

Whereas, on January 20, 2025, President Donald J. Trump issued Executive Order 14168, titled "Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government," which affirms that the United States recognizes only two sexes—male and female—as immutable and grounded in biological reality; and

Whereas, the General Assembly finds that North Carolina must provide clarity, certainty, and uniformity to its laws by requiring that the laws and policies of the State reflect and apply biologically grounded definitions of sex; and

Whereas, the General Assembly must ensure compliance with Executive Order 14168 and federal policy directives issued by the federal government to maintain eligibility for any and all federal funding and program participation; Now, therefore, The General Assembly of North Carolina enacts:

SECTION 1.(a) Chapter 12 of the General Statutes is amended by adding a new section to read:

"§ 12-3.3. Official recognition of two sexes in all administrative rules, regulations, or public policies adopted by the State of North Carolina or its political subdivisions.

The following definitions shall apply to all administrative rules, regulations, or public policies adopted by the State of North Carolina or its political subdivisions, unless otherwise specified:

- (1) 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.
- (2) Boy. – A minor human male.



1 matching, or (v) written confirmation from an individual who is
2 responsible, in whole or in part, for the creation or development of the
3 visual depiction.

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

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

9 (8) Online entity operator. – A provider for an online entity that qualifies as a
10 sexually oriented business as defined by G.S. 160D-902(f) or which is subject
11 to G.S. 66-501 because it publishes or distributes material on a website that
12 contains a substantial portion of material harmful to minors.

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

45 **SECTION 3.(a)** G.S. 143C-6-5.6 reads as rewritten:

46 **"§ 143C-6-5.6. Limitation on use of State funds for gender transition procedures.**

47 (a) The following definitions apply in this section:

48 (1) Cross-sex hormones. – As defined in G.S. 90-21.150.

49 (2) Minor. – As defined in G.S. 90-21.150.

50 (3) Puberty-blocking drugs. – As defined in G.S. 90-21.150.

51 (4) Surgical gender transition procedure. – As defined in G.S. 90-21.150.

1 (b) No State funds may be used, directly or indirectly, for the performance of or in
2 furtherance of surgical gender transition procedures, or to provide puberty-blocking drugs or
3 cross-sex hormones to a minor, or to support the administration of any governmental health plan
4 or government-offered insurance policy offering surgical gender transition procedures,
5 puberty-blocking drugs, or cross-sex hormones to a minor.

6 (b1) No State funds may be used, directly or indirectly, for the performance of or in
7 furtherance of surgical gender transition procedures, or to provide puberty-blocking drugs or
8 cross-sex hormones to any prisoner incarcerated in the State prison system or the Statewide
9 Misdemeanor Confinement Program or otherwise in the custody of the Department of Adult
10 Correction, or to support the administration of any governmental health plan or
11 government-offered insurance policy offering surgical gender transition procedures,
12 puberty-blocking drugs, or cross-sex hormones to any prisoner incarcerated in the State prison
13 system or the Statewide Misdemeanor Confinement Program or otherwise in the custody of the
14 Department of Adult Correction. Nothing in this subsection shall be construed to prevent State
15 funds from being used, directly or indirectly, to address medical complications resulting in
16 imminent physical harm, including the treatment of any infection, injury, disease, or disorder that
17 has been caused by or exacerbated by a previously performed or privately funded gender
18 transition procedure.

19 (c) ~~Subsection (b)~~ Subsections (b) and (b1) of this section shall not apply to the State
20 Health Plan for Teachers and State Employees."

21 **SECTION 3.(b)** This section becomes effective July 1, 2025. Subsection (c) of
22 G.S. 143C-6-5.6 expires 30 days after the Memorandum and Order, dated June 10, 2022, or the
23 permanent injunction ordered therein in Kadel v. Folwell, 1:19CV272 is vacated, overturned, or
24 is no longer in force. The State Health Plan for Teachers and State Employees shall notify the
25 Revisor of Statutes if the order or injunction is vacated, overturned, or no longer in force.

26 **SECTION 3.1.(a)** Chapter 90 of the General Statutes is amended by adding a new
27 Article to read:

28 "Article 10.

29 "Gender Transition Procedures on Non-Minors.

30 **"§ 90-21.175. Civil remedies for gender transition procedures on non-minors.**

31 (a) Unless the context requires otherwise, the definitions provided in G.S. 90-21.150
32 apply in this section.

33 (b) Unless an action is brought pursuant to G.S. 90-21.154, a cause of action for
34 malpractice under G.S. 1-15 arising out of the performance of or failure to perform services while
35 in the course of facilitating or perpetuating gender transition shall be commenced within 10 years
36 from the time of discovery by the injured party of both the injury and the causal relationship
37 between the treatment and the injury against the offending medical professional or entity.

38 (c) A medical professional or entity may not seek a contractual waiver of the liability
39 arising out of the performance of or failure to perform services while in the course of facilitating
40 or perpetuating gender transition. Any attempted waiver is contrary to the public policy of this
41 State and is null and void.

42 (d) G.S. 90-21.19 does not apply to damages for a cause of action for malpractice under
43 G.S. 1-15 arising out of the performance of or failure to perform services while in the course of
44 facilitating or perpetuating gender transition."

45 **SECTION 3.1.(b)** This section is effective when it becomes law and applies to
46 causes of action accruing before, on, or after that date. This section revives any cause of action
47 arising out of the performance of or failure to perform services while in the course of facilitating
48 or perpetuating gender transition otherwise time-barred under G.S. 1-15, whether or not such
49 cause of action has been asserted in a pending civil action or appeal.

50 **SECTION 3.2.(a)** G.S. 115C-47 reads as rewritten:

51 **"§ 115C-47. Powers and duties generally.**

1 In addition to the powers and duties designated in G.S. 115C-36, local boards of education
2 shall have the power or duty:

3 ...

4 (33b) To Excuse Students with Religious Objections. – Local boards of education
5 shall adopt policies to allow a student or the student's parent or guardian to
6 request that the student be excused from specific classroom discussions,
7 activities, or assigned readings that the student, parent, or guardian believes
8 would (i) impose a substantial burden on the student's religious beliefs or (ii)
9 invade the student's privacy by calling attention to the student's religion. To
10 the extent practicable, the local board of education shall provide advance
11 notice to students, parents, and guardians of the discussions, activities, or
12 assigned readings. If a student is excused from a classroom discussion,
13 activity, or assigned reading, the school shall provide the student with an
14 alternative activity or assignment aligned with the standard course of study.

15 (33c) To Allow Parent Access to Library Books. – Local boards of education shall
16 adopt policies related to library books consistent with G.S. 115C-98.1.

17"

18 **SECTION 3.2.(b)** This section is effective when it becomes law.

19 **SECTION 3.3.(a)** Article 3 of Chapter 115C of the General Statutes is amended by
20 adding a new section to read:

21 **"§ 115C-98.1. Parent access to library books.**

22 (a) For the purposes of this section, the term "library books" means electronic, print, and
23 nonprint resources, excluding textbooks, for independent use by students and school personnel
24 outside of the standard course of study for any grade or course. Library books may be held in a
25 formal school library or in a classroom.

26 (b) Local boards of education shall adopt policies that do all of the following:

27 (1) Provide ongoing public access through a searchable web-based catalog to the
28 titles of any library books available at each school within the local school
29 administrative unit. Each school shall display its catalog on the homepage of
30 its website.

31 (2) Allow a parent or guardian of a student to identify any library books that may
32 not be borrowed by the student. A student shall not be permitted to borrow
33 any library books identified by the student's parent or guardian pursuant to
34 this subdivision."

35 **SECTION 3.3.(b)** This section is effective when it becomes law and applies
36 beginning with the 2025-2026 school year.

37 **SECTION 3.4.(a)** Article 7B of Chapter 115C of the General Statutes is amended
38 by adding a new section to read:

39 **"§ 115C-76.110. Restrictions on sleeping quarters.**

40 (a) For the purposes of this section, the following definitions apply:

41 (1) Biological sex. – As defined in G.S. 12-3.3.

42 (2) Immediate family member. – A parent, brother, sister, or grandparent. The
43 term includes step and half relationships.

44 (3) Sleeping quarters. – A room with a bed that is intended to be used to house a
45 person overnight or other area designated for overnight sleep.

46 (b) The governing body of a public school unit shall adopt a policy that prohibits students
47 from sharing sleeping quarters with a member of the other biological sex during any activity or
48 event authorized by a school within the public school unit, except when authorized by the school
49 in either of the following circumstances:

50 (1) The parents or legal guardians of all students sharing the sleeping quarters
51 have provided written permission to the school.

1 (2) The member of the other biological sex is the student's immediate family
2 member."

3 **SECTION 3.4.(b)** This section is effective when it becomes law and applies beginning with
4 the 2025-2026 school year.

5 **SECTION 4.(a)** G.S. 130A-118 reads as rewritten:

6 "**§ 130A-118. Amendment of birth and death certificates.**

7 ...

8 (f) When the sex of a person is changed on an amended or new birth certificate issued
9 under subsection (a) or (b)(4) of this section, the State Registrar shall attach the new certificate
10 to the certificate of birth then on file and shall preserve both certificates as a multi-page
11 document. The State Registrar shall forward a copy of the new certificate to the register of deeds
12 of the county of birth. The register of deeds of the county of birth shall attach the new certificate
13 to the copy of the certificate of birth on file. The register of deeds shall preserve both certificates
14 as a multi-page document. Thereafter, when a certified copy of the certificate of birth of the
15 person is issued, it shall be a copy of the multi-page document. The State Registrar shall adopt
16 rules and policies to implement these requirements."

17 **SECTION 4.(b)** This section becomes effective December 1, 2025.

18 **SECTION 4.1.** If any section or provision of this act is declared unconstitutional or
19 invalid by the courts, it does not affect the validity of this act as a whole or any part other than
20 the part so declared to be unconstitutional or invalid.

21 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
22 law.