Article 51A.

Prevent Sexual Exploitation of Women and Minors.

§ 66-505. Short title; definitions.

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

(b) The following definitions apply in this Article:

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

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

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

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

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

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

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

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

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 – An individual depicted in the pornographic image who has not provided consent, or who has withdrawn consent in compliance with the laws applicable to the jurisdiction, for the distribution of the pornographic image, or an authorized representative of that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

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

a. The individual is reasonably identifiable from the visual depiction itself or information displayed in connection with the visual depiction, including through (i) facial recognition, (ii) an identifying marking on the individual, including a birthmark, piercing, or tattoo, (iii) an identifying feature of the background of the visual depiction, (iv) voice matching, or (v) written confirmation from an individual who is responsible, in whole or in part, for the creation or development of the visual depiction.

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

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

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

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

(10) Pornographic image. – A visual depiction of actual or feigned sexual activity or an intimate visual depiction.
(11) Publish. – As defined in G.S. 66-500.
(12) Sexual activity. – As defined in G.S. 14-190.13.
(13) Visual depiction. – Any photograph, film, video, picture, digital image, or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means. (2025-84, s. 2(a).)