

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30161-LR-9A

Short Title: AI/Ban Deceptive Ads.

(Public)

Sponsors: Representative Warren.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REGULATE THE USE OF DEEPFAKES AND DECEPTIVE
3 ADVERTISEMENTS IN ELECTIONS AND PROTECT MINORS AND THE GENERAL
4 PUBLIC FROM MISUSE OF ARTIFICIAL INTELLIGENCE AND SYNTHETIC MEDIA.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. The General Statutes are amended by adding a new Chapter to read:

7 **"Chapter 170.**

8 **"Artificial Intelligence and Synthetic Media.**

9 **"Article 1.**

10 **"Political Campaigns.**

11 **"§ 170-1. Title; definitions.**

12 (a) This Chapter shall be known and may be cited as the "Artificial Intelligence and
13 Synthetic Media Act."

14 (b) The following definitions apply in this Chapter:

15 (1) Artificial intelligence or AI. – A machine-based system that can, for a given
16 set of human-defined objectives, make predictions, recommendations, or
17 decisions influencing real or virtual environments.

18 (2) Creator. – A person that uses artificial intelligence to generate synthetic
19 media. The term does not include a person that solely provides the technology
20 used in the creation of the synthetic media.

21 (3) Deceptive and fraudulent deepfake. – Synthetic media that depicts a candidate
22 or political party with the intent to injure the reputation of the candidate or
23 political party or otherwise deceive a voter and that either:

24 a. Appears to a reasonable person to depict a real individual saying or
25 doing something that did not actually occur in reality; or

26 b. Provides to a reasonable person a fundamentally different
27 understanding or impression of the appearance, action, or speech in an
28 image, audio recording, or video recording than a reasonable person
29 would have from an unaltered, original version of the image, audio
30 recording, or video recording.

31 (4) Deepfake. – A video, audio, or any other media of a person in which the
32 person's face, body, or voice has been digitally altered so that the person
33 appears to be someone else, the person appears to be saying something that
34 the person has never said, or the person appears to be doing something that
35 the person has never done.



- 1 (5) Digital content provenance. – Purely factual information that details a digital
2 resource's creator, origin, context, history, and editing process; and conforms
3 to an open industry technical standard.
- 4 (6) Digital impersonation. – Synthetic media, typically video or audio, that:
5 a. Has been digitally manipulated to convincingly replace one person's
6 likeness or voice with that of another using deep generative methods
7 and artificial intelligence techniques, or for which one person's
8 likeness or voice has otherwise been simulated using deep generative
9 methods and artificial intelligence techniques;
10 b. Was created with the intention to deceive or lead reasonable listeners
11 or viewers into believing that the content is authentic;
12 c. Reasonable viewers or listeners would believe actually represents the
13 person's voice or likeness;
14 d. Would cause reasonable viewers or listeners to conclude that the
15 recording or image is a true and accurate depiction of something the
16 person said or did;
17 e. Is not commentary, parody, satire, criticism, or artistic expression; and
18 f. Was not created by the person or with the person's consent.
- 19 (7) Digitization. – Creating or altering an image of a person in a realistic manner
20 utilizing images of another person or computer-generated images, regardless
21 of whether the creation or alteration is accomplished manually or through an
22 automated process. The term includes, but is not limited to, creation or
23 alteration of an image with the use of artificial intelligence.
- 24 (8) Fabricated intimate image. – Any photograph, motion picture film, videotape,
25 digital image, or any other recording or transmission of another person who is
26 identifiable from the image itself or from information displayed with or
27 otherwise connected to the image, and that was created or altered by
28 digitization to depict:
29 a. Computer-generated intimate body parts or the intimate body parts of
30 another person as the intimate body parts of the depicted person,
31 whether nude or visible through less than opaque clothing and
32 including the genitals, pubic area, anus, or postpubescent female
33 nipple; or
34 b. The depicted person engaging in sexual conduct in which the depicted
35 person did not actually engage.
- 36 (9) Generative artificial intelligence or Gen AI. – Artificial intelligence that:
37 a. Is trained on data;
38 b. Interacts with a person using text, audio, or visual communication; and
39 c. Generates non-scripted outputs similar to outputs created by a human,
40 with limited or no human oversight.
- 41 (10) Generated child pornography. – Any image that has been created, altered,
42 adapted, or modified by electronic, mechanical, or other computer-generated
43 means to portray a fictitious person, who a reasonable person would regard as
44 being a minor, engaged in sexual conduct.
- 45 (11) Information content provider. – A person or entity that is responsible, in whole
46 or in part, for the creation or development of information provided through
47 the Internet or any other interactive computer service.
- 48 (12) Materially deceptive media. – Synthetic audio or visual media that:
49 a. Exhibits a high level of authenticity or convincing appearance that is
50 visually or audibly indistinguishable from reality to a reasonable
51 person;

- 1 b. Depicts a scenario that did not actually occur; or that has been altered
2 in a significant way from how they actually occurred such that it
3 significantly changes how a reasonable person would understand the
4 original content;
5 c. Is likely or meant to harm reputation or mislead voters; and
6 d. Is created by generative artificial intelligence or with software,
7 machine learning, or any other computer-generated or technological
8 means, including adapting, modifying, manipulating, or altering a
9 realistic depiction.

10 (13) Regulated occupation. – Any occupation that is subject to licensing or
11 certification by a state occupational licensing board or commission.

12 (14) Sexual conduct. – As defined in G.S. 14-190.5A. The term includes "sexual
13 activity" as defined by G.S. 14-190.13.

14 (15) Sponsor. – A person that pays for the content that uses artificial intelligence
15 to generate synthetic media.

16 (16) Synthetic audio media. – Audio content that was substantially produced by
17 generative artificial intelligence.

18 (17) Synthetic media. – An image, audio recording, or video recording of an
19 individual's appearance, speech, or conduct that has been created or
20 intentionally manipulated with the use of digital technology in a manner to
21 create a realistic but false image, audio, or video.

22 (18) Synthetic visual media. – An image or video that was substantially produced
23 by generative artificial intelligence.

24 **§ 170-2. Use of synthetic media in political campaigns.**

25 (a) Within 90 days before an election at which a candidate for elected office will appear
26 on the ballot, a person who acts as a creator shall not sponsor or create and distribute a synthetic
27 media message that the person knows is a deceptive and fraudulent deepfake of that candidate or
28 of a political party that is on that ballot unless the synthetic media message includes a clear and
29 conspicuous disclosure that meets the following criteria:

30 (1) An audio communication that contains synthetic audio media shall include
31 audibly at the beginning and end of the communication the words, "Contains
32 content generated by AI." If the audio content is greater than two minutes in
33 length, the words shall be interspersed within the audio at intervals of not
34 greater than two minutes each, in the same language as the rest of the audio
35 used in the communication, and in a pitch that can be easily heard by the
36 average listener.

37 (2) A visual communication that contains synthetic media shall display
38 throughout the duration of each portion of the communication containing
39 synthetic media, in legible writing, the words:

40 a. "This video content generated by AI," if the content is a video that
41 includes synthetic visual media but not synthetic audio media;

42 b. "This image generated by AI," if the content is an image that includes
43 synthetic visual media but not synthetic audio media;

44 c. "This audio content generated by AI," if the video includes synthetic
45 audio media but not synthetic visual media; or

46 d. "This content generated by AI," if the communication includes both
47 synthetic audio media and synthetic visual media.

48 (3) For visual media, the disclosure shall be printed or typed in a legible font size
49 easily readable by the average viewer that is no smaller than other text
50 appearing in the visual media and in the same language used on the

1 communication to read as follows: "This (image, video, or audio) has been
2 manipulated."

3 (b) In addition to the requirements in subsection (a) of this section, a creator or sponsor
4 who publishes an online digital audio or visual communication that is viewable, audible, or
5 accessible in this State shall ensure the advertisement carries embedded tamper-evident digital
6 content provenance that discloses:

7 (1) The initial author and creator of the content;

8 (2) Any subsequent entities that edited, altered, or otherwise modified the content;
9 and

10 (3) Any use of generative artificial intelligence in generating or modifying the
11 substantive content.

12 (c) This section applies to an audio or visual communication that:

13 (1) Is paid for by a candidate campaign committee, political action committee,
14 political issues committee, political party, or a person using a contribution;

15 (2) Is intended to influence voting for or against a candidate or ballot proposition
16 in an election or primary in this State; and

17 (3) Contains synthetic media.

18 **§ 170-3. Use of materially deceptive media in political communications.**

19 (a) A person that distributes or publishes any political communication that was produced
20 by or includes materially deceptive media and knows or should know that it is materially
21 deceptive shall disclose this use, as follows:

22 (1) For visual media, the disclosure shall be printed or typed in a legible font size
23 easily readable by the average viewer that is no smaller than other text
24 appearing in the visual media and in the same language used on the
25 communication to read as follows: "This (image, video, or audio) has been
26 manipulated." This subdivision does not apply to any of the following:

27 a. Materially deceptive media that constitutes satire or parody.

28 b. Materially deceptive media created for the purposes of bona fide news
29 reporting when the required disclosure is included.

30 c. Initial dissemination by a platform or service, including, but not
31 limited to, a website, regularly published newspaper, or magazine,
32 where the content disseminated is materially deceptive media provided
33 by another information content provider when a good-faith effort has
34 been made to establish that the depiction is not materially deceptive
35 media.

36 d. An interactive computer service as defined in 47 U.S.C. § 230.

37 (2) For communication that is auditory, such as radio or automated telephone
38 calls, clearly speaking the statement at the beginning of the audio, at the end
39 of the audio, and, if the audio is greater than two minutes in length,
40 interspersed within the audio at intervals of not greater than two minutes each
41 and in the same language as the rest of the audio used in the communication,
42 and in a pitch that can be easily heard by the average listener.

43 **§ 170-4. Enforcement and remedies for violations.**

44 (a) A candidate whose appearance, action, or speech is depicted through the use of a
45 deceptive and fraudulent deepfake in violation of this Article may seek injunctive or other
46 equitable relief prohibiting the publication of the deceptive and fraudulent deepfake.

47 (b) A candidate whose voice or likeness appears in materially deceptive media in
48 violation of this Article may seek reasonable attorneys' fees, costs, and injunctive relief
49 prohibiting the distribution, publication, or broadcasting of any materially deceptive media in
50 violation of this Article against such individual or entity who disseminated or published the media

1 without the consent of the person depicted and who knew or should have known that it was
2 materially deceptive.

3 An action under this section shall be initiated by filing an application for an order to show
4 cause in the superior court where the materially deceptive media at issue could deceive and
5 influence voters in an upcoming election. The action shall be entitled to an automatic calendar
6 preference and be subject to expedited pretrial and trial proceedings.

7 (c) In any action alleging a violation of this Article in which a plaintiff seeks preliminary
8 relief with respect to an upcoming election, the court shall grant relief if it determines that
9 plaintiffs are more likely than not to succeed on the merits and it is possible to implement.

10 (d) The plaintiff bears the burden of establishing the use of materially deceptive media
11 by clear and convincing evidence in any action brought under this Article.

12 (e) Any person who violates this Article is guilty of a Class 1 misdemeanor, except that:

13 (1) A person who commits the violation within five years of one or more prior
14 convictions under this section is guilty of a Class A felony.

15 (2) A person who commits the violation with the intent to cause violence or bodily
16 harm is guilty of a Class A felony.

17 **"§ 170-5. Exceptions.**

18 This Article does not apply to any of the following:

19 (1) A radio or television broadcasting station, including a cable or satellite
20 television operator, programmer, or producer that:

21 a. Broadcasts a deceptive and fraudulent deepfake that is prohibited by
22 this Article and that is part of a bona fide newscast, news interview, or
23 news documentary or on-the-spot coverage of bona fide news events,
24 if the broadcast clearly acknowledges through its content or a
25 disclosure in a manner that can be easily heard or read by the average
26 listener or viewer that there are questions about the authenticity of the
27 materially deceptive audio or visual media; and

28 b. Is paid to broadcast a deceptive and fraudulent deepfake and has made
29 a good-faith effort to establish that the depiction is not a deceptive and
30 fraudulent deepfake.

31 (2) An internet website or a regularly published newspaper, magazine, or other
32 periodical of general circulation, including an internet or electronic
33 publication, that routinely carries news and commentary of general interest
34 and that publishes materially deceptive audio or visual media that is prohibited
35 by this Article if the publication clearly states that the materially deceptive
36 audio or visual media was generated by artificial intelligence.

37 (3) Media that constitutes satire or parody.

38 (4) An interactive computer service as defined in 47 U.S.C. § 230.

39 "Article 2.

40 "Pornography and Fabricated Images.

41 **"§ 170-6. Generated child pornography.**

42 (a) A person who intentionally creates generated child pornography is guilty of a Class
43 A felony.

44 (b) It is unlawful for a person to knowingly possess, control, or intentionally view a
45 photograph, a motion picture, a representation, an image, a data file, a computer depiction, or
46 any other presentation which, in whole or in part, the person knows includes generated child
47 pornography. A person who violates this subsection is guilty of a Class A felony.

48 (c) The possession, control, or intentional viewing of each such photograph, motion
49 picture, representation, image, data file, computer depiction, or other presentation constitutes a
50 separate offense.

1 (d) This section does not apply to any material possessed, controlled, or intentionally
2 viewed as part of a law enforcement investigation.

3 (e) In a criminal proceeding, any property or material that constitutes generated child
4 pornography must remain secured or locked in the care, custody, and control of a law
5 enforcement agency, the district attorney, or the court. Notwithstanding any law or rule of court
6 to the contrary, a court shall deny, in a criminal proceeding, any request by the defendant to copy,
7 photograph, duplicate, or otherwise reproduce any property or material that constitutes generated
8 child pornography so long as the district attorney makes the property or material reasonably
9 available to the defendant. For purposes of this section, property or material is deemed to be
10 reasonably available to the defendant if the district attorney provides ample opportunity at a
11 designated facility for the inspection, viewing, and examination of the property or material that
12 constitutes generated child pornography by the defendant, the defendant's attorney, or any
13 individual whom the defendant uses as an expert during the discovery process or at a court
14 proceeding.

15 **"§ 170-7. Disclosure of fabricated intimate images.**

16 (a) A person is guilty of a Class 1 misdemeanor when the person knowingly discloses a
17 fabricated intimate image of another person and the person disclosing the image:

18 (1) Knows or should have known that the depicted person has not consented to
19 the disclosure; and

20 (2) Knows or reasonably should know that disclosure would cause harm to the
21 depicted person.

22 (b) A person who is under the age of 18 is not guilty of the crime of disclosing fabricated
23 intimate images unless the person:

24 (1) Intentionally and maliciously disclosed a fabricated intimate image of another
25 person; and

26 (2) Knows or should have known that the depicted person has not consented to
27 the disclosure.

28 (c) This section does not apply to:

29 (1) Disclosures made in the public interest, including, but not limited to, the
30 reporting of unlawful conduct, or the lawful and common practices of law
31 enforcement, criminal reporting, legal proceedings, or medical treatment; or

32 (2) Images that constitute commentary, criticism, or disclosure protected by the
33 North Carolina Constitution or the United States Constitution.

34 (d) This section does not impose liability upon the following entities solely as a result of
35 content provided by another person:

36 (1) An interactive computer service, as defined in Title 47 U.S.C. § 230(f)(2);

37 (2) A mobile telecommunications service provider; or

38 (3) A telecommunications network or broadband provider.

39 (e) In any prosecution for a violation of this section, it is not a defense that:

40 (1) The perpetrator lacked knowledge of whether the disclosed image had been
41 created or altered by digitization; or

42 (2) The depicted person consented to the creation or alteration of the image.

43 (f) The crime of disclosing fabricated intimate images:

44 (1) Is a Class 1 misdemeanor on the first offense; or

45 (2) Is a Class A felony if the defendant has one or more prior convictions for a
46 violation of this section or the section governing disclosure of intimate
47 images.

48 (g) A minor who possesses any image of any other minor which constitutes a fabricated
49 intimate image forfeits any right to continued possession of the image and any court exercising
50 jurisdiction over such image shall order forfeiture of the image.

51 **"§ 170-8. Remedies for disclosure of fabricated intimate images.**

1 (a) A depicted individual who is identifiable and who suffers harm from a person's
2 intentional disclosure or threatened disclosure of a fabricated intimate image without the depicted
3 individual's consent has a cause of action against the person if the person knew or acted with
4 reckless disregard for whether:

5 (1) The depicted individual did not consent to the disclosure; and

6 (2) The depicted individual was identifiable.

7 (b) A depicted individual's consent to the creation of the fabricated intimate image does
8 not by itself establish that the depicted individual consented to its disclosure. Consent is deemed
9 validly given only if it (i) is set forth in an agreement written in plain language signed knowingly
10 and voluntarily by the depicted individual and (ii) includes a general description of the fabricated
11 intimate image and, if applicable, the audiovisual work into which it will be incorporated.

12 (c) It is not a defense to an action under this section that there is a disclaimer stating that
13 the fabricated intimate image of the depicted individual was unauthorized or that the depicted
14 individual did not participate in the creation or development of the fabricated intimate image.

15 (d) In an action under this section, a prevailing plaintiff may recover:

16 (1) The greater of economic and noneconomic damages proximately caused by
17 the defendant's disclosure or threatened disclosure, including damages for
18 emotional distress whether or not accompanied by other damages; or statutory
19 damages not to exceed ten thousand dollars (\$10,000) against each defendant
20 found liable for all disclosures and threatened disclosures;

21 (2) An amount equal to any monetary gain made by the defendant from disclosure
22 of the fabricated intimate image; and

23 (3) Punitive damages in an amount not to exceed three times the amount of
24 damages under subdivision (1) of this subsection.

25 The court may award a prevailing plaintiff reasonable attorneys' fees and costs; and additional
26 relief, including injunctive relief.

27 (f) An action under this section for an unauthorized disclosure may not be brought later
28 than four years from the date the disclosure was discovered or should have been discovered with
29 the exercise of reasonable diligence. A threat to disclose may not be brought later than four years
30 from the date of the threat to disclose.

31 (g) In an action under this section by a depicted individual who was a minor on the date
32 of the disclosure or threat to disclose, the time specified in subsection (f) of this section does not
33 begin to run until the depicted individual attains the age of majority.

34 **"§ 170-9. Exemption from liability.**

35 (a) A person is not liable under this Article if the person proves that disclosure of, or a
36 threat to disclose, a fabricated intimate image was made in good faith, as follows:

37 (1) In connection with law enforcement activities, legal proceedings, or medical
38 education or treatment.

39 (2) In the reporting or investigation of unlawful conduct.

40 (3) In connection with a matter of public concern or public interest.

41 If a defendant asserts an exception to liability under this section, the exception does not apply if
42 the plaintiff proves the disclosure was prohibited by law other than this Article or made for the
43 purpose of sexual arousal, sexual gratification, humiliation, degradation, or monetary or
44 commercial gain.

45 (b) Disclosure of, or a threat to disclose, a fabricated intimate image is not a matter of
46 public concern or public interest solely because the depicted individual is a public figure.

47 **"§ 170-10. AI-generated images in court proceedings.**

48 (a) In any criminal proceeding, any property or material that constitutes a depiction of a
49 minor engaged in sexually explicit conduct, including any fabricated depictions, shall remain in
50 the care, custody, and control of either a law enforcement agency or the court.

1 (d) Violation of this section is a Class A misdemeanor. Each interaction with a consumer
2 constitutes a potential separate violation.

3 "Article 4.

4 "Miscellaneous Provisions.

5 **"§ 170-12. Nonexclusive remedies.**

6 The remedies in this Chapter are nonexclusive. When an aggrieved person has multiple
7 options for seeking relief, choosing an option provided by this Chapter does not prevent the
8 person from pursuing other remedies. The aggrieved person may pursue multiple forms of relief
9 allowed by law simultaneously or sequentially.

10 **"§ 170-13. Criminal liability for AI-assisted offenses.**

11 (a) A defendant is guilty of a criminal offense under this Chapter if the defendant
12 commits the offense with the aid of generative artificial intelligence or intentionally prompts or
13 otherwise causes generative artificial intelligence to commit the offense.

14 (b) It is not a defense to the violation of any statute that generative artificial intelligence
15 made the violative statement, undertook the violative act, or was used in furtherance of the
16 violation.

17 **"§ 170-14. Statutory construction.**

18 (a) It is the intent of the General Assembly that the provisions of this Chapter be liberally
19 construed in the best interest of the citizens of this State, especially minors and voters.

20 (b) Nothing in this section shall be construed to conflict with or prohibit compliance with
21 Title IX of the Education Amendments of 1972, as amended; the Americans with Disabilities
22 Act, as amended; the Age Discrimination in Employment Act, as amended; Title VI of the Civil
23 Rights Act of 1964; or other applicable State or federal law. This section does not apply to speech
24 protected by the First Amendment of the United States Constitution.

25 (c) If a provision of this Chapter or its application to any person or circumstance is held
26 invalid, the invalidity does not affect other provisions or applications of the Act that can be given
27 effect without the invalid provision or application and, to this end, the provisions of this Chapter
28 are severable."

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