

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 934

Short Title: AI Regulatory Reform Act. (Public)

Sponsors: Representatives Johnson, Zenger, Hawkins, and Alston (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Regulatory Reform, if favorable, Judiciary 3, if favorable, Rules, Calendar, and
Operations of the House

April 14, 2025

A BILL TO BE ENTITLED
AN ACT AMENDING THE CRIMINAL LAWS TO CREATE THE OFFENSE OF
UNLAWFUL DISTRIBUTION OF A DEEPFAKE AND AMENDING THE CIVIL
PROCEDURE LAWS TO GRANT IMMUNITY FROM CIVIL LIABILITY TO
DEVELOPERS OF ARTIFICIAL INTELLIGENCE PRODUCTS USED BY LEARNED
PROFESSIONALS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Article 60 of Chapter 14 of the General Statutes is amended by
adding a new section to read:

"§ 14-459. Unlawful distribution of a deepfake.

(a) Definition. – For purposes of this section, the term "deepfake" means an image or audio or video recording that has been created with the intent to deceive and that appears to depict a natural person speaking or acting in a manner that the person did not actually speak or act.

(b) Offense. – It is unlawful for a person, without the affirmative consent of the depicted individual, to knowingly do any of the following for the purpose of (i) harassing, extorting, threatening, or causing physical, emotional, reputational, or economic harm to an individual falsely depicted or (ii) injuring a candidate for elected office or influencing an election:

(1) Create a deepfake with an intent to distribute the deepfake.

(2) Distribute a deepfake.

(3) Solicit the creation of a deepfake with an intent to distribute the deepfake.

(c) Punishment. – A violation of this section is punishable as a Class 1 misdemeanor.

(d) Destruction of Deepfake. – In addition to any penalty or other damages, the court may award the destruction of any deepfake made in violation of this section.

(e) Civil Action. – In addition to any other remedies at law or in equity, including an order by the court to destroy any deepfake disclosed in violation of this section, any person aggrieved by a violation of subsection (b) of this section, has a civil cause of action against any person who creates or distributes the deepfake and is entitled to recover from the other person any of the following:

(1) Actual damages, but not less than liquidated damages, to be computed at the rate of one thousand dollars (\$1,000) for each time the deepfake is redistributed or in the amount of ten thousand dollars (\$10,000), whichever is higher.

(2) Punitive damages.

(3) A reasonable attorneys' fee and other litigation costs reasonably incurred.



(f) Other Sanctions or Remedies Not Precluded. – A violation of this section is an offense additional to other civil and criminal provisions and is not intended to repeal or preclude any other sanctions or remedies."

SECTION 1.(b) This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

SECTION 2.(a) Chapter 1 of the General Statutes is amended by adding a new Article to read:

"Article 43G.

"Actions Pertaining to Artificial Intelligence.

"§ 1-539.30. Definitions.

The following definitions apply in this Article:

- (1) Artificial intelligence product or AI product. – Any algorithm, product, software, or system that:
 - a. Performs tasks that would typically require human intelligence, such as reasoning, language processing, or decision making;
 - b. Is designed to operate with some degree of autonomy;
 - c. Uses techniques that enable the system to improve its performance over time or through exposure to data; and
 - d. Is marketed, distributed, licensed, or otherwise made available for use, whether as a stand-alone product or as a component integrated into other products or services.
- (2) Client. – Any person who engages the services of a learned professional and who relies upon the learned professional's expertise, judgment, and advice where the professional relationship with the learned professional is governed by professional standards, codes of conduct, or regulations.
- (3) Developer. – Any person that:
 - a. Creates, designs, programs, trains, modifies, or substantially contributes to the creation or modification of an AI product;
 - b. Exercises control over the AI product's design specifications, functionality, capabilities, limitations, or intended uses;
 - c. Tests, validates, documents, or certifies an AI product prior to its release or deployment;
 - d. Markets, distributes, licenses, or makes available an AI product under their own name, brand, or trademark, regardless of whether they created the original underlying technology; or
 - e. Either creates an original AI product or is a secondary developer who substantially modifies, retrain, or adapts an existing AI product for a new use or market.
- (4) Error. – Any output, action, recommendation, or omission by an AI product that produces objectively incorrect information. The term includes when an AI product fails to perform a function or task that it expressly or implicitly represents itself as capable of performing.
- (5) Learned professional. – Any individual who:
 - a. Possesses specialized education, training, knowledge, or skill in a recognized profession;
 - b. Is licensed, certified, or otherwise authorized by an occupational licensing board to practice in their field in this State;
 - c. Is bound by professional standards, ethical obligations, and a duty of care to clients;

- 1 d. Exercises independent professional judgment when utilizing tools,
2 including AI products, in the course of rendering professional services;
3 and
4 e. Is expected to possess sufficient knowledge to evaluate the
5 appropriateness, limitations, and risks of tools employed in their
6 professional practice, including artificial intelligence products, as they
7 pertain to a specific client matter.

8 **"§ 1-539.31. Immunity from civil liability for artificial intelligence developers.**

9 When a learned professional uses an artificial intelligence program or product in the course
10 of providing professional services to a client, the developer of the artificial intelligence product
11 is not liable for any errors and the learned professional is solely responsible for any damage to
12 the client resulting from errors generated by the artificial intelligence product.

13 **"§ 1-539.32. Other privileges and immunities.**

14 This Article does not affect any other immunities from civil liability established by the
15 General Statutes or available at common law."

16 **SECTION 2.(b)** This section becomes effective December 1, 2025, and applies to
17 acts or omissions occurring on or after that date.

18 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
19 law.