



CHAPTER 14
ARTICLE 26 - OFFENSES AGAINST PUBLIC MORALITY AND DECENCY

N.C.G.S. § 14-190.1.

Obscene literature and exhibitions.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2023-151, s. 7(a) — eighth act in the lineage	RETRIEVED 21 September 2026, 06:17 UTC	SOURCE FINGERPRINT 89e931bf92673757eb9ee614 - 99ed8f512ae9902f30d23af7 - a73bf087087debed
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§ 14-190.1(a) It shall be unlawful for any person 18 years of age or older, firm, or corporation to intentionally disseminate obscenity. A person, firm or corporation disseminates obscenity within the meaning of this Article if he or it:

- (1) Sells, delivers or provides or offers or agrees to sell, deliver or provide any obscene writing, picture, record or other representation or embodiment of the obscene; or
- (2) Presents or directs an obscene play, dance or other performance or participates directly in that portion thereof which makes it obscene; or
- (3) Publishes, exhibits or otherwise makes available anything obscene; or
- (4) Exhibits, presents, rents, sells, delivers or provides; or offers or agrees to exhibit, present, rent or to provide: any obscene still or motion picture, film, filmstrip, or projection slide, or sound recording, sound tape, or sound track, or any matter or material of whatever form which is a representation, embodiment, performance, or publication of the obscene.

§ 14-190.1(b) For purposes of this Article any material is obscene if:

- (1) The material depicts or describes in a patently offensive way sexual conduct specifically defined by subsection (c) of this section; and
- (2) The average person applying contemporary community standards relating to the depiction or description of sexual matters would find that the material taken as a whole appeals to the prurient interest in sex; and

- (3) The material lacks serious literary, artistic, political, or scientific value; and
- (4) The material as used is not protected or privileged under the Constitution of the United States or the Constitution of North Carolina.

§ 14-190.1(c) As used in this Article, "sexual conduct" means:

- (1) Vaginal, anal, or oral intercourse, whether actual or simulated, normal or perverted; or
- (2) Masturbation, excretory functions, or lewd exhibition of uncovered genitals; or
- (3) An act or condition that depicts torture, physical restraint by being fettered or bound, or flagellation of or by a nude person or a person clad in undergarments or in revealing or bizarre costume.

§ 14-190.1(d) Obscenity shall be judged with reference to ordinary adults except that it shall be judged with reference to children or other especially susceptible audiences if it appears from the character of the material or the circumstances of its dissemination to be especially designed for or directed to such children or audiences.

§ 14-190.1(e) It shall be unlawful for any person 18 years of age or older, firm, or corporation to knowingly and intentionally create, buy, procure or possess obscene material with the purpose and intent of disseminating it unlawfully.

§ 14-190.1(f) It shall be unlawful for a person 18 years of age or older, firm, or corporation to advertise or otherwise promote the sale of material represented or held out by said person, firm, or corporation as obscene.

§ 14-190.1(g) Except as otherwise provided in this subsection, a violation of this section is a Class I felony. A violation of this section committed knowingly in the presence of a minor under 18 years of age is a Class H felony.

CLASS I / H FELONY

§ 14-190.1(h) Obscene material disseminated, procured, or promoted in violation of this section is contraband.

§ 14-190.1(i) Nothing in this section shall be deemed to preempt local government regulation of the location or operation of sexually oriented businesses to the extent consistent with the constitutional protection afforded free speech.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
8 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1971	1997		2023
TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT	CHARACTER
01	1971	c. 405, s. 1	ENACTED
02	1973	c. 1434, s. 1	AMENDED
03	1985	c. 703, s. 1	AMENDED
04	1993	c. 539, s. 1194	AMENDED
05	1994	Ex. Sess., c. 24, s. 14(c)	AMENDED
06	1998	S.L. 1998-46, s. 2	AMENDED
07	2023	S.L. 2023-127, ss. 1(a), 3(a)	AMENDED
08	2023	S.L. 2023-151, s. 7(a)	AMENDED

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 14-190.1 (2023).

PINPOINT

N.C. Gen. Stat. § 14-190.1(a) (2023).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1971, c. 405, s. 1; 1973, c. 1434, s. 1; 1985, c. 703, s. 1; 1993, c. 539, s. 1194; 1994, Ex. Sess., c. 24, s. 14(c); 1998-46, s. 2; 2023-127, ss. 1(a), 3(a); 2023-151, s. 7(a).)

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