

HB0518S01 compared with HB0518

~~{Omitted text}~~ shows text that was in HB0518 but was omitted in HB0518S01

inserted text shows text that was not in HB0518 but was inserted into HB0518S01

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

Sexual Abuse Material Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Nicholeen P. Peck

Senate Sponsor:

LONG TITLE

General Description:

This bill amends provisions relating to liability for ~~{commercial entities}~~ the distribution of pornography.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits a ~~{commercial entity}~~ person from knowingly or intentionally publishing or distributing ~~{obscene material or child sexual abuse material}~~ pornography on the Internet within the state;
- ▶ ~~{prohibits a commercial entity from knowingly or intentionally engaging in the purchase or distribution of a child sex doll;}~~
- ▶ provides a cause of action for ~~{an individual}~~ a person that views pornography within the state against a ~~{commercial entity}~~ person that distributes or publishes ~~{unlawful materials}~~ pornography within the state;
- ▶

HB0518 compared with HB0518S01

provides the relief a court may grant if {~~an individual~~} a person brings a cause of action against a {~~commercial entity~~} person that distributes or publishes {~~unlawful materials~~} pornography;

17 ▶ provides that a commercial entity that provides access to the Internet is not liable for {~~unlawful content~~} pornography on the commercial entity's services, if the commercial entity did not create the {~~unlawful material~~} pornography; and

19 ▶ {~~authorizes the attorney general to seek relief against a commercial entity that distributes or publishes unlawful materials;~~}

21 ▶ {~~requires that the attorney general develop and publish guidance relating to liability for commercial entities; and~~}

23 ▶ authorizes {~~individuals~~} persons with claims under the provisions this bill enacts to combine the {~~individuals~~} persons' claims.

20 Money Appropriated in this Bill:

21 None

22 Other Special Clauses:

23 None

25 AMENDS:

26 **78B-3-1001** , as enacted by Laws of Utah 2023, Chapter 262 , as enacted by Laws of Utah 2023, Chapter 262

27 ENACTS:

28 **78B-3-1004** , Utah Code Annotated 1953 , Utah Code Annotated 1953

29

30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **78B-3-1001** is amended to read:

37

Part 10. Liability for Publishers and Distributors of Obscene

Material and Material Harmful to Minors and Pornography

34 **78B-3-1001. Definitions.**

As used in this chapter:

41 (1) "Commercial entity" includes corporations, limited liability companies, partnerships, limited partnerships, sole proprietorships, or other legally recognized entities.

43

HB0518 compared with HB0518S01

- (2) ~~{ "Child sex doll }~~ "Cloud service provider" means ~~{ the same as }~~ a commercial entity that ~~{ term is defined in Section 76-10-1236 }~~ offers data storage, computing power, or other digital infrastructure resources to a person through the Internet.
- 44 ~~{(3)}~~ "Cloud service provider" means a commercial entity that offers data storage, computing power, or other digital infrastructure resources to a person through the Internet. }
- 46 [(2)] ~~{(4)}~~ (3) "Digitized identification card" means a data file available on any mobile device which has connectivity to the Internet through a state-approved application that allows the mobile device to download the data file from a state agency or an authorized agent of a state agency that contains all of the data elements visible on the face and back of a license or identification card and displays the current status of the license or identification card.
- 52 [(3)] ~~{(5)}~~ (4) "Distribute" means to issue, sell, give, provide, deliver, transfer, transmute, circulate, or disseminate by any means.
- 54 [(4)] ~~{(6)}~~ (5) "Internet" means the international computer network of both federal and non-federal interoperable packet switched data networks.
- 56 ~~{(7)}~~ (6) "Internet service provider" means a commercial entity that connects a person to the Internet by providing or installing technology including cable, wireless, and fiber-optic.
- 58 [(5)] ~~{(8)}~~ (7) "Material harmful to minors" is defined as all of the following:
- 59 (a) any material that the average person, applying contemporary community standards, would find, taking the material as a whole and with respect to minors, is designed to appeal to, or is designed to pander to, the prurient interest;
- 62 (b) material that exploits, is devoted to, or principally consists of descriptions of actual, simulated, or animated display or depiction of any of the following, in a manner patently offensive with respect to minors:
- 65 (i) pubic hair, anus, vulva, genitals, or nipple of the female breast;
- 66 (ii) touching, caressing, or fondling of nipples, breasts, buttocks, anuses, or genitals; or
- 68 (iii) sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, excretory functions, exhibitions, or any other sexual act; and
- 70 (c) the material taken as a whole lacks serious literary, artistic, political, or scientific value for minors.
- 72 [(6)] ~~{(9)}~~ (8) "Minor" means any person under 18 years old.
- 73 [(7)] ~~{(10)}~~ (9) "News-gathering organization" means any of the following:
- 74

HB0518 compared with HB0518S01

- (a) an employee of a newspaper, news publication, or news source, printed or on an online or mobile platform, of current news and public interest, while operating as an employee as provided in this subsection, who can provide documentation of such employment with the newspaper, news publication, or news source; or
- 78 (b) an employee of a radio broadcast station, television broadcast station, cable television operator, or wire service while operating as an employee as provided in this subsection, who can provide documentation of such employment.
- 81 ~~{(11)}~~ (10) ~~{"Obscene material"}~~ "Pornography" means any material that meets the standard of being pornographic under Section 76-10-1203.
- 83 ~~[(8)]~~ ~~{(12)}~~ (11) "Publish" means to communicate or make information available to another person or entity on a publicly available Internet website.
- 85 ~~[(9)]~~ ~~{(13)}~~ (12) "Reasonable age verification methods" means verifying that the person seeking to access the material is 18 years old or older by using any of the following methods:
- 87 (a) use of a digitized information card as defined in this section;
- 88 (b) verification through an independent, third-party age verification service that compares the personal information entered by the individual who is seeking access to the material that is available from a commercially available database, or aggregate of databases, that is regularly used by government agencies and businesses for the purpose of age and identity verification; or
- 93 (c) any commercially reasonable method that relies on public or private transactional data to verify the age of the person attempting to access the material.
- 95 ~~{(14)}~~ (13) ~~{"Child sexual abuse material"}~~ "Search engine" means ~~{the same as}~~ an Internet service that ~~{term is defined in Section 76-5b-103}~~ enables an individual to search for information on the Internet by entering search terms.
- 97 ~~{(15)}~~ "Search engine" means an Internet service that enables an individual to search for information on the Internet by entering search terms.
- 99 ~~[(10)]~~ ~~{(16)}~~ (14) "Substantial portion" means more than 33-1/3% of total material on a website, which meets the definition of "material harmful to minors" as defined in this section.
- 101 ~~[(11)]~~ ~~{(17)}~~ (15)
- (a) "Transactional data" means a sequence of information that documents an exchange, agreement, or transfer between an individual, commercial entity, or third party used for the purpose of satisfying a request or event.

HB0518 compared with HB0518S01

- 104 (b) "Transactional data" includes records from mortgage, education, and employment entities.
98 Section 2. Section 2 is enacted to read:
99 **78B-3-1004. Liability for publishers and distributors of {~~obscene material and child sexual~~**
~~abuse material~~ } pornography.
- 109 {~~(1) {A commercial entity may not knowingly or intentionally:}~~ }
110 {~~(a) (1) A person may not knowingly or intentionally~~ publish or distribute {~~obscene material or child~~
~~sexual abuse material~~ } pornography on the Internet{~~;~~or} within the state.
112 {~~(b) {engage in the distribution or purchase of a child sex doll.}~~ }
113 (2) {~~An individual~~ } A person has a right of action against a {~~commercial entity~~ } person that violates
Subsection (1) {~~regardless of whether:~~ } if the person that brings the action views the pornography
in this state and the person that publishes or distributes the pornography publishes or distributes the
pornography within the state.
- 115 {~~(a) {the individual brings the action on behalf of the state, an individual, or any other person; or}~~ }
117 {~~(b) {the individual exhausts available administrative remedies.}~~ }
118 (3) If {~~an individual~~ } a person brings an action against a {~~commercial entity~~ } person and a court finds
that the {~~commercial entity~~ } person violated Subsection (1), a court may award:
120 (a) injunctive relief;
121 (b) nominal damages;
122 (c) actual damages; and
123 (d) reasonable attorney fees and court costs{~~;~~and} .
124 {~~(e) {if the court finds that the violation of Subsection (1) meets the standard for the imposition of~~
~~punitive damages, punitive damages.}~~ }
126 (4) An Internet service provider, affiliate or subsidiary of an Internet service provider, search engine,
or cloud service provider does not violate Subsection (1) by providing access to or connection to or
from a website or other content on the Internet that violates Subsection (1), if the Internet service
provider, affiliate or subsidiary of an Internet service provider, search engine, or cloud service
provider is not responsible for the creation of the content that violates Subsection (1).
- 132 {~~(5) {The attorney general:}~~ }
133 {~~(a) {may seek injunctive relief and other equitable relief against a commercial entity that violates~~
~~Subsection (1); and}~~ }
135

HB0518 compared with HB0518S01

~~{(b) {shall develop and publish guidance or regulations to assist commercial entities in complying with this section.}}~~

137 ~~{(6)}~~ (5) ~~{An individual}~~ A person with a claim under this section that satisfies the applicable standards for joinder or class action may combine the claim with one or more ~~{individuals}~~ persons with a claim under this section into one action.

120 Section 3. **Effective date.**

This bill takes effect on May 7, 2025.

2-23-25 5:44 PM