

S.B. 310

Uniform Intimate Images Amendments

Senate Amendments

Amendment 1

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Senator **Michael K. McKell** proposes the following amendments:

1. *Line 99 through 105:*

99 **78B-6-2703** Exceptions to liability.

100 (1) As used in this section:

101 (a) "Child" means an unemancipated individual who is younger than 18 years old.

(b) "Online service provider" means an internet service provider, search engine, or cloud service provider, including an affiliate or subsidiary of an internet service provider, search engine, or cloud service provider.

102 {~~(b)~~} **(c) "Parent" means an individual who has a parent-child relationship, as defined in**
103 Section 81-5-102, with the child.

104 (2) A person is not liable under this part if the person proves that disclosure of, or a threat
105 to disclose, an intimate image was:

2. *Line 120 through 124:*

120 (a) prohibited by law other than this part; or

121 (b) made for the purpose of sexual arousal, sexual gratification, humiliation,
122 degradation, or monetary or commercial gain.

(5) An online service provider is not liable under this part solely for providing access to, transmitting, downloading, storing, or connecting a user to an intimate image on the internet or on a facility, system, or network not under the online service provider's control if the online service provider did not create the intimate image.

123 {~~(5)~~} **(6) Disclosure of, or a threat to disclose, an intimate image is not a matter of public**
 concern

124 or public interest solely because the depicted individual is a public figure.