

**SCHOOL TECHNOLOGY AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE**

**General Description:**

This bill requires digital resources, provided by UETN to Utah's public schools, to block obscene or pornographic material.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires a digital resource provider to ensure that the digital resource provider's products used in public schools block "obscene or pornographic material";
- ▶ provides that a digital resource provider's failure to comply with this bill after receiving notice is a breach of contract;
- ▶ requires UETN to enter into contracts with digital resource providers that comply with the provisions of this bill; and
- ▶ imposes a reporting requirement.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53B-17-101.5**, as enacted by Laws of Utah 2014, Chapter 63

ENACTS:

**53B-17-109**, Utah Code Annotated 1953

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

Section 1. Section **53B-17-101.5** is amended to read:

**53B-17-101.5. Definitions.**

As used in this part:

33 (1) "Board" means the Utah Education and Telehealth Network Board.

34 (2) "Education Advisory Council" means the Utah Education Network Advisory  
35 Council created in Section 53B-17-107.

36 (3) "Digital resource" means a digital or online library resource, including a database.

37 (4) "Digital resource provider" means an entity that offers a digital resource to  
38 customers for license or sale.

39 (5) "Obscene or pornographic material" means material that:

40 (a) an average person, applying contemporary community standards, finds that, taken  
41 as a whole, appeals to prurient interest in sex;

42 (b) is patently offensive in the description or depiction of nudity, sexual conduct,  
43 sexual excitement, sadomasochistic abuse, or excretion; and

44 (c) taken as a whole does not have serious literary, artistic, political, or scientific value.

45 [~~(3)~~] (6) "Telehealth" means the electronic transfer, exchange, or management of  
46 related data for diagnosis, treatment, and consultation, and educational, public health, or other  
47 related purposes.

48 [~~(4)~~] (7) "Telehealth Advisory Council" means the Utah Telehealth Advisory Council  
49 created in Section 53B-17-106.

50 [~~(5)~~] (8) "Utah Education and Telehealth Network," or "UETN," means a consortium  
51 and partnership between public and higher education, the Utah Department of Health, and  
52 health care providers, that is created in Section 53B-17-105.

53 Section 2. Section **53B-17-109** is enacted to read:

54 **53B-17-109. Digital resource standards.**

55 (1) A digital resource purchased or licensed by UETN and offered to students in public  
56 schools must have safety policies and technology protection measures that:

57 (a) prohibit and prevent a public school student using the resource from sending,  
58 receiving, viewing, or downloading obscene or pornographic material; and

59 (b) filter or block access to obscene or pornographic material.

60 (2) (a) Regardless of any contract provision to the contrary, if UETN discovers a digital  
61 resource does not meet the requirements described in Subsection (1), UETN:

62 (i) shall notify the digital resource provider; and

63 (ii) may withhold future payments pending the digital resource provider's compliance

64 with Subsection (1).

65 (b) A digital resource provider is in breach of contract if the digital resource provider  
66 fails to verify compliance with Subsection (1) within 90 days after the day on which UETN  
67 provides the notice described in Subsection (2)(a)(i).

68 (c) Beginning June 1, 2021, a contract UETN enters into for a digital resource shall  
69 contain provisions that comply with this section.

70 (3) Before November 30 of each year, UETN shall submit a report to the Education  
71 Interim Committee detailing all instances of a digital resource provider's failure to comply with  
72 the provisions of this section.