

NOTICE OF EMERGENCY (120-DAY) RULE		
Rule or section Number:	R105-6	Filing ID: 57198
Effective date:	05/27/2025	

Agency Information

1. Title catchline:	Attorney General, Administration	
Building:	Utah State Capitol	
Street address:	350 N. State Street, Suite #230	
City, state	Salt Lake City, Utah	
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City, state and zip:	Salt Lake City, Utah 84114	
Contact persons:		
Name:	Phone:	Email:
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Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R105-6. Child Protection Registry
4. Purpose of the new rule or reason for the change:
Section 13-39-203 requires the Utah Attorney General's Office to make rules necessary to establish procedures regarding the Child Protection Registry under Title 13, Chapter 39 "Child Protection Registry."
5. Summary of the new rule or change:
The purpose of this rule is to establish procedures to efficiently administer and to establish procedures regarding the Child Protection Registry.
6A. The agency finds that regular rulemaking would:
<input type="checkbox"/> cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or
<input checked="" type="checkbox"/> place the agency in violation of federal or state law.
B. Specific reasons and justifications for this finding:
Previous rule R105-4 expired on October 3, 2024. Section 13-39-203 requires the Utah Attorney General's Office to make rules necessary to establish procedures regarding the Child Protection Registry under Title 13, Chapter 39 "Child Protection Registry."

Fiscal Information

7. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There is no anticipated cost or savings because the registry has already been implemented.
B. Local governments:
There is no anticipated cost or savings because the registry has already been implemented.
C. Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings because the registry has already been implemented.
D. Persons other than small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
There is no anticipated cost or savings because the registry has already been implemented.
E. Compliance costs for affected persons:
There is no anticipated cost or savings because the registry has already been implemented.

F. Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

There is no anticipated cost or savings because the registry has already been implemented. Derek Brown, Utah Attorney General.

Citation Information

8. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 13-39-203

Agency Authorization Information

Agency head or designee and title:	Paul Tonks, Assistant Attorney General	Date:	05/22/2025
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R105. Attorney General, Administration.

R105-6. Child Protection Registry.

R105-6-1. Authority and Purpose.

Pursuant to Utah Code Section 13-39-203, these rules (R105-6) are intended to establish the procedures under which:

- (1) A person may register a contact point with the registry; and
- (2) A marketer may verify compliance with the registry.

R105-6-2. Definitions.

As used in these rules (105-6):

- (1) "Attorney General" is as defined in Utah Code Section 77-42-102.
- (2) "Contact point" is as defined in Utah Code Section 13-39-102.
- (3) "Marketer" means a person described in Utah Code Section 13-39-201(4).
- (4) "Provider" means the third party with whom the Unit has contracted, pursuant to Utah Code Section 13-39-201(1)(b), to establish and secure the registry.
- (5) "Registry" is as defined in Utah Code Section 13-39-102.
- (6) "Unit" is as defined in Utah Code Section 13-39-102.

R105-6-3. Information Required to Register.

(1) A person desiring to register a contact point with the registry shall provide the following information to the provider:

- (a) The contact point the person desires to register;
- (b) An affirmation that:
 - (i) the contact point belongs to a minor;
 - (ii) a minor has access to the contact point; or
 - (iii) the contact point is used in a household in which a minor is present;
- (c) an affirmation that the minor referenced in R105-6-3(1)(b) is a Utah resident; and
- (d) an affirmation that the person registering the contact point is:
 - (i) the minor referenced in R105-6-3(1)(b); or
 - (ii) a parent or guardian of the minor referenced in R105-6-3(1)(b).

(2) A contact point may not become a part of the registry until the provider sends a message to the contact point informing the user of the contact point:

- (a) the contact point has been registered; and
- (b) the process for removing the contact point from the registry.

(3) A school or institution desiring to register a domain name shall provide verification to the provider that:

- (a) the school or institution primarily serves minors; and
- (b) the school or institution owns the domain name being registered.

R105-6-4. Information Required to Verify Compliance.

A marketer desiring to verify compliance with the registry shall provide the following information to the provider before the provider compares the marketer's contact point list against the registry:

- (1) the name, address, and telephone number of the marketer;
- (2) the specific legal nature and corporate status of the marketer;
- (3) the name, address, and telephone number of a natural person who consents to service of process for the marketer; and
- (4) an affirmation that the person described in R105-6-4(3) understands that improper use of information obtained from the registry is a second degree felony.

R105-6-5. Compliance.

- (1) After a marketer has complied with R105-6-4 and paid the fee established by the Unit under Section 13-39-201(4)(b), the marketer may check the marketer's contact point list with the provider according to the privacy and security measures implemented by the provider.
- (2) After a marketer has complied with R105-6-5(1) and paid the fee established by the Unit under Section 13-39-201(4)(b), the provider shall, according to the privacy and security measures implemented by the provider, remove from the marketer's list of contact points any contact points that are contained on the registry.
- (3)(a) A marketer who desires to utilize the provisions of Subsection 13-39-202(4) shall:

(i) provide the Unit with a detailed description of the methods the marketer intends to use to verify compliance with Subsection 13-39-202(4); and

(ii) agree to provide to the Unit, at any time upon request by the Unit, copies of all documentation relating to the marketer's compliance with Subsection 13-39-202(4).

(b) Within thirty calendar days after a marketer complies with R105-6-5(3)(a), the Unit shall inform the marketer in writing whether the Unit considers the marketer's methods sufficient to verify compliance with Subsection 13-39-202(4).

(c)(i) Approval of a verification method for compliance with Subsection 13-39-202(4) does not prevent the Unit from investigating further whether the approved verification method actually guarantees compliance with Subsection 13-39-202(4).

(ii) The Unit may revoke an approval granted pursuant to R105-6-5(3) upon a finding that the verification method does not adequately guarantee compliance with Subsection 13-39-202(4).

R105-6-6. Discounted Fee.

(1) In order for senders to qualify for the discounted fee schedule established pursuant to Subsection 13-39-203(3)(a), a sender must agree to be subject to enhanced security criteria for each subsequent list that they may submit to the state's compliance mechanism. To meet these criteria, senders must affirmatively agree that their scrubbing tasks may be stopped if a particular task deviates from a statistically normal baseline.

(2) The statistical baseline used for comparison will be based on the senders' past histories as well as the totality of the histories of senders that have used the compliance mechanism to scrub their lists.

(3) To restart a task and retrieve the results, senders whose tasks have been stopped must confirm that they in fact initiated the task and that the list submitted is not an attempt to abuse the registry mechanism. Depending on the amount of the deviation from the baseline, this confirmation may come from a telephone call to a pre-established phone number, completing information online, or sending an e-mail to a customer support representative.

(4) The Unit, or its appointed representative, shall have discretion in allowing the retrieval of tasks if the confirmation does not resolve the security concerns.

KEY: child protection registry

Day of Last Change: 2025

Authorizing, and Implemented or Interpreted Law: 13-39-203

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