

**13-39-202 Prohibition of sending certain materials to a registered contact point -- Exception for consent.**

- (1) A person may not send, cause to be sent, or conspire with a third party to send a communication to a contact point or domain that has been registered for more than 30 calendar days with the division under Section 13-39-201 if the communication:
  - (a) has the primary purpose of advertising or promoting a product or service that a minor is prohibited by law from purchasing; or
  - (b) contains or has the primary purpose of advertising or promoting material that is harmful to minors, as defined in Section 76-10-1201.
- (2) Except as provided in Subsection (4), consent of a minor is not a defense to a violation of this section.
- (3) An Internet service provider does not violate this section for solely transmitting a message across the network of the Internet service provider.
- (4)
  - (a) Notwithstanding Subsection (1), a person may send a communication to a contact point if, before sending the communication, the person sending the communication receives consent from an adult who controls the contact point.
  - (b) Any person who proposes to send a communication under Subsection (4)(a) shall:
    - (i) verify the age of the adult who controls the contact point by inspecting the adult's government-issued identification card in a face-to-face transaction;
    - (ii) obtain a written record indicating the adult's consent that is signed by the adult;
    - (iii) include in each communication:
      - (A) a notice that the adult may rescind the consent; and
      - (B) information that allows the adult to opt out of receiving future communications; and
    - (iv) notify the division that the person intends to send communications under this Subsection (4).
  - (c) The division shall implement rules to verify that a person providing notification under Subsection (4)(b)(iv) complies with this Subsection (4).

Amended by Chapter 336, 2006 General Session