

Effective 5/8/2018

Superseded 5/14/2019

76-10-1231 Data service providers -- Internet content harmful to minors.

- (1)
 - (a) Upon request by a consumer, a service provider shall filter content to prevent the transmission of material harmful to minors to the consumer.
 - (b) A service provider complies with Subsection (1)(a) if the service provider makes a good faith effort to apply a generally accepted and commercially reasonable method of filtering.
- (2)
 - (a) At the time of a consumer's subscription to a service provider's service, the service provider shall notify the consumer in a conspicuous manner that the consumer may request to have material harmful to minors blocked under Subsection (1)(a).
 - (b)
 - (i) A service provider shall, before December 30, 2018, notify in a conspicuous manner all of the service provider's consumers with a Utah residential address that the consumer may request material harmful to minors be blocked under Subsection (1)(a).
 - (ii) A service provider may provide the notice described in Subsection (2)(b)(i):
 - (A) by electronic communication;
 - (B) with a consumer's bill; or
 - (C) in another conspicuous manner.
 - (c) Before December 31, 2018, a service provider shall:
 - (i) notify the Division of Consumer Protection within the Department of Commerce that notice was sent under Subsection (2)(b); and
 - (ii) provide the Division of Consumer Protection within the Department of Commerce a copy of the notice that was sent under Subsection (2)(b).
 - (d) The Division of Consumer Protection within the Department of Commerce shall report all violations of Subsections (2)(b) and (c) to the attorney general.
- (3)
 - (a) A service provider may comply with Subsection (1)(a) by providing in-network filtering to prevent receipt of material harmful to minors, provided that the filtering does not affect or interfere with access to Internet content for consumers who do not request filtering under Subsection (1)(a).
 - (b) A service provider may comply with Subsection (1)(a) by engaging a third party to provide or referring a consumer to a third party that provides a commercially reasonable method of filtering to block the receipt of material harmful to minors.
 - (c) A service provider may charge a consumer a commercially reasonable fee for providing filtering under this Subsection (3).
- (4) If the attorney general determines that a service provider violates Subsection (1) or (2), the attorney general shall:
 - (a) notify the service provider that the service provider is in violation of Subsection (1) or (2); and
 - (b) notify the service provider that the service provider has 90 days to comply with the provision being violated or be subject to Subsection (5).
- (5)
 - (a) A service provider that intentionally or knowingly violates Subsection (1)(a) is subject to a civil fine of \$2,500 for each separate violation of Subsection (1)(a), up to \$15,000 per day.
 - (b) A service provider that intentionally or knowingly violates Subsection (2) is subject to a civil fine up to \$10,000.

(6) A proceeding to impose a civil fine under Subsection (5) may only be brought by the attorney general in a court of competent jurisdiction.