

Effective 5/6/2026

76-5b-103 Definitions.

As used in this chapter:

- (1) "Apparent child sexual abuse material" means a visual depiction, generated or created through the use of artificial intelligence or generative artificial intelligence, or any other means, of a minor engaging in, observing, or being used for sexually explicit conduct where the minor in the visual depiction:
 - (a)
 - (i) has prepubescent features; or
 - (ii) appears to be a minor under 12 years old; and
 - (b) is sufficiently similar to a real minor such that it would lead a reasonable person viewing the depiction to conclude that the depiction is of a real minor.
- (2) "Artificial intelligence" means the same as that term is defined in Section 20A-11-1104.
- (3) "Child sexual abuse material" means any visual depiction, including any live performance, photograph, film, video, or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where:
 - (a) the production of the visual depiction involves the use of a minor engaging in, observing, or being used for sexually explicit conduct;
 - (b) the visual depiction is of a minor engaging in, observing, or being used for sexually explicit conduct; or
 - (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in, observing, or being used for sexually explicit conduct.
- (4) "Children's Justice Center" means a facility or satellite office established under the Children's Justice Center Program described in Section 67-5b-102.
- (5) "Distribute" means, with or without consideration, to sell, exhibit, display, provide, give, grant admission to, provide access to, or otherwise transfer.
- (6) "Female breast" means the undeveloped, partially developed, or developed breast of a female individual.
- (7) "Generative artificial intelligence" means the same as that term is defined in Section 20A-11-1104.
- (8) "Identifiable minor" means an individual:
 - (a)
 - (i) who was a minor at the time the visual depiction was created, adapted, or modified; or
 - (ii) whose image as a minor was used in creating, adapting, or modifying the visual depiction; and
 - (b) who is recognizable as an actual individual by the individual's face, likeness, or other distinguishing characteristic, such as a birthmark, or other recognizable feature.
- (9) "Identifiable vulnerable adult" means an individual:
 - (a)
 - (i) who was a vulnerable adult at the time the visual depiction was created, adapted, or modified; or
 - (ii) whose image as a vulnerable adult was used in creating, adapting, or modifying the visual depiction; and
 - (b) who is recognizable as an actual individual by the individual's face, likeness, or other distinguishing characteristic, such as a birthmark, or other recognizable feature.
- (10) "Lacks capacity to consent" means the same as that term is defined in Section 76-5-111.4.
- (11) "Live performance" means any act, play, dance, pantomime, song, or other activity performed by live actors in person.

- (12) "Minor" means an individual who is younger than 18 years old.
- (13) "Nudity or partial nudity" means any state of dress or undress in which the human genitals, pubic region, buttocks, or the female breast, at a point below the top of the areola, is less than completely and opaquely covered.
- (14) "Obscene child sexual abuse material" means a visual depiction of any kind that:
- (a) depicts a minor engaging in, observing, or being used for sexually explicit conduct; and
 - (b) the average individual, applying contemporary community standards, finds that, taken as a whole, the visual depiction:
 - (i) appeals to prurient interest in sex;
 - (ii) is patently offensive; and
 - (iii) does not have serious literary, artistic, political, or scientific value.
- (15) "Produce" means:
- (a) the photographing, filming, taping, directing, producing, creating, designing, or composing of apparent child sexual abuse material, child sexual abuse material, obscene child sexual abuse material, or vulnerable adult sexual abuse material; or
 - (b) the securing or hiring of individuals to engage in the photographing, filming, taping, directing, producing, creating, designing, or composing of apparent child sexual abuse material, child sexual abuse material, obscene child sexual abuse material, or vulnerable adult sexual abuse material.
- (16) "Sexually explicit conduct" means actual or simulated:
- (a) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between individuals of the same or opposite sex;
 - (b) masturbation;
 - (c) bestiality;
 - (d) sadistic or masochistic activities;
 - (e) lascivious exhibition of the genitals, pubic region, buttocks, or female breast of any individual;
 - (f) the visual depiction of nudity or partial nudity for the purpose of causing sexual arousal of any individual;
 - (g) the fondling or touching of the genitals, pubic region, buttocks, or female breast; or
 - (h) the visual depiction of defecation or urination for the purpose of causing sexual arousal of any individual.
- (17) "Simulated sexually explicit conduct" means a feigned or pretended act of sexually explicit conduct which duplicates, within the perception of an average person, the appearance of an actual act of sexually explicit conduct.
- (18) "Vulnerable adult" means the same as that term is defined in Subsection 76-5-111(1).
- (19) "Vulnerable adult sexual abuse material" means any visual depiction, including any live performance, photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where:
- (a) the production of the visual depiction involves the use of a vulnerable adult engaging in sexually explicit conduct;
 - (b) the visual depiction is of a vulnerable adult engaging in sexually explicit conduct; or
 - (c) the visual depiction has been created, adapted, or modified to appear that an identifiable vulnerable adult is engaging in sexually explicit conduct.

Amended by Chapter 358, 2026 General Session