

Effective 5/7/2025

Chapter 5c Pornographic and Harmful Materials and Performances

Part 1 General Provisions

76-5c-101 Definitions.

As used in this chapter:

- (1) "Blinder rack" means an opaque cover that covers the lower 2/3 of a material so that the lower 2/3 of the material is concealed from view.
- (2) "Constructive awareness" means that:
 - (a) a reasonable inspection or observation by an individual under the circumstances would have disclosed the nature of the subject matter; and
 - (b) a failure to inspect or observe by the individual is either for the purpose of avoiding the disclosure or the individual is criminally negligent.
- (3) "Contemporary community standards" means those current standards in the vicinage where an offense alleged under this part has occurred, is occurring, or will occur.
- (4) "Criminally negligent" means the same as that term is defined in Section 76-2-103.
- (5) "Distribute" means to transfer possession of a material with or without consideration.
- (6) "Exhibit" means to show.
- (7)
 - (a) "Harmful to minors" means that quality of any description or representation, in whatsoever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse when it:
 - (i) taken as a whole, appeals to the prurient interest in sex of minors;
 - (ii) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
 - (iii) taken as a whole, does not have serious value for minors.
 - (b) Serious value includes only serious literary, artistic, political, or scientific value for minors.
- (8) "Knowingly," regarding material or a performance, means an awareness, whether actual awareness or constructive awareness, of the character of the material or performance.
- (9)
 - (a) "Material" means anything printed or written or any picture, drawing, photograph, motion picture, or pictorial representation, or any statue or other figure, or any recording or transcription, or any mechanical, chemical, or electrical reproduction, or anything which is or may be used as a means of communication.
 - (b) "Material" includes undeveloped photographs, molds, printing plates, and other latent representational objects.
- (10) "Minor" means an individual younger than 18 years old.
- (11) "Negligently" means simple negligence, the failure to exercise that degree of care that a reasonable and prudent person would exercise under like or similar circumstances.
- (12) "Nudity" means:
 - (a) the showing of the human male or female genitals, pubic area, or buttocks, with less than an opaque covering;
 - (b) the showing of a female breast with less than an opaque covering, or any portion of the female breast below the top of the areola; or
 - (c) the depiction of covered male genitals in a discernibly turgid state.

- (13) "Performance" means any physical human bodily activity, whether engaged in alone or with other individuals, including singing, speaking, dancing, acting, simulating, or pantomiming.
- (14) "Pornographic" means:
- (a) the average individual, applying contemporary community standards, finds that, taken as a whole, the material or performance appeals to prurient interest in sex;
 - (b) the material or performance is patently offensive in the description or depiction of nudity, sexual conduct, sexual excitement, sadomasochistic abuse, or excretion; and
 - (c) taken as a whole the material or performance does not have serious literary, artistic, political, or scientific value.
- (15) "Public place" includes a place to which admission is gained by payment of a membership or admission fee, however designated, notwithstanding its being designated a private club or by words of like import.
- (16) "Sadomasochistic abuse" means:
- (a) flagellation or torture by or upon a person who is nude or clad in undergarments, a mask, or in a revealing or bizarre costume; or
 - (b) the condition of being fettered, bound, or otherwise physically restrained on the part of an individual clothed as described in Subsection (14)(a).
- (17) "Sexual conduct" means acts of masturbation, sexual intercourse, or any touching of an individual's clothed or unclothed genitals, pubic area, buttocks, or, if the individual is a female, breast, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent or actual sexual stimulation or gratification.
- (18) "Sexual excitement" means a condition of human male or female genitals when in a state of sexual stimulation or arousal, or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-102 Evidence related to a material's or performance's literary, artistic, political, or scientific value.

- (1) In a prosecution under this chapter, where circumstances of production, presentation, sale, dissemination, distribution, exhibition, or publicity indicate that the matter is being commercially exploited by the actor for the sake of the matter's prurient appeal, this evidence is probative with respect to the nature of the matter and can justify the conclusion that, in the context in which the matter is used, the matter has no serious literary, artistic, political, or scientific value.
- (2) In a prosecution under this chapter neither the prosecution or the defense is required to introduce expert witness testimony to testify as to whether a material or performance is or is not harmful to adults or minors or is or is not pornographic, or as to any element of the definition of pornographic, including contemporary community standards.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-103 Relation to other state and local laws.

- (1)
 - (a) A county, city, or other political subdivision has the right to regulate pornographic materials or materials harmful to minors as this chapter does not proscribe or limit the regulation of pornographic materials or materials harmful to minors by a county, city, or other political subdivision.

- (b) Without limitation, a political subdivision may further regulate pornographic materials or materials harmful to minors by ordinances relating to:
 - (i) zoning;
 - (ii) licensing;
 - (iii) public nuisances;
 - (iv) a specific type of business such as adult bookstores or drive-in movies; or
 - (v) use of blinder racks.
- (2) This chapter does not preclude the application of other laws of this state to pornographic materials or materials harmful to minors and, without limitation, this chapter is not in derogation of Subsection 76-9-1301(2) and Section 76-9-1306.
- (3)
 - (a) The commission of a crime under this chapter offends public decency under Subsection 76-9-1301(2).
 - (b) It is the intent of this chapter to give the broadest meaning permissible under the United States Constitution and the Utah Constitution to the words "offends public decency" in Subsection 76-9-1301(2).

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-104 Injunctive relief -- Jurisdiction -- Consent to be sued.

- (1)
 - (a) Subject to Subsections (1)(b), (c), (d), and (e), a district court has full power, authority, and jurisdiction, upon application by any county attorney or city attorney within the county attorney's or city attorney's respective jurisdictions or the attorney general, to issue any and all proper restraining orders, preliminary and permanent injunctions, and any other writs and processes appropriate to carry out and enforce the provisions of this chapter.
 - (b) No restraining order or injunction, however, shall issue except upon notice to the person sought to be enjoined.
 - (c) The person sought to be enjoined is entitled to a trial of the issues commencing within three days after the day on which the answer to the complaint is filed and a decision by the court is required to be rendered within two days after the conclusion of the trial.
 - (d) If a final order or judgment of injunction is entered against the person sought to be enjoined, this final order or judgment shall contain a provision directing the person to surrender to the sheriff of the county in which the action was brought any pornographic material in the person's possession which is subject to the injunction.
 - (e) The sheriff receiving the material described in Subsection (1)(d) shall be directed to seize and destroy the material.
- (2) Any person not qualified to do business in the state who sends or brings any pornographic material into the state with the intent to distribute or exhibit the pornographic material to others in this state consents that the person may be sued in any proceedings commenced under this section.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-105 Lease void if property used for conduct prohibited by chapter.

- (1) If a tenant or occupant of real property uses the real property for an activity for which the tenant or occupant or tenant's or occupant's employee is convicted under any provision of this chapter,

the conviction makes void the lease or other title under which the tenant or occupant holds at the option of the fee owner or any intermediate lessor.

- (2) Subject to Subsection (3), ten days after the day on which the fee owner or intermediate lessor gives notice in writing to the tenant or occupant that the fee owner or intermediate lessor is exercising the option to void the lease or other title as described in Subsection (1), the right of possession to the property reverts to the fee owner or intermediate lessor exercising the option.
- (3) The fee owner's or intermediate lessor's option described in Subsection (2) does not arise until all avenues of direct appeal from the conviction have been exhausted or abandoned by the tenant or occupant, or the tenant's or occupant's employee.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-106 Corporate defendants -- Summons -- Subpoena duces tecum.

- (1)
 - (a) The attendance in court by a corporation for purposes of commencing or prosecuting a criminal action against the corporation under this chapter may be accomplished by the issuance and service of a summons issued by a magistrate if the magistrate finds probable cause that material in the possession of the corporation is pornographic or harmful to minors, which finding shall be upon affidavit describing with specificity the material alleged to be pornographic or harmful to minors or by another manner or means the magistrate finds necessary.
 - (b) Where practical, the material alleged to be pornographic or harmful to minors shall be attached to the affidavit described in Subsection (1)(a) to provide the magistrate with the opportunity to examine the material.
 - (c) The summons must be served upon the corporation by delivery of the summons to an officer, director, managing or general agent, or cashier, or assistant cashier of the corporation.
- (2) The production of material alleged to be pornographic or harmful to minors in any proceedings under this chapter against a corporation may be compelled by the issuance and service of a subpoena duces tecum.
- (3) This section does not prohibit or limit the use of a subpoena duces tecum in proceedings against individuals under this chapter.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-107 Search and seizure -- Affidavit -- Issuance of warrant -- Hearing upon claim that material seized not pornographic or harmful to minors -- Procedures cumulative.

- (1)
 - (a) An affidavit for a search warrant shall be filed with a magistrate describing with specificity the material sought to be seized.
 - (b) Where practical, the material alleged to be pornographic or harmful to minors shall be attached to the affidavit for a search warrant described in Subsection (1)(a) to provide the magistrate with the opportunity to examine the material.
- (2)
 - (a) Upon the filing of an affidavit for a search warrant under Subsection (1), the magistrate shall determine, by examination of the material sought to be seized if attached, by examination of the affidavit describing the material, or by another manner or means that the magistrate finds necessary, whether probable cause exists to believe that the material is pornographic or

harmful to minors and whether probable cause exists for the immediate issuance of a search warrant.

- (b) Upon making the determination that probable cause exists under Subsection (2)(a), the magistrate shall issue a search warrant ordering the seizure of the material described in the affidavit for a search warrant according to the provisions of the Utah Rules of Criminal Procedure.

(3)

- (a) If a search warrant is issued under Subsection (2) and the material alleged to be pornographic or harmful to minors is seized under the provisions of this section, any person claiming to be in possession of this material or claiming ownership of the material at the time of the material's seizure may file a notice in writing with the magistrate within 10 days after the day on which the material was seized, to assert that the material is not pornographic or harmful to minors.

- (b) The magistrate shall set a hearing within seven days after the filing of the notice described in Subsection (3)(a), or at another time with the consent of the claimant, at which evidence may be presented regarding whether there is probable cause to believe that the material seized is pornographic or harmful to minors.

(c)

- (i) At the conclusion of the hearing described in Subsection (3)(b), the magistrate shall make a further determination of whether probable cause exists to believe that the material is pornographic or harmful to minors.

- (ii) The magistrate's determination described in Subsection (3)(c)(i) shall be rendered by the court within two days after the day on which the hearing described in Subsection (3)(b) concludes.

- (d) If at the hearing described in Subsection (3)(b) the magistrate finds that no probable cause exists to believe that the material is pornographic or harmful to minors, the material shall be returned to the person from whom it was seized.

- (e) If the material seized is a film, and the claimant demonstrates that no other copy of the film is available to the claimant, the court shall allow the film to be copied at the claimant's expense pending the hearing described in Subsection (3)(b).

- (4) If a motion to suppress the evidence is granted on the grounds of an unlawful seizure, the property shall be restored unless it is subject to confiscation as contraband, in which case the property may not be returned.

(5)

- (a) Procedures under this section for the seizure of allegedly pornographic material or material harmful to minors are cumulative of all other lawful means of obtaining evidence as provided by the laws of this state.

- (b) This section does not prevent the obtaining of allegedly pornographic material or material harmful to minors by purchase, subpoena duces tecum, or under injunction proceedings as authorized by this act or by any other provision of law of the state.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-108 Prosecution by county, district, or city attorney.

- (1) Subject to Subsection (2), a prosecution for a violation of this chapter, including for a felony violation, shall be brought by the county attorney or, if within a prosecution district, the district attorney of the county where the violation occurs.

- (2) If a violation occurs in a city of the first or second class, a prosecution may be brought by the county attorney, district attorney, or city attorney, notwithstanding any provision of law limiting the powers of a city attorney.
- (3) All fines imposed for a violation of this chapter shall be paid to the county or city where the prosecuting attorney is located.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-109 Affirmative defenses.

- (1) It is an affirmative defense to a prosecution under this chapter that the distribution of pornographic material is restricted to institutions or persons having scientific, educational, governmental, or other similar justification for possessing pornographic material.
- (2) It is not a defense to a prosecution under this chapter that the actor is a motion picture projectionist, usher, ticket-taker, bookstore employee, or otherwise is required to violate this chapter incident to the actor's employment.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-110 Exemptions to chapter.

- (1) This chapter does not apply to the Department of Corrections or any treatment program by or under contract with the Department of Corrections when the use of material that is pornographic is limited to the assessment or treatment of an offender as defined in Section 64-13-1.
- (2) A woman breast feeding, including breast feeding in any location where the woman otherwise may rightfully be, does not under any circumstance constitute a violation of this chapter, irrespective of whether the woman's breast is covered during or incidental to feeding.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-111 Severability clause.

- (1) If any provision, part, section, or subsection of this chapter or the application of any provision, part, section, or subsection to any person or circumstance is held invalid by a final decision of a court, the remainder of this chapter shall be given effect without the invalid provision, part, section, or subsection or application.
- (2) The provisions of this chapter are severable.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 2 General Offenses

76-5c-201 Definitions.

As used in this part:

- (1) "Hosting company" means the same as that term is defined in Section 76-5c-401.
- (2) "Internet service provider" means the same as that term is defined in Section 76-5c-401.

Enacted by Chapter 173, 2025 General Session

76-5c-202 Distributing pornographic material.

- (1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
- (2) An actor commits distributing pornographic material if the actor knowingly:
 - (a) sends or brings pornographic material into the state with intent to distribute or exhibit the pornographic material to another individual;
 - (b) prepares, publishes, prints, or possesses pornographic material with intent to distribute or exhibit the pornographic material to another individual;
 - (c) distributes or offers to distribute, or exhibits or offers to exhibit, pornographic material to another individual;
 - (d) writes, creates, or solicits the publication or advertising of pornographic material;
 - (e) promotes the distribution or exhibition of material the actor represents to be pornographic; or
 - (f) presents or directs a pornographic performance in a public place or a place exposed to public view or participates in that portion of the performance which makes the performance pornographic.
- (3)
 - (a) Except as provided in Subsection (3)(b) or (c), a violation of Subsection (2) is a third degree felony if the actor is 18 years old or older and is subject to:
 - (i) a minimum mandatory fine of not less than \$1,000, plus \$10 for each article exhibited up to the maximum allowed by law; and
 - (ii) incarceration, without suspension of sentence in any way, for a term of not less than 30 days.
 - (b) Except as provided in Subsection (3)(c), a violation of Subsection (2) is a class A misdemeanor if the actor is 16 or 17 years old.
 - (c) A violation of Subsection (2) is a class B misdemeanor if the actor is younger than 16 years old.
- (4) It is a separate offense under this section for:
 - (a) each day's exhibition of a pornographic motion picture film;
 - (b) each day in which a pornographic publication is displayed or exhibited in a public place with intent to distribute or exhibit the publication to another individual; or
 - (c) each act of distributing of pornographic material described in Subsection (2).
- (5)
 - (a) This section does not apply to an Internet service provider if:
 - (i) the distribution of pornographic material by the Internet service provider occurs only incidentally through the Internet service provider's function of:
 - (A) transmitting or routing data from one person to another person; or
 - (B) providing a connection between one person and another person;
 - (ii) the Internet service provider does not intentionally aid or abet in the distribution of the pornographic material; and
 - (iii) the Internet service provider does not knowingly receive funds from or through a person who distributes the pornographic material in exchange for permitting the person to distribute the pornographic material.
 - (b) This section does not apply to a hosting company if:
 - (i) the distribution of pornographic material by the hosting company occurs only incidentally through the hosting company's function of providing data storage space or data caching to a person;

- (ii) the hosting company does not intentionally engage, aid, or abet in the distribution of the pornographic material; and
 - (iii) the hosting company does not knowingly receive funds from or through a person who distributes the pornographic material in exchange for permitting the person to distribute, store, or cache the pornographic material.
- (6) Subsection (3)(a) supersedes Section 77-18-105.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-203 Aiding or abetting a minor in distributing pornographic material.

- (1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
- (2) An actor commits aiding or abetting a minor in distributing pornographic material if the actor:
- (a) is 18 years old or older; and
 - (b) knowingly solicits, requests, commands, encourages, or intentionally aids a minor in:
 - (i) sending or bringing pornographic material into the state with intent to distribute or exhibit the pornographic material to another individual;
 - (ii) preparing, publishing, printing, or possessing pornographic material with intent to distribute or exhibit the pornographic material to another individual;
 - (iii) distributing or offering to distribute, or exhibiting or offering to exhibit, pornographic material to another individual;
 - (iv) writing, creating, or soliciting the publication or advertising of pornographic material;
 - (v) promoting the distribution or exhibition of material the minor represents to be pornographic; or
 - (vi) presenting or directing a pornographic performance in a public place or a place exposed to public view or participates in that portion of the performance which makes the performance pornographic.
- (3) A violation of Subsection (2) is a third degree felony subject to:
- (a) a minimum mandatory fine of not less than \$1,000, plus \$10 for each article exhibited up to the maximum allowed by law; and
 - (b) incarceration, without suspension of sentence in any way, for a term of not less than 30 days.
- (4)
- (a) Each act of distributing pornographic material described in Subsection (2) is a separate offense.
 - (b) It is a separate offense under this section for:
 - (i) each day's exhibition of any pornographic motion picture film; and
 - (ii) each day in which any pornographic publication is displayed or exhibited in a public place with intent to distribute or exhibit the publication to another individual.
- (5)
- (a) This section does not apply to an Internet service provider if:
 - (i) the distribution of pornographic material by the Internet service provider occurs only incidentally through the Internet service provider's function of:
 - (A) transmitting or routing data from one person to another person; or
 - (B) providing a connection between one person and another person;
 - (ii) the Internet service provider does not intentionally aid or abet in the distribution of the pornographic material; and
 - (iii) the Internet service provider does not knowingly receive funds from or through a person who distributes the pornographic material in exchange for permitting the person to distribute the pornographic material.

- (b) This section does not apply to a hosting company if:
 - (i) the distribution of pornographic material by the hosting company occurs only incidentally through the hosting company's function of providing data storage space or data caching to a person;
 - (ii) the hosting company does not intentionally engage, aid, or abet in the distribution of the pornographic material; and
 - (iii) the hosting company does not knowingly receive funds from or through a person who distributes the pornographic material in exchange for permitting the person to distribute, store, or cache the pornographic material.
- (6) Subsection (3) supersedes Section 77-18-105.

Enacted by Chapter 173, 2025 General Session

76-5c-204 Inducing acceptance of pornographic material.

- (1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
- (2) An actor commits inducing acceptance of pornographic material if the actor knowingly:
 - (a) requires or demands as a condition to a sale, allocation, consignment, or delivery for resale of any newspaper, magazine, periodical, book, publication, or other merchandise that the purchaser or consignee receive any pornographic material or material reasonably believed by the purchaser or consignee to be pornographic; or
 - (b) denies, revokes, or threatens to deny or revoke a franchise, or to impose any penalty, financial or otherwise, because of the failure or refusal to accept pornographic material or material reasonably believed by the purchaser or consignee to be pornographic.
- (3) A violation of Subsection (2) is a third degree felony subject to:
 - (a) a minimum mandatory fine of not less than \$1,000 plus \$10 for each article exhibited up to the maximum allowed by law; and
 - (b) incarceration, without suspension of sentence in any way, for a term of not less than 30 days.
- (4)
 - (a) This section does not apply to an Internet service provider if:
 - (i) the distribution of pornographic material by the Internet service provider occurs only incidentally through the Internet service provider's function of:
 - (A) transmitting or routing data from one person to another person; or
 - (B) providing a connection between one person and another person;
 - (ii) the Internet service provider does not intentionally aid or abet in the distribution of the pornographic material; and
 - (iii) the Internet service provider does not knowingly receive funds from or through a person who distributes the pornographic material in exchange for permitting the person to distribute the pornographic material.
 - (b) This section does not apply to a hosting company if:
 - (i) the distribution of pornographic material by the hosting company occurs only incidentally through the hosting company's function of providing data storage space or data caching to a person;
 - (ii) the hosting company does not intentionally engage, aid, or abet in the distribution of the pornographic material; and
 - (iii) the hosting company does not knowingly receive funds from or through a person who distributes the pornographic material in exchange for permitting the person to distribute, store, or cache the pornographic material.
- (5) Subsection (3) supersedes Section 77-18-105.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-205 Distributing material harmful to minors.

(1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.

(2) An actor commits distributing material harmful to minors if the actor:

(a)

- (i) intentionally distributes or offers to distribute, or exhibits or offers to exhibit, material harmful to minors to an individual;
- (ii) intentionally produces, performs, or directs any performance, before an individual that is harmful to minors; or
- (iii) intentionally participates in a performance before an individual that is harmful to minors; and

(b)

- (i) knows or believes the individual described in Subsection (2)(a) is a minor; or
- (ii) negligently fails to determine if the individual described in Subsection (2)(a) is a minor and the individual is a minor.

(3)

(a) Except as provided in Subsection (3)(b), (c), (d), or (e), a violation of Subsection (2) is a second degree felony if the actor is 18 years old or older and has previously been convicted or adjudicated of a violation of Subsection (2) and is subject to:

- (i) a minimum mandatory fine of not less than \$5,000, plus \$10 for each article exhibited up to the maximum allowed by law; and
- (ii) incarceration, without suspension of sentence, for a term of not less than one year.

(b) Except as provided in Subsection (3)(c), (d), or (e), a violation of Subsection (2) is a third degree felony if:

(i) the actor is 18 years old or older and is subject to:

- (A) a minimum mandatory fine of not less than \$1,000, plus \$10 for each article exhibited up to the maximum allowed by law; and
- (B) incarceration, without suspension of sentence, for a term of not less than 14 days; or

(ii) the actor is younger than 18 years old and has previously been convicted of a violation of Subsection (2).

(c) Except as provided in Subsection (3)(d) or (e), a violation of Subsection (2) is a class A misdemeanor if the actor is 18 years old or older and the minor described in Subsection (2) is 16 years old or older, but younger than 18 years old, and the actor is less than seven years older than the minor at the time of the offense.

(d) Except as provided in Subsection (3)(e), a violation of Subsection (2) is a class A misdemeanor if the actor is 16 years old or 17 years old.

(e) A violation of Subsection (2) is a class B misdemeanor if the actor is younger than 16 years old.

(4)

(a) This section does not apply to an Internet service provider, a provider of an electronic communications service as defined in 18 U.S.C. Sec. 2510, a telecommunications service, information service, or mobile service as defined in 47 U.S.C. Sec. 153, including a commercial mobile service as defined in 47 U.S.C. Sec. 332(d), or a cable operator as defined in 47 U.S.C. Sec. 522, if:

- (i) the distribution of pornographic material by the Internet service provider occurs only incidentally through the provider's function of:
 - (A) transmitting or routing data from one person to another person; or

- (B) providing a connection between one person and another person;
 - (ii) the provider does not intentionally aid or abet in the distribution of the pornographic material; and
 - (iii) the provider does not knowingly receive from or through a person who distributes the pornographic material a fee greater than the fee generally charged by the provider, as a specific condition for permitting the person to distribute the pornographic material.
- (b) This section does not apply to a hosting company if:
- (i) the distribution of pornographic material by the hosting company occurs only incidentally through the hosting company's function of providing data storage space or data caching to a person;
 - (ii) the hosting company does not intentionally engage, aid, or abet in the distribution of the pornographic material; and
 - (iii) the hosting company does not knowingly receive from or through a person who distributes the pornographic material a fee greater than the fee generally charged by the provider, as a specific condition for permitting the person to distribute, store, or cache the pornographic material.
- (5) An Internet service provider is not negligent under this section if the Internet service provider complies with Section 76-5c-402.
- (6) It is an affirmative defense to a prosecution for a violation of this section if the violation arises from displaying or exhibiting an outer portion of material that the material is:
- (a) in a sealed opaque wrapper that covers at least the lower 2/3 of the material so that the lower 2/3 of the material is concealed from view;
 - (b) placed behind a blinder rack; or
 - (c)
 - (i) displayed in an area from which a minor is physically excluded; and
 - (ii) the material cannot be viewed by the minor from an area where the minor is allowed.
- (7) Subsections (3)(a) and (3)(b)(i) supersede Section 77-18-105.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-206 Aiding or abetting a minor in distributing material harmful to minors.

- (1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
- (2) An actor commits aiding or abetting a minor in distributing material harmful to minors if:
- (a) the actor is 18 years old or older; and
 - (b) the actor knowingly solicits, requests, commands, encourages, or intentionally aids a minor to:
 - (i) intentionally distribute or offer to distribute, or exhibit or offer to exhibit, material harmful to minors to an individual;
 - (ii) intentionally produce, perform, or direct any performance, before an individual that is harmful to minors; or
 - (iii) intentionally participate in any performance, before an individual that is harmful to minors; and
 - (c)
 - (i) the minor described in Subsection (2)(b) knows or believes the individual described in Subsections (2)(b)(i) through (iii) is a minor; or
 - (ii) the minor described in Subsection (2)(b) negligently fails to determine if the individual described in Subsections (2)(b)(i) through (iii) is a minor and the individual is a minor.
- (3) A violation of Subsection (2) is a third degree felony subject to:

- (a) a minimum mandatory fine of not less than \$5,000, plus \$10 for each article exhibited up to the maximum allowed by law; and
 - (b) incarceration, without suspension of sentence, for a term of not less than one year.
- (4)
- (a) This section does not apply to an Internet service provider, a provider of an electronic communications service as defined in 18 U.S.C. Sec. 2510, a telecommunications service, information service, or mobile service as defined in 47 U.S.C. Sec. 153, including a commercial mobile service as defined in 47 U.S.C. Sec. 332(d), or a cable operator as defined in 47 U.S.C. Sec. 522, if:
 - (i) the distribution of pornographic material by the Internet service provider occurs only incidentally through the provider's function of:
 - (A) transmitting or routing data from one person to another person; or
 - (B) providing a connection between one person and another person;
 - (ii) the provider does not intentionally aid or abet in the distribution of the pornographic material; and
 - (iii) the provider does not knowingly receive from or through a person who distributes the pornographic material a fee greater than the fee generally charged by the provider, as a specific condition for permitting the person to distribute the pornographic material.
 - (b) This section does not apply to a hosting company if:
 - (i) the distribution of pornographic material by the hosting company occurs only incidentally through the hosting company's function of providing data storage space or data caching to a person;
 - (ii) the hosting company does not intentionally engage, aid, or abet in the distribution of the pornographic material; and
 - (iii) the hosting company does not knowingly receive from or through a person who distributes the pornographic material a fee greater than the fee generally charged by the provider, as a specific condition for permitting the person to distribute, store, or cache the pornographic material.
- (5) An Internet service provider is not negligent under this section if the Internet service provider complies with Section 76-5c-402.
- (6) It is an affirmative defense to prosecution for a violation of this section if the violation arises from displaying or exhibiting an outer portion of material that the material is:
- (a) in a sealed opaque wrapper that covers at least the lower 2/3 of the material so that the lower 2/3 of the material is concealed from view;
 - (b) placed behind a blinder rack; or
 - (c)
 - (i) displayed in an area from which a minor is physically excluded; and
 - (ii) the material cannot be viewed by the minor from an area where the minor is allowed.
- (7) Subsection (3) supersedes Section 77-18-105.

Enacted by Chapter 173, 2025 General Session

76-5c-207 Indecent public display in the presence of a minor.

- (1)
- (a) As used in this section:
 - (i) "Description or depiction of illicit sex or sexual immorality" means:
 - (A) human genitals in a state of sexual stimulation or arousal;
 - (B) acts of human masturbation, sexual intercourse, or sodomy;

- (C) fondling or other erotic touching of human genitals or pubic region; or
- (D) fondling or other erotic touching of the human buttock or female breast.
- (ii) "Serious value" means having serious literary, artistic, political, or scientific value for minors, taking into consideration the ages of all minors who could be exposed to the material.
- (iii) "Nude or partially denuded figure" means:
 - (A) less than completely and opaquely covering human:
 - (I) genitals;
 - (II) pubic regions;
 - (III) buttocks; or
 - (IV) female breasts below a point immediately above the top of the areola; or
 - (B) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (b) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
- (2) An actor commits indecent public display in the presence of a minor if the actor willfully or knowingly:
 - (a) engages in the business of selling, lending, giving away, showing, advertising for sale, or distributing to a minor or has in the actor's possession with intent to engage in that business or to otherwise offer for sale or commercial distribution to a minor any material with:
 - (i) a description or depiction of illicit sex or sexual immorality; or
 - (ii) a nude or partially denuded figure; or
 - (b) publicly displays at a newsstand or another establishment frequented by minors, or where the minors are or may be invited as a part of the general public:
 - (i)
 - (A) a motion picture;
 - (B) a live, taped, or recorded performance;
 - (C) a still picture or photograph; or
 - (D) a book, pocket book, pamphlet, or magazine; and
 - (ii) the cover or content of the items described in Subsection (2)(b)(i):
 - (A) exploits, is devoted to, or is principally made up of a description or depiction of illicit sex or sexual immorality; or
 - (B) consists of a picture of nude or partially denuded figures.
- (3) A violation of this section is a class A misdemeanor subject to:
 - (a) a minimum mandatory fine of not less than \$500; and
 - (b) incarceration, without suspension of sentence in any way, for a term of not less than 30 days.
- (4) It is an affirmative defense to prosecution for a violation of this section if the violation arises from displaying or exhibiting an outer portion of material that the material is:
 - (a) in a sealed opaque wrapper that covers at least the lower 2/3 of the material so that the lower 2/3 of the material is concealed from view;
 - (b) placed behind a blinder rack; or
 - (c)
 - (i) displayed in an area from which a minor is physically excluded; and
 - (ii) the material cannot be viewed by the minor from an area where the minor is allowed.
- (5) This section does not apply to any material which, when taken as a whole, has serious value for minors, however, a description or depiction of illicit sex or sexual immorality has no serious value for minors.
- (6) This section supersedes Section 77-18-105.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-208 Creating, viewing, or accessing pornographic or indecent material on school property.

- (1)
 - (a) As used in this section:
 - (i) "Description or depiction of illicit sex or sexual immorality" means the same as that term is defined in Section 76-5c-207.
 - (ii) "Nude or partially denuded figure" means the same as that term is defined in Section 76-5c-207.
 - (iii) "Pornographic or indecent material" means any material that:
 - (A) is harmful to minors;
 - (B) is pornographic;
 - (C) is a description of or depiction of illicit sex or sexual immorality; or
 - (D) contains a nude or partially denuded figure.
 - (iv) "School property" means property, including land and improvements, that a school district or charter school owns, leases, or occupies.
 - (b) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
- (2) Under circumstances not amounting to an offense listed in Subsection (4), an actor commits creating, viewing, or accessing pornographic or indecent material on school property if the actor willfully or knowingly creates, views, or otherwise gains access to pornographic or indecent material while present on school property.
- (3)
 - (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor if the actor is 18 years old or older.
 - (b) A violation of Subsection (2) is a class B misdemeanor if the actor is younger than 18 years old.
- (4) The offenses referred to in Subsection (2) are:
 - (a) distributing pornographic material as described in Section 76-5c-202;
 - (b) aiding or abetting a minor in distributing pornographic material as described in Section 76-5c-203;
 - (c) inducing acceptance of pornographic material as described in Section 76-5c-204;
 - (d) distributing material harmful to minors as described in Section 76-5c-205;
 - (e) aiding or abetting a minor in distributing material harmful to minors as described in Section 76-5c-206; or
 - (f) indecent public display in the presence of a minor as described in Section 76-5c-207.
- (5) This section does not:
 - (a) prohibit disciplinary action for actions that violate this section; or
 - (b) apply to school or law enforcement personnel when the school or law enforcement personnel views or otherwise gains access to pornographic or indecent material while on school property for the limited purpose of:
 - (i) investigating a violation of this section; or
 - (ii) enforcing this section.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-209 Possession of a child sex doll.

- (1)
 - (a) As used in this section, "child sex doll" means a doll, mannequin, or robot:

- (i) that is anatomically correct, with the features of, or with features that resemble those of, a minor; and
- (ii) that is intended for use in sexual acts.
- (b) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
- (2) An actor commits possession of a child sex doll if the actor knowingly or intentionally possesses a child sex doll.
- (3) A violation of Subsection (2) is a class A misdemeanor, with a mandatory fine of not less than \$2,500.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-210 Distributing or purchasing a child sex doll.

- (1)
 - (a) As used in this section:
 - (i) "Child sex doll" means the same as that term is defined in Section 76-5c-209.
 - (ii) "Distribute" means to sell, or with or without consideration, offer to sell, advertise, provide, ship, deliver for shipment, offer to deliver for shipment, or transfer.
 - (b) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
- (2) An actor commits distributing or purchasing a child sex doll if the actor knowingly, intentionally, or recklessly distributes, purchases, or offers to purchase a child sex doll.
- (3) A violation of Subsection (2) is a third degree felony, with a mandatory fine of not less than \$10,000.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-211 Deactivation of a pornography device filter on a minor's device.

- (1)
 - (a) As used in this section, "device" means the same as that term is defined in 78B-6-2601.
 - (b) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
- (2) An actor commits deactivation of a pornography device filter on a minor's device if the actor:
 - (a) is 18 years old or older;
 - (b) intentionally disables the filter required under Section 78B-6-2602 that is on a device in the possession of a minor;
 - (c) disabled the filter for the purpose of disseminating pornography to the minor described in Subsection (2)(b); and
 - (d) is not the parent or legal guardian of the minor described in Subsection (2)(b).
- (3)
 - (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor subject to a fine of not more than \$2,500.
 - (b) A violation of Subsection (2) is a third degree felony subject to a fine of not more than \$5,000 if the actor has previously been convicted of a violation of Subsection (2).

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-212 Fee owner or intermediate lessor allowing real property to be used for illicit pornographic purposes.

- (1)

- (a) As used in this section, "allow" means a failure to exercise the option to void the lease or other title described in Section 76-5c-105 within 10 days after the day on which the fee owner or lessor receives notice in writing from the county attorney of the county where the property is situated, or if situated in a city of the first or second class, from the city attorney of that city, that the property is being used for a purpose prohibited under this chapter.
- (b) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
- (2) An actor commits fee owner or intermediate lessor allowing real property to be used for pornographic purposes if:
 - (a) the actor is a fee owner or intermediate lessor of real property;
 - (b) the actor knowingly allows the real property described in Subsection (2)(a) to be used by a tenant or occupant, or a tenant's or occupant's employee, for the purpose of distributing or exhibiting pornographic materials, or for pornographic performances; and
 - (c) the tenant or occupant, or the tenant's or occupant's employee, has been convicted of a violation of this chapter for an offense that occurred on the property and all avenues of direct appeal from the conviction have been exhausted or abandoned.
- (3) A violation of Subsection (2) is a class A misdemeanor.
- (4) Any fine assessed for a conviction under this section becomes a lien upon the real property described in Subsection (2)(a), if the fine is not paid within 30 days after the day on which the judgment is entered.

Enacted by Chapter 173, 2025 General Session

76-5c-213 Tenant or occupant failing to exit real property after using the property for pornographic purposes.

- (1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
- (2) An actor commits tenant or occupant failing to exit real property after using the property for pornographic purposes if the actor:
 - (a) is a tenant or occupant of real property;
 - (b) received notice in writing that the fee owner or intermediate lessor of the real property is exercising the option to void the lease or other title described in Section 76-5c-105; and
 - (c) does not permanently exit the premises within 10 days after the day on which the actor received the notice described in Subsection (2)(b).
- (3) A violation of Subsection (2) is a class A misdemeanor.

Enacted by Chapter 173, 2025 General Session

76-5c-214 Conspiracy to commit a pornographic or harmful materials violation.

- (1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
- (2) An actor commits conspiracy to commit a pornographic or harmful materials violation if the actor conspires with two or more persons to commit a violation of this chapter.
- (3)
 - (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third degree felony subject to:
 - (i) a minimum mandatory fine of not less than \$1,000; and
 - (ii) incarceration, without suspension of the sentence in any way, for a term of not less than 60 days.
 - (b) A violation of Subsection (2) is a second degree felony if the actor has previously been convicted of a violation of Subsection (2) and is subject to:

- (i) a minimum mandatory fine of not less than \$5,000; and
 - (ii) incarceration, without suspension of the sentence in any way, for a term of not less than one year.
- (4) Subsection (3) supersedes Section 77-18-105.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 3

Distribution and Exhibition of Motion Picture Films

76-5c-301 Definitions.

As used in this part:

- (1) "Exhibit" means to show in a public place or in a place where the public is admitted, whether or not an admission fee is charged.
- (2)
 - (a) "Distributor" means a person from which a film is acquired by sale, lease, loan, or any other means, directly or indirectly, for the purpose of exhibiting the film in this state or elsewhere.
 - (b) "Distributor" does not include a person whose function with respect to a film is limited to the transportation or storage of the film.
- (3) "Film" means what is usually known as a motion picture film and that is intended to be shown commercially for profit by devices of any kind whatsoever.
- (4) "Person" includes an individual, firm, association, partnership, or corporation.
- (5) "Public place" includes a place that admission is gained by payment of a membership or admission fee, however designated, notwithstanding it is designated as a private club or by words of like import.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-302 Intent of part -- Exemptions from part.

- (1) It is the intent of this part to prevent the commercial distribution and exhibition of films in this state which are pornographic.
- (2) The Legislature finds that there is substantial evidence that elements of organized crime have engaged to an increasing degree in the production and distribution of pornographic films and, therefore, it is the further intent of this part to facilitate the criminal prosecution of distributors of pornographic films.
- (3) It is not the intent of this part to:
 - (a) limit the regulation of films by counties, cities, towns, and other political subdivisions of the state, as these political subdivisions are specifically given the right by this part to further regulate films; or
 - (b) limit or abridge the power to otherwise prosecute violations of any other provisions of law including those provisions of this chapter.
- (4) This part does not apply to a film:
 - (a) distributed to or exhibited by any accredited university, college, school, library, or other educational institution, church, or museum, if there is scientific, religious, or educational justification for the exhibition of the film; or

- (b) exhibited by the Department of Corrections or exhibited as part of any treatment program operated by or under contract with the department if the exhibition of the film is solely for the assessment or treatment of an offender as defined under Section 64-13-1.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-303 Qualification for distribution of films.

- (1) A distributor that is a corporation shall be qualified to distribute films within this state if:
 - (a) the corporation is a domestic corporation in good standing or a foreign corporation authorized to transact business in this state; and
 - (b) the corporation submits the corporation to the jurisdiction and laws of this state relating to being a distributor in this state.
- (2) A distributor which is not a corporation shall be qualified to distribute films within this state if:
 - (a) the distributor has and continuously maintains a registered office in this state; and
 - (b) the distributor has a registered agent whose business address is at that registered office and which is either an individual residing and domiciled in this state, a domestic corporation in good standing, or a foreign corporation authorized to transact business in this state.
- (3) This section does not affect the right to serve process, a notice, or a demand, required or permitted by law to be served upon a distributor, in any other manner provided by law.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-304 Change of registered office or agent by film distributor -- Service of process, notice, or demand on registered agent.

- (1) A distributor qualified to distribute films in this state may change the distributor's registered office or registered agent in accordance with Title 16, Chapter 17, Model Registered Agents Act.
- (2) Any process, notice, or demand required or permitted by law to be served upon the distributor may be served upon the registered agent of that distributor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-305 Distribution of a pornographic film for exhibition.

- (1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-301 apply to this section.
- (2) An actor commits distribution of a pornographic film for exhibition if the actor knowingly or with criminal negligence distributes a film for exhibition that is pornographic.
- (3)
 - (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor subject to:
 - (i) a fine not less than \$1,000; and
 - (ii) incarceration, without suspension of sentence in any way, for a term of not less than 60 days.
 - (b) A violation of Subsection (2) is a third degree felony if the actor has previously been convicted of a violation of Subsection (2) and is subject to:
 - (i) a fine not less than \$5,000; and
 - (ii) incarceration, without suspension of sentence in any way, for a term of not less than six months.

- (4) It is an affirmative defense to a prosecution under this section that the distribution or exhibition of a film is exempt from the restrictions of this part described in Section 76-5c-302.
- (5) It is not a defense to a prosecution under this section that the actor was a motion picture projectionist or was otherwise required by the actor's employment to commit the violation.
- (6) Each copy of a pornographic film distributed for exhibition in violation of this section is a separate offense.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-306 Distributing a film without being qualified.

- (1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-301 apply to this section.
- (2) An actor commits distributing a film without being qualified if the actor knowingly:
 - (a) distributes a film for exhibition; and
 - (b) is not qualified to distribute a film for exhibition.
- (3)
 - (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor subject to:
 - (i) a fine not less than \$299; and
 - (ii) incarceration, without suspension of sentence in any way, for a term of not less than 30 days.
 - (b) A violation of Subsection (2) is a class A misdemeanor if the actor has previously been convicted of a violation of Subsection (2) and is subject to:
 - (i) a fine not less than \$1,000; and
 - (ii) incarceration, without suspension of sentence in any way, for a term of not less than 60 days.
- (4) It is an affirmative defense to a prosecution under this section that the distribution of a film is exempt from the restrictions of this part described in Section 76-5c-302.
- (5) It is not a defense to a prosecution under this section that the actor was a motion picture projectionist or was otherwise required by the actor's employment to commit the violation.
- (6) Each day's exhibition of a film, and each copy of a film distributed for exhibition in violation of this section is a separate offense.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-307 Improperly exhibiting a film.

- (1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-301 apply to this section.
- (2) An actor commits improperly exhibiting a film if the actor knowingly:
 - (a) exhibits a film; and
 - (b) did not acquire the film from a distributor qualified to distribute a film.
- (3)
 - (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor subject to:
 - (i) a fine not less than \$299; and
 - (ii) incarceration, without suspension of sentence in any way, for a term of not less than 30 days.
 - (b) A violation of Subsection (2) is a class A misdemeanor if the actor has previously been convicted of a violation of Subsection (2) and is subject to:
 - (i) a fine not less than \$1,000; and

- (ii) incarceration, without suspension of sentence in any way, for a term of not less than 60 days.
- (4) It is an affirmative defense to a prosecution under this section that the distribution or exhibition of a film is exempt from the restrictions of this part described in Section 76-5c-302.
- (5) It is not a defense to a prosecution under this section that the actor was a motion picture projectionist or was otherwise required by the actor's employment to commit the violation.
- (6) Each day's exhibition of a film exhibited in violation of this section is a separate offense.

Enacted by Chapter 173, 2025 General Session

Part 4

Requirements and Penalties for Content and Internet Providers

76-5c-401 Definitions.

As used in this part:

- (1) "Consumer" means an individual residing in this state who subscribes to a service provided by a service provider for personal or residential use.
- (2) "Content provider" means a person domiciled in Utah or that generates or hosts content in Utah, and that creates, collects, acquires, or organizes electronic data for electronic delivery to a consumer with the intent of making a profit.
- (3)
 - (a) "Hosting company" means a person that provides services or facilities for storing or distributing content over the Internet without editorial or creative alteration of the content.
 - (b) A hosting company may have policies concerning acceptable use without becoming a content provider under Subsection (2).
- (4) "Internet service provider" means a person engaged in the business of providing broadband Internet access service, with the intent of making a profit, to consumers in Utah.
- (5) "Properly rated" means content using a labeling system to label material harmful to minors provided by the content provider in a way that:
 - (a) accurately apprises a consumer of the presence of material harmful to minors; and
 - (b) allows the consumer the ability to control access to material harmful to minors based on the material's rating by use of reasonably priced commercially available software, including software in the public domain.
- (6) "Restrict" means to limit access to material harmful to minors by:
 - (a) properly rating content; or
 - (b) any other reasonable measures feasible under available technology.
- (7)
 - (a) "Service provider" means an Internet service provider.
 - (b) "Service provider" does not include a person who does not terminate a service in this state, but merely transmits data through:
 - (i) a wire;
 - (ii) a cable; or
 - (iii) an antenna.
 - (c) "Service provider," notwithstanding Subsection (7)(b), includes a person who leases or rents a wire or cable for the transmission of data.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-402 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.
 - (c) 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).
- (2) The Division of Consumer Protection within the Department of Commerce shall:
 - (a) every other year request from each service provider information on how the service provider complies with Subsection (1)(a);
 - (b) publish on the division's website a compilation of the information the division receives under Subsection (2)(a); and
 - (c) update the compilation described in Subsection (2)(b) every other year.
- (3)
 - (a) A service provider may comply with Subsection (1)(a) by providing in-network filtering to prevent the 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), the attorney general shall:
 - (a) notify the service provider that the service provider is in violation of Subsection (1); and
 - (b) notify the service provider that the service provider has 90 days to comply with the provision being violated or be subject to the civil penalties described in 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 (1)(c) 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.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-403 Content providers -- Material harmful to minors.

- (1) A content provider that is domiciled in Utah, or generates or hosts content in Utah, shall restrict access to material harmful to minors.
- (2) If the attorney general determines that a content provider violates Subsection (1), the attorney general shall:
 - (a) notify the content provider that the content provider is in violation of Subsection (1); and

- (b) notify the content provider that the content provider has 30 days to comply with Subsection (1) or be subject to the civil penalties described in Subsection (3).
- (3)
 - (a) If a content provider intentionally or knowingly violates this section more than 30 days after receiving the notice provided under Subsection (2), the content provider is subject to a civil fine of \$2,500 for each separate violation of Subsection (1), up to \$10,000 per day.
 - (b) A proceeding to impose the civil fine under this section may be brought only by the attorney general.
- (4) The Division of Consumer Protection shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish acceptable rating methods to be implemented by a content provider under Subsection (1).

Renumbered and Amended by Chapter 173, 2025 General Session