

57 (2) Title 78A, Chapter 10, Judicial Selection Act, is repealed on July 1, 2023.

58 [~~(3) If Title 78B, Chapter 6, Part 22, Cause of Action to Protect Minors from~~
59 ~~Unfiltered Devices, is not in effect before January 1, 2031, Title 78B, Chapter 6, Part 22, Cause~~
60 ~~of Action to Protect Minors from Unfiltered Devices, is repealed January 1, 2031.~~]

61 [~~(4)~~ (3) Sections 78B-12-301 and 78B-12-302 are repealed on January 1, 2025.

62 Section 2. Section **76-10-1238** is enacted to read:

63 **76-10-1238. Deactivation of a device filter.**

64 (1) (a) An ~~§~~ **→ adult ←§** individual, other than the parent or legal guardian of the minor in
64a possession
65 of a device, who disables the filter required under Section 78B-6-2602 on a device in
66 possession of a minor ~~§~~ **→ for the purpose of disseminating pornography to the minor, ←§**
66a commits a class A misdemeanor.

67 (b) For each offense, the violator is subject to fines up to \$5,000.

68 (2) Any person who has a prior conviction under this section, is guilty of a felony of
69 the third degree and shall, for each separate offense, be fined ~~§~~ **→ [up to] an amount not to exceed**
69a ~~←§~~ \$50,000 and may be
70 imprisoned for ~~§~~ **→ [up to one year] zero to five years ←§** .

71 Section 3. Section **78B-6-2601** is enacted to read:

72 **Part 26. Children's Device Protection Act**

73 **78B-6-2601. Definitions.**

74 As used in this part:

75 (1) "Activate" means the process of powering on a device and associating the device
76 with a new user account.

77 (2) "Device" means a tablet or a smart phone sold in Utah and manufactured on or after
78 January 1, 2025.

79 (3) "Filter" means software installed on a device that is capable of preventing the
80 device from accessing or displaying obscene material through Internet browsers or search
81 engines via mobile data networks, wired Internet networks, and wireless Internet networks.

82 (4) "Internet" means the same as that term is defined in Section 13-40-102.

83 (5) "Manufacturer" means a person that:

84 (a) is engaged in the business of manufacturing a device;

85 (b) holds the patents for the device the person manufactures; and

86 (c) has a commercial registered agent as that term is defined in Section 16-17-102.

87 (6) "Minor" means an individual under the age of 18 who is not emancipated, married,

88 or a member of the armed forces of the United States.

89 (7) "Obscenity" means the same as that term is defined in Section 32B-1-504.

90 (8) "Password" means a string of characters or other secure method used to enable,

91 deactivate, modify, or uninstall a filter on a device.

91a **§→ (9) (a) "Retailer" means a person, that is not a manufacturer, that sells a device directly to**
91b **consumers.**

91c **(b) "Retailer" includes an employee of a retailer acting in the course and scope of the**
91d **employee's employment. ←§**

92 **§→ [9] (10) ←§** "Smart phone" means the same as that term is defined in Section
92a 63A-2-101.5.

93 **§→ [10] (11) ←§** "Tablet" means a mobile device that:

94 (a) is equipped with a mobile operating system, touchscreen display, and rechargeable
95 battery; and

96 (b) has the ability to support access to a cellular network.

97 Section 4. Section **78B-6-2602** is enacted to read:

98 **78B-6-2602. Filter required.**

99 All devices activated in the state shall:

100 (1) contain a filter;

101 (2) determine the age of a user during activation and account set-up;

102 (3) automatically activate the filter when the user is a minor based on the determination

103 in Subsection (2);

104 (4) notify the user of the device when the filter blocks the device from accessing a

105 website; and

106 (5) allow a non-minor user that has a password the option to deactivate and re-activate
107 the filter.

108 Section 5. Section **78B-6-2603** is enacted to read:

109 **78B-6-2603. Manufacturer liability.**

110 (1) A manufacturer of a device is subject to civil liability if:

111 (a) a device is activated in the state;

112 (b) the device does not, upon activation in the state, enable a filter that complies with
113 the requirements described in Section 78B-6-2602; and

114 (c) the minor accesses material that is obscene on the device.

115 (2) Notwithstanding Subsection (1), this section does not apply to a manufacturer that

116 makes a good faith effort to provide a device that, upon activation of the device in the state,

117 automatically enables a generally accepted and commercially reasonable filter that blocks

118 obscene content on all Internet browsers or search engines accessed on the device in

119 accordance with this section.

119a **§→ (3) Nothing in this part creates a cause of action against a retailer of a device. ←§**

120 Section 6. Section **78B-6-2604** is enacted to read:

121 **78B-6-2604. Individual liability.**

122 With the exception of a minor's parent or legal guardian, a person may be liable in a
123 civil and criminal action for enabling the password to remove the filter on a device in the
124 possession of a minor if the minor accesses content that is obscene on the device.

125 Section 7. Section **78B-6-2605** is enacted to read:

126 **78B-6-2605. Proceedings by the attorney general.**

127 (1) The attorney general may bring an action in court against a person for a violation of
128 this chapter:

129 (a) to enjoin any action that constitutes a violation of this chapter by the issuance of a
130 temporary restraining order or preliminary or permanent injunction;

131 (b) to recover from a violator a civil penalty not to exceed \$5,000 per violation, and not
132 to exceed a total of \$50,000 in aggregate, as determined by the court;

133 (c) to recover from a violator the attorney general's reasonable expenses, investigative
134 costs, and attorney fees; and

135 (d) to obtain other appropriate relief as provided for under this chapter.

136 (2) The attorney general may seek the revocation of any license or certificate
137 authorizing a manufacturer to engage in business in this state.

138 (3) For purposes of assessing a penalty under this section, a manufacturer is considered
139 to have committed a separate violation for each device manufactured on or after January 1,
140 2025, that violates the provisions of Section 78B-6-2602.

141 Section 8. Section **78B-6-2606** is enacted to read:

142 **78B-6-2606. Civil action by parent or legal guardian.**

143 (1) A parent or legal guardian of a minor that accesses obscene content on a device as a
144 result of a manufacturer's failure to comply with of Section 78B-6-2602 may bring a private
145 cause of action in court against the manufacturer.

146 (2) A person bringing an action under Subsection (1) may recover:

147 (a) (i) actual damages; or

148 (ii) where actual damages are difficult to ascertain due to the nature of the injury,

149 \$50,000 for each violation;