

57 (1) Section 78A-2-804 is repealed on July 1, 2024.

58 (2) Title 78A, Chapter 10, Judicial Selection Act, is repealed on July 1, 2023.

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61 ~~of Action to Protect Minors from Unfiltered Devices, is repealed January 1, 2031.~~]

62 [~~(4)~~ (3) Sections 78B-12-301 and 78B-12-302 are repealed on January 1, 2025.

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

64 **76-10-1238. Deactivation of a device filter.**

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

69 (b) For each offense of Subsection (1)(a), the violator is subject to a fine in an amount  
70 not to exceed \$2,500.

71 (2) A person who has a prior conviction under this section, who commits a subsequent  
72 violation of Subsection (1)(a), is guilty of a third degree felony and shall, for each separate  
73 offense, be fined in an amount not to exceed \$5,000 and may be imprisoned for zero to five  
74 years.

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

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

77 **78B-6-2601. Definitions.**

78 As used in this part:

79 (1) "Activate" means the process of powering on a device and associating the device  
80 with a user account.

81 (2) "Device" means a tablet or a smart phone manufactured on or after January 1, 2025.

82 (3) "Filter" means ~~H~~→ **generally accepted and commercially reasonable** ←~~H~~ software  
82a used on a device that is ~~H~~→ **[reasonably]** ←~~H~~ capable of preventing  
83 the device from accessing or displaying obscene material through Internet browsers or search  
84 engines ~~H~~→ **owned or controlled by the manufacturer** ←~~H~~ in accordance with prevailing  
84a industry standards ~~H~~→ **including blocking known**  
84b **websites linked to obscene content** ←~~H~~ via mobile data networks, wired  
85 Internet networks, and wireless Internet networks.

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

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

88 (a) ~~H~~→ (i) ~~H~~ is engaged in the business of manufacturing a device;

89 ~~H~~→ [~~(b)~~] (ii) ~~H~~ holds the patents for the device the person manufactures; ~~H~~→ [and] or

89a (iii) holds the patents for the operating system on a device; and ~~H~~

90 ~~H~~→ [~~(c)~~] (b) ~~H~~ has a commercial registered agent as that term is defined in Section

90a 16-17-102.

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

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

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

93a ~~H~~→ (8) "Operating system" means software that manages all of the other application

93b programs on a device. ~~H~~

94 ~~H~~→ [~~(8)~~] (9) ~~H~~ "Password" means a string of characters or other secure method used to

94a enable,

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

96 ~~H~~→ [~~(9)~~] (10) ~~H~~ (a) "Retailer" means a person, that is not a manufacturer, that sells a

96a device directly

97 to consumers.

98 (b) "Retailer" includes an employee of a retailer acting in the course and scope of the

99 employee's employment.

100 ~~H~~→ [~~(10)~~] (11) ~~H~~ "Smart phone" means the same as that term is defined in Section

100a 63A-2-101.5.

101 ~~H~~→ [~~(11)~~] (12) ~~H~~ "Tablet" means a mobile device that:

102 (a) is equipped with a mobile operating system, touchscreen display, and rechargeable

103 battery; and

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

105 ~~H~~→ [~~(12)~~] (13) ~~H~~ "Video game console" means a discrete computing system, including

105a the system's

106 components and peripherals, primarily used for playing video games, but does not include a

107 smartphone or tablet.

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

109 **78B-6-2602. Filter required.**

110 All devices activated in the state shall:

111 (1) contain a filter;

112 (2) ~~H~~→ [determine the age of a user] ask the user to provide the user's age ~~H~~ during

112a activation and account set-up;☺

- 113            ~~(3)~~ automatically enable the filter when the user is a minor based on the ~~H~~→
- 113a [determination] age provided by the user as described ←~~H~~
- 114 in Subsection (2);
- 115            (4) allow a password to be established for the filter;
- 116            (5) notify the user of the device when the filter blocks the device from accessing a
- 117 website; and
- 118            (6) allow a non-minor user that has a password the option to deactivate and re-activate

119 the filter.

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

121 **78B-6-2603. Manufacturer liability.**

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

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

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

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

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

128 makes a good faith effort to provide a device that, upon activation of the device in the state ~~Ĥ→~~ [

128a ~~**and**~~

129 ~~**using the age provided by the user, automatically enables a generally accepted and**~~

130 ~~**commercially reasonable filter that blocks obscene content on all Internet browsers or search**~~

131 ~~**engines accessed on the device in accordance with this section]** , **automatically enables a filter in**~~

131a ~~**accordance with Section 78B-6-2602**~~ ~~←Ĥ~~ .

132 (3) Nothing in this part:

132a ~~Ĥ→~~ **(a) applies to a device manufactured before January 1, 2025;** ~~←Ĥ~~

133 ~~Ĥ→~~ ~~[(a)]~~ ~~(b)~~ ~~←Ĥ~~ applies to a video game console; or

134 ~~Ĥ→~~ ~~[(b)]~~ ~~(c)~~ ~~←Ĥ~~ creates a cause of action against a retailer of a device.

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

136 **78B-6-2604. Individual liability.**

137 With the exception of a minor's parent or legal guardian, a person may be liable in a

138 civil and criminal action for intentionally enabling the password to remove the filter on a

139 device in the possession of a minor if the minor accesses content that is obscene on the device.

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

141 **78B-6-2605. Proceedings by the attorney general.**

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

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

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

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