



House of Representatives *State of Utah*

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February 21, 2024

Mr. Speaker,

The Judiciary Committee recommends **2nd Sub. S.B. 104**, CHILDREN'S DEVICE PROTECTION ACT, by Senator T. D. Weiler, be replaced and reports a favorable recommendation on **4th Sub. S.B. 104**, CHILDREN'S DEVICE PROTECTION ACT with the following amendments, and, due to fiscal impact, recommends it be referred to the Rules Committee for prioritization.

1. *Page 3, Lines 82 through 85:*

82 (3) "Filter" means generally accepted and commercially reasonable software used
83 on a device that is ~~{-reasonably-}~~ capable of preventing
84 the device from accessing or displaying obscene material through Internet browsers or search
85 engines owned or controlled by the manufacturer in accordance with prevailing industry
standards via mobile data networks, wired
Internet networks, and wireless Internet networks.

2. *Page 4, Lines 88 through 90:*

88 (a) (i) is engaged in the business of manufacturing a device;
89 ~~{-(b)-}~~ (ii) holds the patents for the device the person manufactures; ~~{-and~~
-} or
= (iii) holds the patents for the operating system on a device; and
90 ~~{-(c)-}~~ (b) has a commercial registered agent as that term is defined in Section
16-17-102.

3. *Page 4, Lines 93 through 107:*

93 (7) "Obscenity" means the same as that term is defined in Section 32B-1-504. (8) "Operating system" means software that manages all of the other application
programs on a device.
94 ~~{-(8)-}~~ (9) "Password" means a string of characters or other secure method used to
enable,
95 deactivate, modify, or uninstall a filter on a device.
96 ~~{-(9)-}~~ (10) (a) "Retailer" means a person, that is not a manufacturer, that sells a
device directly
97 to consumers.

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98 (b) "Retailer" includes an employee of a retailer acting in the course and scope of the
99 employee's employment.
100 ~~{(10)}~~ (11) "Smart phone" means the same as that term is defined in Section
101 63A-2-101.5.
102 ~~{(11)}~~ (12) "Tablet" means a mobile device that:
103 (a) is equipped with a mobile operating system, touchscreen display, and rechargeable
104 battery; and
105 (b) has the ability to support access to a cellular network.
106 ~~{(12)}~~ (13) "Video game console" means a discrete computing system, including
107 the system's
108 components and peripherals, primarily used for playing video games, but does not include a
109 smartphone or tablet.

4. Page 4, Lines 112 through 114:

112 (2) ~~{determine the age of a user}~~ ask the user to provide the user's age
113 during activation and account set-up;
114 (3) automatically enable the filter when the user is a minor based on the ~~{determination~~
115 ~~-}~~ age provided by the user as described
116 in Subsection (2);

5. Page 5, Lines 128 through 131:

128 makes a good faith effort to provide a device that, upon activation of the device in the state ~~{~~
129 and
130 ~~using the age provided by the user, automatically enables a generally accepted and~~
131 ~~commercially reasonable filter that blocks obscene content on all Internet browsers or search~~
132 ~~engines accessed on the device in accordance with this section}~~ , automatically enables a
133 filter in accordance with Section 78B-6-2602 .

Respectfully,

Jon Hawkins
Chair

Voting: 10-0-2

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