

Utah Passes Porn Warning Label Law

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Utah's porn warning label bill went into law on *April 1st, 2020*. The new law requires warning labels on internet porn.

What Are the Required Warning Labels on Porn?

The law requires the following warning label on internet porn:

STATE OF UTAH WARNING

Exposing minors to obscene material may damage or negatively impact minors.

There are two ways to display the warning. The *first* is for at least five seconds before the display of any pornographic videos or images. The *second* is by having all pornographic content on a website with limited access provided that the warning is provided before a user can access the content and the website makes a reasonable effort to verify the age of all users.

Who Does the Law Apply To?

The law applies to a person who intends to earn revenue or profit directly or indirectly from the distribution of pornographic material. The law appears to apply to both commercial porn studios as well as individuals who sell their own photos or videos.

The law applies to any pornographic content that enters the state of Utah. Website owners would need to use a geographic check and show the warning label to Utah users if they don't display it to all users. The law provides an exemption if users use virtual private networks or other methods to mask their location as long as the website owner makes a good faith effort to check each user's location.

Does the Utah Porn Warning Label Bill Apply to All Porn?

The text of the law and news reports only reference obscene material. However, the text of the law cites obscene material as material defined under Utah's general pornographic material statute. Legally, obscene typically only refers to a subset of more extreme or hardcore porn. However, following the strict statutory definition would mean the porn warning label bill applies to all porn.

How to define obscene material and how broad similar laws can reach are common First Amendment court cases. This brand new bill will likely not be fully defined until it is challenged in court and there is legal precedent to follow.

What Are the Penalties for Violating Utah's Porn Warning Label Bill?

The penalty for not providing warning labels on internet porn in Utah is a civil penalty of up to \$2,500 per violation. The Utah Attorney General's office is responsible for enforcing the law. The law also allows private individuals to bring a private claim against the publisher for the same penalty if they first notify the Attorney General and the Attorney General fails to either take action or notify the complainant it believes the publisher hasn't violated the law. There is no direct criminal consequence for violating this law, but there is still the possibility of prosecution for other crimes such as exposing a Utah minor to pornography.

If you have been accused of publishing porn, be sure to ask your attorney how to comply with the new law to avoid penalties.