

UTAH POLITICS

# This Utah lawmaker passed the porn age verification law. Now he's taking on smartphone filters for obscene material

A similar bill passed a few years ago, but hasn't gone into effect. Sen. Todd Weiler doesn't want to wait anymore

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Eliza Anderson, Deseret News



**By Hanna Seariac**

Hanna is a reporter for the Deseret News where she covers courts, crime, policy and faith.

The legislator behind [Utah's law requiring pornography websites to verify their users are adults](#) not children has introduced another piece of legislation aimed at protecting children from accessing obscene material on their phones or tablets.

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Sen. Todd Weiler, R-Woods Cross, introduced a bill known as the [Children's Device Protection Act](#), or SB104, which is aimed at requiring tablets or smartphones to automatically enable a filter blocking obscene content when used by a minor. Adult users and parents could disable the filter through a password.

“Let me just say that this bill is similar to a bill that Rep. (Susan) Pulsipher and Sen. (Wayne) Harper passed a few years ago. But that bill, that filtering device bill, said that it wouldn't go into effect unless four or five other states passed similar legislation, so Utah wasn't an outlier,” Weiler said Tuesday in the Senate Judiciary, Law Enforcement and Criminal Justice Committee meeting. “Well, in the years between, since then, we've made ourselves an outlier when it comes to social media and porn websites.”

“And so, it begs the question: Why are we waiting for other states on this one?” Weiler continued.

Back in 2021, Rep. Pulsipher, R-South Jordan, and Sen. Harper, R-Taylorsville, passed [HB72](#) which was set to require “a tablet or a smartphone (a device) sold in the state ... to, when activated in the state, automatically enable a filter capable of blocking material that is harmful to minors.” The bill was set to go into effect until at least five states passed similar legislation, which hasn't happened yet.

[Alabama](#), [Pennsylvania](#), [Georgia](#) and [Tennessee](#) all attempted to pass a similar law in years past, but efforts failed. Both [Florida](#) and [South Carolina](#) are considering device filter bills for minors as well during the 2024 legislative session.

“The idea is to provide minors with the protection and opportunity that they deserve as children to prevent them from developing an addiction to pornography before they're even an adult and allow them time to develop good online habits while they're still young, which will positively impact their future,” Weiler said. “It also requires parents to be cognizant of their children's online presence.”

If passed, the bill would allow “private civil actions by parents and guardians of minors against manufacturers and others who violate provisions of this bill; and makes it a

criminal offense for any person, with the exception of a parent or guardian, to enable the removal of the filter on a device in the possession of a minor.”

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Utah County resident Katheryn Snyder, the development and fundraising manager for the National Center on Sexual Exploitation, spoke in favor of the bill during the committee meeting. “In 2016, the Utah State Senate adopted a resolution recognizing pornography as a public health hazard,” Snyder said. “Big Tech is fully capable of making this change.”

Snyder also said, “Just in June of 2023, Apple activated filters to automatically blur explicit content on smartphones and tablets for users under the age of 12. And we know that Apple and Google have the estimated age of each user per the device, per the ID birthdate. That’s been given, so there’s no reason why they shouldn’t protect our children.”

One concern raised during the meeting by Dave Davis on behalf of the Utah Retail Merchants Association was the obligation of retailers. “We’re against pornography getting into the hands of children,” Davis said, explaining that he wanted clarity on if or how retailers would be held accountable.

Jodi Hart, representing AT&T, and Justin Stewart, with Verizon, raised a similar concern. “We’re not necessarily opposed to the bill,” Hart said. “But ... the liability for our stores, for our retail stores, the penalty is quite high, but we’re not the manufacturers of these devices.”

Benjamin Bull, general counsel for the National Center on Sexual Exploitation, said that he was one of the original drafters of this legislation years ago and that “there is zero liability for retailers. Instead, the law is directed toward requiring manufacturers to enable the filter.

“We wanted to draft something that we knew would make a difference, but we also were confident that it would pass constitutional muster in federal court if challenged,” Bull said about the development of the past law. “This is that law.”

Dylan Hoffman, TechNet executive director for California and the Southwest, said his organization is a bipartisan network of tech companies.

“Our companies and our organization are very strongly in support of trying to protect kids from harmful content, including pornographic material. We fully agree with the intent of this author,” Hoffman said. “However, we must respectfully oppose this bill on the basis that we don’t believe that this is technically feasible to comply with.”

Hoffman pointed toward content filtering and blocking solutions that can be purchased or found for free that are already on the market. He said that these could be used to prevent children from seeing obscene materials and “blocking and filtering capabilities like the bill calls for would impose immense liability.”

Chris McKenna, founder of Protect Young Eyes, spoke in favor of bill, saying he worked on the technical side of it while Bull had worked on the constitutional aspects of it. “What’s so helpful about this bill is it’s surgical and technically elegant.”

McKenna said that the bill is “intentionally simple” and doesn’t interact with a variety of areas online — it deals with “the browsers where that early accidental exposure can be so damaging.”

“We agree that we don’t want the manufacturers to have to sell different phones to different states. That’s where software, that’s where technically this takes over,” McKenna said. “The bill cares about activation, not where it was sold.”

“Just like we don’t sell separate phones to or manufacturers don’t sell separate phones to Arizona because they don’t observe daylight savings time ... the software knows,” McKenna explained. “And the activation sequence knows where you are because you have to connect to WiFi.”

After hearing the public testimony, Weiler said he wanted to talk to some of the stakeholders about the penalties associated with the bill and also needs to clarify the text to explain that retailers would not be held liable.

“In a future meeting, I’ll bring back a substitute bill that I hope we could have a little bit more consensus on,” Weiler said. “I’m absolutely dedicated to the cause, but I don’t want to pass a bill out of the committee that may need a little bit more work.”

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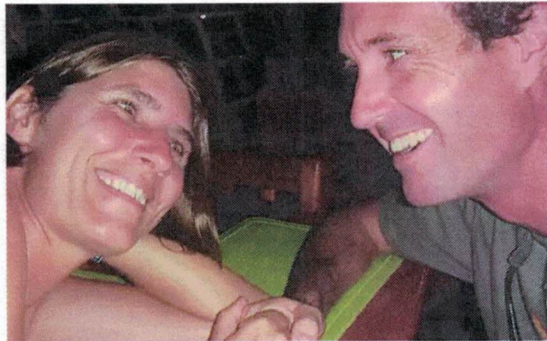
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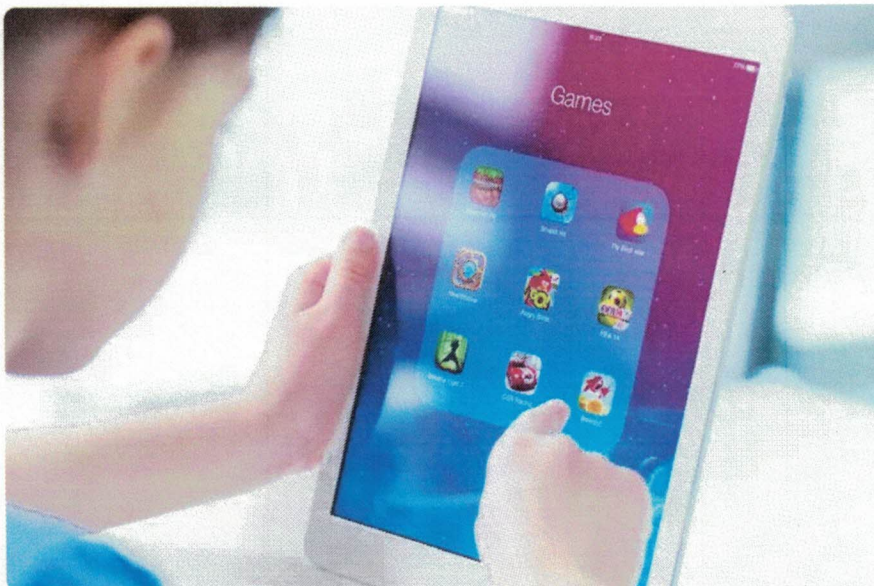
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Opinion

# Opinion: This bill would make protecting children from obscene material the standard, not an afterthought

Todd Weiler

February 1, 2024 · 2 min read



SB104, under consideration in the Utah Legislature, would require manufacturers to turn on existing filters that block obscene material when a minor activates a device. | Adobe.com

Technology is an important part of daily life. According to [2023 Pew Research](#), 95% of teens have smartphones and 65% have tablets. "Smart" devices can solve infinitely complex equations, measure sleep quality and



It's a well-established fact that pornography harms children. A [meta-analysis](#) of 37 studies found that exposure to violent or rape pornography increased a child's odds of experiencing sexual exploitation by nearly three times. [Research](#) shows that children are more susceptible than adults to addictions and developmental effects on the brain.

What if a simple software update could prevent a child from being exposed to traumatizing, highly addictive and obscene material? What if a filter is already installed on a device but is turned off?

As adults, we want to make things as safe as possible for children. That's why medicine bottles are so hard to open. We don't purchase cars with seatbelts hidden in the trunk, hoping the owner figures out how to install them. We don't allow minors to buy cigarettes because, like obscenity, we've recognized that tobacco is harmful.

SB104 simply requires manufacturers to turn on existing filters that block obscene material when a minor activates a device. It defaults the filter to "on" instead of "off" for children. Utah has a moral obligation to protect children from this harm.

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Some say it's not feasible, but the technology is already there. Utah has always put families and children first and has never let precedence get in the way. By mandating safeguard capabilities from the get-go, we make protecting children the standard, not an afterthought.

Others might object to the bill because "protecting kids is a parent's responsibility." And I wholeheartedly agree. We're not asking Apple and Google to do the job of Utah parents. We're asking them to make it less difficult for parents to do so.

It's not a silver bullet. It doesn't prevent all digital harm. Instead, it's surgical, technical and simple. It doesn't impact retailers, cellular network providers, film, television or streaming services.

SB104, the "Children's Device Protection Act," is responsible, careful, narrow legislation. If enacted, it can prevent early, accidental exposure to potentially life-altering and obscene content for children. Utah has never