

Highland lawmaker introduces bill to require warning labels on pornographic material

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A state representative from Utah County wants all pornographic material distributed in Utah to include a warning label about the potential harms pornography can have on minors.

Rep. Brady Brammer, R-Highland, introduced House Bill 243 on Tuesday. The bill would allow “the attorney general or a member of the public to bring an action against a person who distributes pornography without a visible warning.”

A pornography distributor who violated the labeling law would face a civil penalty of up to \$2,500 for each violation, according to the bill’s text, and would also be responsible for paying filing and attorney fees.

The warning label, which is included in Brammer’s bill, would state the following: “Exposing minors to pornography is known to the state of Utah to cause negative impacts to brain development, emotional development, and the ability to maintain intimate relationships. Such exposure may lead to harmful and addictive sexual behavior, low self-esteem, and the improper objectification of and sexual violence towards others, among numerous other harms.”

The label would have to be placed in “clear, readable type” on the cover of print publications or displayed for at least 15 seconds prior to the display of pornographic videos or images. It would be similar to labels on tobacco products warning that use can lead to increased risk of lung cancer and other health problems.

Brammer said constituents have asked him what can be done to prevent minors from being exposed to pornography.

“It’s continuing to be a problem,” he said, adding that he believes this bill is one solution.

The bill follows in the footsteps of a 2016 nonbinding resolution sponsored by Sen. Todd Weiler, R-Woods Cross, that declared pornography as a “public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.”

Gov. Gary Herbert signed the resolution into law in April 2016, comparing the harms of youth viewing pornography to drug and alcohol abuse.

While the harms of drug addiction are well known, “we also want our young people to know that there is a particularly psychological and physiological detriment that comes from addiction to pornography, too,” Herbert said at a press conference.

The resolution received national and international attention. Since then, multiple states have enacted similar anti-pornography resolutions, including Arizona, Idaho, Montana and Oklahoma, according to Fight the New Drug, a Salt Lake City-based organization that raises awareness about the dangers of pornography.

In an email, Fight the New Drug described itself as a “non-legislative organization” and declined to comment on Brammer’s bill.

H.B. 243 defines pornography as any description or representation of “nudity, sexual conduct, sexual excitement, or sadomasochistic abuse” that does not have “serious value for minors.” Literary, artistic, political or scientific works containing sexual themes would not be required to have warning labels.

The National Center for Exploitation, a group that helped Weiler draft his 2016 resolution, has argued that there is a correlation between pornography consumption and sexual violence.

H.B. 243 would require that half of any penalty paid for noncompliance would go to the Utah Office for Victims of Crime, which would deposit them in a Crime Victim Reparations Fund.

Marina Lowe, legislative and policy council for the American Civil Liberties Union of Utah, said the civil liberties group is still reviewing the bill and doesn’t have a firm position yet, but added that it “definitely raises some constitutional concerns” at first glance.

“There’s a constitutional protection for some of this type of speech,” Lowe said, “and so a labeling requirement might chill that First Amendment protected speech.”

Brammer said he does not believe the bill raises First Amendment concerns. He pointed to California’s Proposition 65, which requires businesses to provide warnings about exposure to toxic chemicals.

“And it does not prohibit the transmission of pornography in any way,” Brammer added. “It merely requires a warning label, as opposed to preventing the actual speech.”

Brammer said he is waiting for the fiscal note of the bill to be looked at by analysts, at which point it will go to committee.

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