

Committee approves bill requiring warning on pornography

'It's time to try something else,' sponsor says

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SALT LAKE CITY — A bill requiring pornography to carry a warning label about the harmful effects of exposure the state believes it can have on minors was approved by a House Judiciary Committee on Tuesday.

“This is not meant to be a panacea that will protect everyone. It’s meant to be one other thing that will help. And I don’t think our current catch-me-if-you-can methodology as it relates to obscenity is working,” the sponsor of [HB243](#), Rep. Brady Brammer, R-Highland, told the committee. “It’s time to try something else.”

The producer of material without the required label could be sued for up to \$2,500 for each violation, either by the Utah Attorney General’s Office or a private group. Brammer adopted a more stringent test of pornography, substituting an adult standard of obscenity for material harmful to minors.

He said it would not replace parental filters on computers but could make them more effective.

The bill requires this warning: “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.”

Brammer said the language is based on the resolution declaring pornography a [public health crisis passed in 2016](#).

“I don’t think most of that is in doubt. I don’t think people are scrambling for ways to expose their children to pornography. To the contrary, they’re hoping for any bit of help they can be given to help their children avoid exposure to pornography. They don’t think it’s a good thing,” he said.

Legislative lawyers initially told him the bill would not pass constitutional muster, Brammer said, but later suggested a state may want to try a warning label requirement. He added this is a previously untried approach and that he is “certain that this will be challenged, but I do think it has a good chance of succeeding.”

The 15-second delay online once the warning appears “would have saved us more grief than you can imagine,” said David Green, who testified on behalf of the bill. Green said his young son was trying to look up Spider-Man videos when he was confronted with pornographic images, “the worst content you can imagine.”

Green said the “long-term effects of that have been devastating.”

Rep. Eric Hutchings, R-Kearns, said no one would tolerate other circumstances where harmful substances, such as illegal drugs, “were allowed anywhere near our kids,” so pornography available online should be treated the same since children regularly use computers in school and at home.

“I say, ‘Bring on this fight.’ Let’s have a little bit of fun,” Hutchings said.

Marina Lowe, staff attorney for the American Civil Liberties Union of Utah, told the committee she still has legal concerns about the bill, suggesting, for example, that because some people already consider Cosmopolitan magazine pornographic, the bill could allow the publication to be sued.

But Utah Eagle Forum President Gayle Ruzicka called the bill “amazing” and asked lawmakers to support it.

The committee sent the bill to the House floor, 9-2, with House Minority Leader Brian King, D-Salt Lake City, and Rep. Mark Wheatley, D-Murray, voting against it. King tried unsuccessfully to get the committee to hold the bill for further discussion and public testimony.