

CHAPTER 2345
CABLE COMMUNICATIONS BOARD
OBSCENITY AND DEFAMATION

2345.0200 OBSCENITY.

2345.0300 DEFAMATION.

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Subpart 1. Definition. A program is obscene when, to the average person applying contemporary community standards, the program taken as a whole appeals to the prurient interest; the program depicts or describes, in a patently offensive way, sexual conduct, that is, patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, or patently offensive representations or descriptions of masturbation, excretory functions, or lewd exhibition of the genitals; and the program taken as a whole lacks serious literary, artistic, political, or scientific value.

Subp. 2. Liability. Neither the cable communications system whose facilities are used to transmit a program produced by a person other than a cable communications system, nor the officers, directors, or employees of the cable communications system shall be liable for any penalty or damages arising from any obscene program presented thereon when the cable communications system or its employees do not originate or produce the program. Any entity which schedules the programming of the access channels of a cable communications system shall not be liable for the presentation of any obscene program thereon unless the entity itself originates or produces the program. The foregoing provision does not affect the liability of those responsible for the origination or production of any obscene program.

Statutory Authority: *MS s 238.04 subd 9; 238.05 subd 13*

2345.0300 DEFAMATION.

Subpart 1. Definition. Defamatory matter is anything which exposes a person or a group, corporation, class, or association to hatred, contempt, ridicule, degradation, or disgrace in society, or injury to his or its business or occupation and any other matter which renders an individual issuing defamatory matter subject to liability for damages within the laws of the state of Minnesota.

Subp. 2. Violations and liabilities. Except as hereinafter provided, whoever has knowledge of the defamatory character of the matter and communicates defamatory matter to a third person without the consent of the person defamed violates this part; provided that neither the cable communications system whose facilities are used to transmit a program produced by a person other than a cable communications system, nor the officers, directors, or employees of the cable communications system shall be liable for any penalty or damages arising from any defamatory material presented thereon when the cable communications system or its employees does not originate or produce the program. Any entity which schedules the programming of the access channels of a cable communications system shall not be liable for the presentation of any defamatory material presented thereon unless the entity itself originated or produced the program containing the defamatory material. The foregoing provision does not affect the liability of those responsible for the origination or production of any defamatory material presented in a program.

Subp. 3. Exceptions. The following shall not constitute a violation of this part:

A. the defamatory matter is true and is communicated with good motives and for justifiable ends; or

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- B. the communication is absolutely privileged; or
- C. the communication consists of fair comment made in good faith with respect to persons participating in matters of public concern; or
- D. the communication consists of a fair and true report or a fair summary of any judicial, legislative, or other public or official proceedings; or
- E. the communication is between persons each having an interest or duty with respect to the subject matter of the communication and is made with intent to further such interest or duty.

Statutory Authority: *MS s 238.04 subd 9; 238.05 subd 13*