

SB0226S02 compared with SB0226

{Omitted text} shows text that was in SB0226 but was omitted in SB0226S02

inserted text shows text that was not in SB0226 but was inserted into SB0226S02

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Artificial Intelligence Consumer Protection Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

House Sponsor:

LONG TITLE

General Description:

This bill enacts provisions related to the use of generative artificial intelligence in consumer transactions and regulated services.

Highlighted Provisions:

This bill:

- defines terms;
- requires certain disclosures when generative artificial intelligence is used in consumer transactions and regulated services;
- establishes liability for violations of consumer protection laws involving artificial intelligence;
- provides a safe harbor for certain disclosures;
- grants rulemaking and enforcement authority to the Division of Consumer Protection; {and}
- establishes penalties for violations{-} ; and
- extends the repeal date of the Artificial Intelligence Policy Act.

Money Appropriated in this Bill:

None

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20 This bill provides a special effective date.

23 AMENDS:

24 **63I-2-213 (Effective upon governor's approval), as last amended by Laws of Utah 2024,
Third Special Session, Chapter 5 (Effective upon governor's approval), as last amended by
Laws of Utah 2024, Third Special Session, Chapter 5**

26 ENACTS:

27 **13-75-101 (Effective 05/07/25)**, Utah Code Annotated 1953 **(Effective 05/07/25)**, Utah Code
Annotated 1953

28 **13-75-102 (Effective 05/07/25)**, Utah Code Annotated 1953 **(Effective 05/07/25)**, Utah Code
Annotated 1953

29 **13-75-103 (Effective 05/07/25)**, Utah Code Annotated 1953 **(Effective 05/07/25)**, Utah Code
Annotated 1953

30 **13-75-104 (Effective 05/07/25)**, Utah Code Annotated 1953 **(Effective 05/07/25)**, Utah Code
Annotated 1953

31 **13-75-105 (Effective 05/07/25)**, Utah Code Annotated 1953 **(Effective 05/07/25)**, Utah Code
Annotated 1953

32 **13-75-106 (Effective 05/07/25)**, Utah Code Annotated 1953 **(Effective 05/07/25)**, Utah Code
Annotated 1953

33 REPEALS:

34 **13-2-12 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 186 **(Effective 05/07/25)**,
as enacted by Laws of Utah 2024, Chapter 186

35

36 *Be it enacted by the Legislature of the state of Utah:*

37 Section 1. Section 1 is enacted to read:

38 **13-75-101. (Effective 05/07/25) Definitions.**

As used in this chapter:

36 (1) "Artificial intelligence technology" means the same as that term is defined in Section 13-72-101.

38 (2) "Consumer transaction" means the same as that term is defined in Section 13-11-3.

39 (3) "Division" means the Division of Consumer Protection created in Section 13-2-1.

40 (4) "Generative artificial intelligence" means an artificial intelligence technology system that:

42 (a) is trained on data;

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- 43 (b) is designed to simulate human { communication } conversation with a consumer through one or
more of the following:
- 45 (i) text;
- 46 (ii) audio; or
- 47 (iii) visual communication; and
- 48 (c) generates non-scripted outputs similar to outputs created by a human, with limited or no human
oversight.
- 50 (5) "High-risk artificial intelligence interaction" means an interaction with generative artificial
intelligence that involves:
- 52 (a) the collection of sensitive personal information, including:
- 53 (i) health data;
- 54 (ii) financial data; or
- 55 (iii) biometric data;
- 56 { ~~(b)~~ { the provision of personalized recommendations, advice, or information that could reasonably be
relied upon to make significant personal decisions; } }
- 58 { ~~(e)~~ } (b) the provision of personalized recommendations, advice, or information that could reasonably
be relied upon to make significant personal decisions, including : the provision of personalized
recommendations, advice, or information that could reasonably be relied upon to make significant
personal decisions, including :
- 59 (i) financial advice or services;
- 60 (ii) legal advice or services;
- 61 (iii) medical advice or services; or
- 62 (iv) mental health advice or services; or
- 63 { ~~(d)~~ } (c) other applications as defined by division rule.
- 64 (6) "License" means a state-granted authorization for an individual to engage in a specified occupation:
- 66 (a) based on the individual meeting personal qualifications established under state law; and
- 68 (b) that is required before the individual may lawfully engage in the occupation for compensation.
- 74 (7) "Office" means the Office of Artificial Intelligence Policy created in Section 13-74-201.
- 70 { ~~(7)~~ } (8) "Regulated occupation" means an occupation that:
- 71 (a) is regulated by the Department of Commerce; and
- 72 (b) requires an individual to obtain a license or state certification to practice the occupation.

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74 ~~{(8)}~~ (9) "State certification" means a state-granted authorization that:

75 (a) permits an individual to use the term "state certified" as part of a designated title related to a
specified occupation:

77 (i) based on the individual meeting personal qualifications established under state law; and

79 (ii) where state law prohibits a noncertified individual from using the term "state certified" as part of a
designated title; and

81 (b) does not prohibit a noncertified individual from engaging in the occupation for compensation.

83 ~~{(9)}~~ (10) "Supplier" means the same as that term is defined in Section 13-11-3.

89 Section 2. Section 2 is enacted to read:

90 **13-75-102. (Effective 05/07/25) Liability for violation of consumer protection law.**

It is not a defense to the violation of any statute administered and enforced by the
division under Section 13-2-1 that generative artificial intelligence:

88 (1) made the violative statement;

89 (2) undertook the violative act; or

90 (3) was used in furtherance of the violation.

96 Section 3. Section 3 is enacted to read:

97 **13-75-103. (Effective 05/07/25) Required disclosures.**

93 (1)

. (a) A supplier that uses generative artificial intelligence to interact with an individual in connection
with a consumer transaction shall ~~{clearly and conspicuously}~~ disclose to the individual that the
individual is interacting with generative artificial intelligence and not a human, if the individual
asks or otherwise prompts the supplier about whether artificial intelligence is being used.

98 (b) The individual's prompt or question under Subsection (1)(a) must be a clear and unambiguous
request to determine whether the interaction is with ~~{generative}~~ a human or with artificial
intelligence ~~{rather than a human}~~.

101 (2) An individual providing services in a regulated occupation shall:

102 (a) prominently disclose when an individual receiving services is interacting with generative artificial
intelligence in the provision of regulated services if the use of generative artificial intelligence
constitutes a high-risk artificial intelligence interaction; and

105 (b) comply with all requirements of the regulated occupation when providing services through
generative artificial intelligence.

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107 (3) A disclosure required under Subsection (2) shall be provided:

108 (a) verbally at the start of a verbal interaction; and

109 (b) in writing before the start of a written interaction.

116 Section 4. Section 4 is enacted to read:

117 **13-75-104. (Effective 05/07/25)Safe harbor.**

112 (1) A person is not subject to an enforcement action for violating Section 13-75-103 if the person's
generative artificial intelligence clearly and conspicuously discloses:

114 (a) at the outset of any interaction with an individual in connection with:

115 (i) a consumer transaction; or

116 (ii) the provision of regulated services; and

117 (b) throughout the interaction that it:

118 (i) is generative artificial intelligence;

119 (ii) is not human; or

120 (iii) is an artificial intelligence assistant.

121 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division in
consultation with the office, may make rules specifying forms and methods of disclosure that:

123 (a) satisfy the requirements of Subsection (1); or

124 (b) do not satisfy the requirements of Subsection (1).

132 Section 5. Section 5 is enacted to read:

133 **13-75-105. (Effective 05/07/25)Enforcement.**

127 (1) A violation of this chapter constitutes a violation of Subsection 13-11-4(1).

128 (2) The division shall administer and enforce this chapter in accordance with Chapter 2, Division of
Consumer Protection.

130 (3) The attorney general shall:

131 (a) give legal advice to the division regarding the division's responsibilities under this chapter; and

133 (b) act as counsel for the division in the exercise of the division's responsibilities under this chapter.

135 (4) In addition to the division's enforcement powers under Chapter 2, Division of Consumer Protection:

137 (a) the division director may impose an administrative fine of up to \$2,500 for each violation of this
chapter; and

139 (b) the division may bring an action in court to enforce this chapter.

140 (5) In an action brought by the division to enforce this chapter, the court may:

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- 141 (a) declare that an act or practice violates this chapter;
142 (b) issue an injunction for a violation of this chapter;
143 (c) order disgorgement of money received in violation of this chapter;
144 (d) order payment of disgorged money to an individual injured by a violation of this chapter;
146 (e) impose a fine of up to \$2,500 for each violation of this chapter; or
147 (f) award other reasonable and necessary relief.
148 (6) If a court of competent jurisdiction grants judgment or injunctive relief to the division, the court shall award the division:

- 150 (a) reasonable attorney fees;
151 (b) court costs; and
152 (c) investigative fees.

153 (7)

- . (a) A person who violates an administrative or court order issued for a violation of this chapter is subject to a civil penalty of up to \$5,000 for each violation.
155 (b) The attorney general may impose a civil penalty authorized under this section in any civil action brought on behalf of the division.

164 Section 6. Section 6 is enacted to read:

165 **13-75-106. (Effective 05/07/25)Scope.**

This chapter does not displace any other remedy or right authorized under:

- 160 (1) the laws of this state; or
161 (2) federal law.

169 **Section 7. Section 63I-2-213 is amended to read:**

170 **63I-2-213. Repeal dates: Title 13.**

- 171 (1) Section 13-1-16, Latino Community Support Restricted Account, is repealed July 1, 2024.
173 (2) Section 13-14-103, Utah Motor Vehicle Franchise Advisory Board -- Creation -- Appointment of members -- Alternate members -- Chair -- Quorum -- Conflict of interest, is repealed October 1, 2024.
176 (3) Section 13-35-103, Utah Powersport Vehicle Franchise Advisory Board -- Creation -- Appointment of members -- Alternate members -- Chair -- Quorum -- Conflict of interest, is repealed October 1, 2024.

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(4) Title 13, Chapter 47, Private Employer Verification Act, is repealed on the program start date, as defined in Section 63G-12-102.

181 (5) Title 13, Chapter 72, Artificial Intelligence Policy Act, is repealed [~~May 1, 2025~~] July 1, 2027.

183 Section 8. **Repealer.**

This Bill Repeals:

184 This bill repeals:

185 Section **13-2-12, Generative artificial intelligence -- Impact on liability for violation of**
186 **consumer protection law.**

187 Section 9. **Effective date.**

~~{This}~~ Except as provided in Subsection (2), this bill takes effect on May 7, 2025.

189 (2) The actions affecting Section 63I-2-213 (Effective upon governor's approval) take effect:

190 (a) except as provided in Subsection (2)(b), May 7, 2025; or

191 (b) if approved by two-thirds of all members elected to each house:

192 (i) upon approval by the governor;

193 (ii) without the governor's signature, the day following the constitutional time limit of Utah
Constitution, Article VII, Section 8; or

195 (iii) in the case of a veto, the date of veto override.

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