

# HB0418S01 compared with HB0418

{Omitted text} shows text that was in HB0418 but was omitted in HB0418S01

inserted text shows text that was not in HB0418 but was inserted into HB0418S01

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## Data Sharing Amendments

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Doug Fiefia**

Senate Sponsor:

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### LONG TITLE

#### General Description:

This bill enacts provisions related to social media data portability and interoperability.

#### Highlighted Provisions:

This bill:

- defines terms;
- establishes legislative findings about social media data control and competition;
- amends consumer data rights related to social media data;
- requires social media companies to implement data interoperability interfaces;
- establishes requirements for data sharing between social media services;
- grants rulemaking and enforcement authority to the Division of Consumer Protection;
- provides for civil penalties; and
- includes a severability provision.

#### Money Appropriated in this Bill:

None

This bill provides a special effective date.

HB0418

## HB0418 compared with HB0418S01

### AMENDS:

**13-2-1 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 132 (**Effective 07/01/26**), as last amended by Laws of Utah 2024, Chapter 132

**13-61-201 (Effective 07/01/26), as enacted by Laws of Utah 2022, Chapter 462 (Effective 07/01/26), as enacted by Laws of Utah 2022, Chapter 462**

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### ENACTS:

**13-75-101 (Effective 07/01/26)**, Utah Code Annotated 1953 (**Effective 07/01/26**), Utah Code Annotated 1953

**13-75-102 (Effective 07/01/26)**, Utah Code Annotated 1953 (**Effective 07/01/26**), Utah Code Annotated 1953

**13-75-201 (Effective 07/01/26)**, Utah Code Annotated 1953 (**Effective 07/01/26**), Utah Code Annotated 1953

**13-75-202 (Effective 07/01/26)**, Utah Code Annotated 1953 (**Effective 07/01/26**), Utah Code Annotated 1953

**13-75-301 (Effective 05/07/25)**, Utah Code Annotated 1953 (**Effective 05/07/25**), Utah Code Annotated 1953

**13-75-302 (Effective 07/01/26)**, Utah Code Annotated 1953 (**Effective 07/01/26**), Utah Code Annotated 1953

**13-75-401 (Effective 07/01/26)**, Utah Code Annotated 1953 (**Effective 07/01/26**), Utah Code Annotated 1953

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

Section 1. Section **13-2-1** is amended to read:

#### **13-2-1. Consumer protection division established -- Functions.**

(1) There is established within the Department of Commerce the Division of Consumer Protection.

(2) The division shall administer and enforce the following:

(a) Chapter 10a, Music Licensing Practices Act;

(b) Chapter 11, Utah Consumer Sales Practices Act;

(c) Chapter 15, Business Opportunity Disclosure Act;

(d) Chapter 20, New Motor Vehicle Warranties Act;

(e) Chapter 21, Credit Services Organizations Act;

## HB0418 compared with HB0418S01

- 44 (f) Chapter 22, Charitable Solicitations Act;
- 45 (g) Chapter 23, Health Spa Services Protection Act;
- 46 (h) Chapter 25a, Telephone and Facsimile Solicitation Act;
- 47 (i) Chapter 26, Telephone Fraud Prevention Act;
- 48 (j) Chapter 28, Prize Notices Regulation Act;
- 49 (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter Transaction Information Act;
- 51 (l) Chapter 34, Utah Postsecondary School and State Authorization Act;
- 52 (m) Chapter 41, Price Controls During Emergencies Act;
- 53 (n) Chapter 42, Uniform Debt-Management Services Act;
- 54 (o) Chapter 49, Immigration Consultants Registration Act;
- 55 (p) Chapter 51, Transportation Network Company Registration Act;
- 56 (q) Chapter 52, Residential Solar Energy Disclosure Act;
- 57 (r) Chapter 53, Residential, Vocational and Life Skills Program Act;
- 58 (s) Chapter 54, Ticket Website Sales Act;
- 59 (t) Chapter 56, Ticket Transferability Act;
- 60 (u) Chapter 57, Maintenance Funding Practices Act;
- 61 (v) Chapter 61, Utah Consumer Privacy Act;
- 62 [~~(w)~~ Chapter 63, Utah Social Media Regulation Act;]
- 63 [~~(x)~~] (w) Chapter 64, Vehicle Value Protection Agreement Act;
- 64 [~~(y)~~] (x) Chapter 65, Utah Commercial Email Act;
- 65 [~~(z)~~] (y) Chapter 67, Online Dating Safety Act;
- 66 [~~(aa)~~] (z) Chapter 68, Lawyer Referral Consultants Registration Act;
- 67 [~~(bb)~~] (aa) Chapter 70, Automatic Renewal Contracts Act;[-and]
- 68 [~~(ee)~~] (bb) Chapter 71, Utah Minor Protection in Social Media Act[-] ; and
- 69 (cc) Chapter 75, Utah Digital Choice Act.
- 70 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules to establish:
- 72 (a) a public list that identifies a person who:
- 73 (i) violates a chapter described in Subsection (2);
- 74

## HB0418 compared with HB0418S01

(ii) without proper legal justification, fails to comply with an order, subpoena, judgment, or other legal process issued by:

(A) the division; or

(B) a court of competent jurisdiction; or

(iii) breaches a settlement agreement, stipulation, assurance of voluntary compliance, or similar instrument signed by the person and the division; and

(b) a process by which a person may be removed from the list the division establishes as described in Subsection (3)(a).

Section 2. Section 13-61-201 is amended to read:

**13-61-201. Consumer rights -- Access -- Deletion -- Portability -- Opt out of certain processing.**

(1) A consumer has the right to:

(a) confirm whether a controller is processing the consumer's personal data; and

(b) access the consumer's personal data.

(2) A consumer has the right to delete the consumer's personal data that the consumer provided to the controller.

(3) A consumer has the right to obtain a copy of the consumer's personal data, that the consumer previously provided to the controller, in a format that:

(a) to the extent technically feasible, is portable;

(b) to the extent practicable, is readily usable; and

(c) allows the consumer to transmit the data to another controller without impediment, where the processing is carried out by automated means.

(4) A consumer has the right to request that a controller correct inaccuracies in the consumer's personal data, taking into account the nature of the personal data and the purposes of the processing of the consumer's personal data.

~~[(4)]~~ (5) A consumer has the right to opt out of the processing of the consumer's personal data for purposes of:

(a) targeted advertising; or

(b) the sale of personal data.

~~[(5)]~~ (6) Nothing in this section requires a person to cause a breach of security system as defined in Section 13-44-102.

# HB0418 compared with HB0418S01

Section 3. Section 3 is enacted to read:

## CHAPTER 75. UTAH DIGITAL CHOICE ACT

### Part 1. General Provisions

#### **13-75-101. Definitions.**

As used in this chapter:

(1) "Open protocol" means a publicly available technical standard that:

(a) enables interoperability and data exchange between social media services by providing a common data infrastructure where multiple social media services can access, contribute to, and synchronize a user's personal data;

(b) is free from:

(i) licensing fees; and

(ii) patent restrictions; and

(c) governs how social media services communicate and exchange data with each other.

(2)

(a) "Personal data" means the same as that term is defined in Section 13-61-101.

(b) "Personal data" includes a user's social graph.

(3)

(a) "Social graph" means data that represents a person's connections and interactions within a social media service.

(b) "Social graph" includes:

(i) the person's social connections with other users;

(ii) content created by the person;

(iii) the person's responses to other users' content, including comments, reactions, and shares;

(iv) other users' responses to the person's content; and

(v) metadata associated with the items described in Subsections (3)(b)(i) through (iv).

(c) "Social graph" does not include another user's or an entity's content and responses that have been designated private by those users and entities, including private messages.

(4) "Social media company" means an entity that owns or operates a social media service.

(5)

(a) "Social media service" means a public website or application that:

## HB0418 compared with HB0418S01

- 111 (i) displays content that is primarily generated by account holders and not by the social media  
112 company;
- 113 (ii) permits an individual to register as an account holder and create a profile that is made visible to  
114 the general public or a set of other users defined by the account holder;
- 115 (iii) connects account holders to allow users to interact socially with each other within the website  
116 or application; and
- 117 (iv) allows account holders to post content viewable by other users.
- 118 (b) "Social media service" does not include:
- 119 (i) email;
- 120 (ii) cloud storage; or
- 121 (iii) document viewing, sharing, or collaboration services.
- 122 (6) "User" means an individual located in the state who accesses or uses a social media service.

123 Section 4. Section 4 is enacted to read:

124 **13-75-102. Legislative findings.**

125 The Legislature finds that:

- 126 (1) an individual has a right to control and move the individual's own personal data, including social  
127 interactions online;
- 128 (2) companies have demonstrated a pattern of restricting the interoperability of content, preventing  
129 users from easily sharing posts and interactions across different platforms; and
- 130 (3) the state should ensure that individuals have the right to access a complete personal data record from  
131 social media platforms.

132 Section 5. Section 5 is enacted to read:

133 **Part 2. Data Rights and Requirements**

134 **13-75-201. Data portability requirements.**

135 If a consumer requests a copy of the consumer's personal data under Section 13-61-201,  
136 a social media service shall provide the personal data, including the user's social graph, in a  
137 format that:

- 138 (1) is portable, to the extent technically feasible;
- 139 (2) is readily usable, to the extent practicable; and
- 140 (3) allows the consumer to transmit the data to another controller without impediment if the controller  
141 processes the data by automated means.

## HB0418 compared with HB0418S01

169 Section 6. Section 6 is enacted to read:

170 **13-75-202. Data interoperability requirements.**

- 147 (1) A social media company shall implement a transparent, third-party-accessible interoperability  
interface or interfaces to allow users to choose to:
- 149 (a) share a common set of the user's personal data between the social media services designated by the  
user; and
- 151 (b) enable third parties to access content created by the user and to be notified when new or updated  
content is available, with the user's permission.
- 153 (2) A social media company shall reasonably secure all personal data obtained through an  
interoperability interface.
- 155 (3) To achieve interoperability under Subsection (1), a social media company shall:
- 156 (a) utilize an open protocol;
- 157 (b) facilitate and maintain interoperability and synchronous data sharing with other social media  
services through an interoperability interface, based on reasonable terms that do not discriminate  
between social media services;
- 160 (c) establish reasonable and proportionate thresholds related to the frequency, nature, and volume of  
requests, beyond which the social media company may assess a reasonable fee for such access;
- 163 (d) offer to other social media companies a functionally equivalent version of any internal interfaces  
created by the social media company for the social media company's own social media services; and
- 166 (e) disclose to other social media companies complete, accurate, and regularly updated documentation  
describing access to the interoperability interface required under this section.
- 169 (4) A social media company or third party shall safeguard the privacy and security of a user's personal  
data obtained from other social media services through the interoperability interface in accordance  
with the social media company's or third party's privacy notice and administrative, technical, and  
physical data security practices.
- 173 (5) A social media company or third party may not share or receive a user's personal data through the  
interoperability interface except with the user's consent.
- 175 (6) A social media company shall adopt an accessible, prominent, and persistent method for users  
to give consent for data sharing with other social media services or third parties through the  
interoperability interface.
- 178 (7) A social media company is not required to:

## HB0418 compared with HB0418S01

- 179 (a) provide access to:  
180 (i) inferences, analyses, or derived data that the social media company has generated internally about a  
user; or  
182 (ii) proprietary algorithms, ranking systems, or other internal operating mechanisms; or  
184 (b) transmit personal data that:  
185 (i) is stored or structured in a proprietary format; and  
186 (ii) meets both of the following criteria:  
187 (A) no open, industry-standard format is reasonably available; and  
188 (B) transmitting the data would disclose information described in Subsection (7)(a).  
190 (8) This chapter does not apply to an entity that is:  
191 (a) owned, controlled, operated, or maintained by a religious organization; and  
192 (b) exempt from property taxation under state law.

217 Section 7. Section 7 is enacted to read:

194

### Part 3. Administrative Provisions

#### 219 **13-75-301. Rulemaking authority -- Rebuttable presumptions.**

- 197 (1) The division may identify open protocols that the division has determined, after an assessment, meet  
the requirements of Section 13-75-202.  
199 (2) If a social media company uses an open protocol that the division identifies under Subsection (1),  
the social media company shall be entitled to a rebuttable presumption of providing access on  
reasonable terms that do not discriminate between social media services.

227 Section 8. Section 8 is enacted to read:

#### 228 **13-75-302. Enforcement.**

- 205 (1) The division shall administer and enforce this chapter in accordance with Chapter 2, Division of  
Consumer Protection.  
207 (2) The attorney general, upon request, shall give legal advice to, and act as counsel for, the division in  
the exercise of the division's responsibilities under this chapter.  
209 (3)  
. (a) In addition to the division's enforcement powers under Chapter 2, Division of Consumer Protection:  
211 (i) the division director may impose an administrative fine of up to \$2,500 for each violation of this  
chapter; and  
213 (ii) the division may bring an action in court to enforce a provision of this chapter.



## HB0418 compared with HB0418S01

- 214 (b) In a court action by the division to enforce a provision of this chapter, the court may:  
215 (i) declare that the act or practice violates a provision of this chapter;  
216 (ii) enjoin actions that violate this chapter;  
217 (iii) order disgorgement of any money received in violation of this chapter;  
218 (iv) order payment of disgorged money to an injured purchaser or consumer;  
219 (v) impose a civil penalty of up to \$2,500 for each violation of this chapter;  
220 (vi) award actual damages to an injured purchaser or consumer; and  
221 (vii) award any other relief that the court deems reasonable and necessary.  
222 (c) If a court grants judgment or injunctive relief to the division, the court shall award the division:  
224 (i) reasonable attorney fees;  
225 (ii) court costs; and  
226 (iii) investigative fees.  
227 (d)  
228 . (i) A person who violates an administrative or court order issued for a violation of this chapter is subject  
229 to a civil penalty of no more than \$5,000 for each violation.  
230 (ii) A civil penalty authorized under this section may be imposed in any civil action brought by the  
231 division, or by the attorney general on behalf of the division.  
232  
233 Section 9. Section 9 is enacted to read:

### Part 4. Special Provisions

- 234 **13-75-401. Severability.**  
235 (1) If any provision of this chapter or the application of any provision to any person or circumstance is  
236 held invalid by a final decision of a court of competent jurisdiction, the remainder of this chapter  
237 shall be given effect without the invalid provision or application.  
238 (2) The provisions of this chapter are severable.  
239 Section 10. **Effective date.**  
240 (1) Except as provided in Subsection (2), this bill takes effect July 1, 2026.  
241 (2) The actions affecting Section 13-75-301 (Effective 05/07/25) take effect on May 7, 2025.

2-13-25 11:52 AM