

Kirk A. Cullimore proposes the following substitute bill:

1 **Artificial Intelligence Consumer Protection Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

House Sponsor:



3 **LONG TITLE**

4 **General Description:**

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

7 **Highlighted Provisions:**

8 This bill:

- 9 ▶ defines terms;
- 10 ▶ requires certain disclosures when generative artificial intelligence is used in consumer
11 transactions and regulated services;
- 12 ▶ establishes liability for violations of consumer protection laws involving artificial
13 intelligence;
- 14 ▶ provides a safe harbor for certain disclosures;
- 15 ▶ grants rulemaking and enforcement authority to the Division of Consumer Protection; and
- 16 ▶ establishes penalties for violations.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 ENACTS:

- 23 **13-75-101**, Utah Code Annotated 1953
- 24 **13-75-102**, Utah Code Annotated 1953
- 25 **13-75-103**, Utah Code Annotated 1953
- 26 **13-75-104**, Utah Code Annotated 1953
- 27 **13-75-105**, Utah Code Annotated 1953
- 28 **13-75-106**, Utah Code Annotated 1953

29 REPEALS:

30 **13-2-12**, as enacted by Laws of Utah 2024, Chapter 186

31

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

33 Section 1. Section **13-75-101** is enacted to read:

34 **13-75-101 . Definitions.**

35 As used in this chapter:

36 (1) "Artificial intelligence technology" means the same as that term is defined in Section
37 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
41 that:

42 (a) is trained on data;

43 (b) is designed to simulate human conversation with a consumer through one or more of
44 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
49 no human oversight.

50 (5) "High-risk artificial intelligence interaction" means an interaction with generative
51 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
57 reasonably be relied upon to make significant personal decisions;

58 (c) the provision of:

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) other applications as defined by division rule.
- 64 (6) "License" means a state-granted authorization for an individual to engage in a specified
65 occupation:
- 66 (a) based on the individual meeting personal qualifications established under state law;
67 and
- 68 (b) that is required before the individual may lawfully engage in the occupation for
69 compensation.
- 70 (7) "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
73 occupation.
- 74 (8) "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
76 related to a specified occupation:
- 77 (i) based on the individual meeting personal qualifications established under state
78 law; and
- 79 (ii) where state law prohibits a noncertified individual from using the term "state
80 certified" as part of a designated title; and
- 81 (b) does not prohibit a noncertified individual from engaging in the occupation for
82 compensation.
- 83 (9) "Supplier" means the same as that term is defined in Section 13-11-3.
- 84 Section 2. Section **13-75-102** is enacted to read:
- 85 **13-75-102 . Liability for violation of consumer protection law.**
- 86 It is not a defense to the violation of any statute administered and enforced by the
87 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.
- 91 Section 3. Section **13-75-103** is enacted to read:
- 92 **13-75-103 . Required disclosures.**
- 93 (1)(a) A supplier that uses generative artificial intelligence to interact with an individual
94 in connection with a consumer transaction shall clearly and conspicuously disclose to
95 the individual that the individual is interacting with generative artificial intelligence
96 and not a human if the individual asks or otherwise prompts the supplier about

97 whether artificial intelligence is being used.

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

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

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

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

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

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

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

111 Section 4. Section **13-75-104** is enacted to read:

112 **13-75-104 . Safe harbor.**

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

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

116 (i) a consumer transaction; or

117 (ii) the provision of regulated services; and

118 (b) throughout the interaction that it:

119 (i) is generative artificial intelligence;

120 (ii) is not human; or

121 (iii) is an artificial intelligence assistant.

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

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

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

126 Section 5. Section **13-75-105** is enacted to read:

127 **13-75-105 . Enforcement.**

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

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

- 131 (3) The attorney general shall:
- 132 (a) give legal advice to the division regarding the division's responsibilities under this
- 133 chapter; and
- 134 (b) act as counsel for the division in the exercise of the division's responsibilities under
- 135 this chapter.
- 136 (4) In addition to the division's enforcement powers under Chapter 2, Division of Consumer
- 137 Protection:
- 138 (a) the division director may impose an administrative fine of up to \$2,500 for each
- 139 violation of this chapter; and
- 140 (b) the division may bring an action in court to enforce this chapter.
- 141 (5) In an action brought by the division to enforce this chapter, the court may:
- 142 (a) declare that an act or practice violates this chapter;
- 143 (b) issue an injunction for a violation of this chapter;
- 144 (c) order disgorgement of money received in violation of this chapter;
- 145 (d) order payment of disgorged money to an individual injured by a violation of this
- 146 chapter;
- 147 (e) impose a fine of up to \$2,500 for each violation of this chapter; or
- 148 (f) award other reasonable and necessary relief.
- 149 (6) If a court of competent jurisdiction grants judgment or injunctive relief to the division,
- 150 the court shall award the division:
- 151 (a) reasonable attorney fees;
- 152 (b) court costs; and
- 153 (c) investigative fees.
- 154 (7)(a) A person who violates an administrative or court order issued for a violation of
- 155 this chapter is subject to a civil penalty of up to \$5,000 for each violation.
- 156 (b) The attorney general may impose a civil penalty authorized under this section in any
- 157 civil action brought on behalf of the division.

158 Section 6. Section **13-75-106** is enacted to read:

159 **13-75-106 . Scope.**

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

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

163 Section 7. **Repealer.**

164 This bill repeals:

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

167 Section 8. **Effective Date.**

168 This bill takes effect on May 7, 2025.