

1 **Artificial Intelligence Modifications**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ariel Defay**

Senate Sponsor: Kirk A. Cullimore

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3 **LONG TITLE**

4 **General Description:**

5 This bill enacts provisions related to counterfeit intimate images and digital content  
6 provenance standards.

7 **Highlighted Provisions:**

8 This bill:

- 9 ▶ defines terms;
- 10 ▶ creates the Digital Voyeurism Prevention Act to address non-consensual generation and  
11 distribution of counterfeit intimate images;
- 12 ▶ prohibits generation services and platforms from distributing counterfeit intimate images  
13 without obtaining and verifying consent from the depicted individual;
- 14 ▶ establishes civil liability for violations of the act, with actual damages, punitive damages,  
15 attorney fees, and injunctive relief;
- 16 ▶ establishes safe harbor protections for generation services and covered platforms that  
17 implement reasonable safeguards and respond appropriately to notices;
- 18 ▶ establishes heightened pleading standards requiring plaintiffs to plead specific facts;
- 19 ▶ requires platforms to implement notice and takedown procedures and disclosure  
20 requirements;
- 21 ▶ requires large online platforms to detect, disclose, and preserve provenance data in  
22 distributed content;
- 23 ▶ establishes requirements for capture device manufacturers regarding latent disclosures in  
24 captured content;
- 25 ▶ requires covered providers to include disclosures in AI-generated content;
- 26 ▶ provides exemptions for certain products and services;
- 27 ▶ provides for enforcement by the Division of Consumer Protection; and

28           ▸ provides a severability clause.

29   **Money Appropriated in this Bill:**

30           None

31   **Other Special Clauses:**

32           This bill provides a special effective date.

33   **Utah Code Sections Affected:**

34   AMENDS:

35           **13-2-1 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 468

36   ENACTS:

37           **13-72b-101 (Effective 01/01/27)**, Utah Code Annotated 1953

38           **13-72b-201 (Effective 01/01/27)**, Utah Code Annotated 1953

39           **13-72b-202 (Effective 01/01/27)**, Utah Code Annotated 1953

40           **13-72b-203 (Effective 01/01/27)**, Utah Code Annotated 1953

41           **13-72b-204 (Effective 01/01/27)**, Utah Code Annotated 1953

42           **13-72b-205 (Effective 01/01/27)**, Utah Code Annotated 1953

43           **13-72b-301 (Effective 01/01/27)**, Utah Code Annotated 1953

44           **13-72b-302 (Effective 01/01/27)**, Utah Code Annotated 1953

45           **13-72b-303 (Effective 01/01/27)**, Utah Code Annotated 1953

46           **13-72b-304 (Effective 01/01/27)**, Utah Code Annotated 1953

47           **13-72b-305 (Effective 01/01/27)**, Utah Code Annotated 1953

48           **13-72b-306 (Effective 01/01/27)**, Utah Code Annotated 1953

49           **13-72b-401 (Effective 01/01/27)**, Utah Code Annotated 1953

50           **13-72c-101 (Effective 01/01/27)**, Utah Code Annotated 1953

51           **13-72c-201 (Effective 01/01/27)**, Utah Code Annotated 1953

52           **13-72c-202 (Effective 01/01/27)**, Utah Code Annotated 1953

53           **13-72c-203 (Effective 01/01/27)**, Utah Code Annotated 1953

54           **13-72c-301 (Effective 01/01/27)**, Utah Code Annotated 1953

55           **63A-16-215 (Effective 01/01/27)**, Utah Code Annotated 1953



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

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

59           **13-2-1 [~~(Effective 07/01/26)~~] (Effective 01/01/27). Consumer protection division**  
60   **established -- Functions.**

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

- 62 Protection.
- 63 (2) The division shall administer and enforce the following:
- 64 (a) Chapter 10a, Music Licensing Practices Act;
- 65 (b) Chapter 11, Utah Consumer Sales Practices Act;
- 66 (c) Chapter 15, Business Opportunity Disclosure Act;
- 67 (d) Chapter 20, New Motor Vehicle Warranties Act;
- 68 (e) Chapter 21, Credit Services Organizations Act;
- 69 (f) Chapter 22, Charitable Solicitations Act;
- 70 (g) Chapter 23, Health Spa Services Protection Act;
- 71 (h) Chapter 25a, Telephone and Facsimile Solicitation Act;
- 72 (i) Chapter 26, Telephone Fraud Prevention Act;
- 73 (j) Chapter 28, Prize Notices Regulation Act;
- 74 (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter
- 75 Transaction Information Act;
- 76 (l) Chapter 34, Utah Postsecondary School and State Authorization Act;
- 77 (m) Chapter 41, Price Controls During Emergencies Act;
- 78 (n) Chapter 42, Uniform Debt-Management Services Act;
- 79 (o) Chapter 49, Immigration Consultants Registration Act;
- 80 (p) Chapter 51, Transportation Network Company Registration Act;
- 81 (q) Chapter 52, Residential Solar Energy Consumer Protection Act;
- 82 (r) Chapter 53, Residential, Vocational ~~[or]~~ and Life Skills Program Act;
- 83 (s) Chapter 54, Ticket Website Sales Act;
- 84 (t) Chapter 56, Ticket Transferability Act;
- 85 (u) Chapter 57, Maintenance Funding Practices Act;
- 86 (v) Chapter 61, Utah Consumer Privacy Act;
- 87 (w) Chapter 64, Vehicle Value Protection Agreement Act;
- 88 (x) Chapter 65, Utah Commercial Email Act;
- 89 (y) Chapter 67, Online Dating Safety Act;
- 90 (z) Chapter 68, Lawyer Referral Consultants Registration Act;
- 91 (aa) Chapter 70, Automatic Renewal Contracts Act;
- 92 (bb) Chapter 71, Utah Minor Protection in Social Media Act;
- 93 (cc) Chapter 72a, Artificial Intelligence Applications Relating to Mental Health;
- 94 ~~(dd)~~ Chapter 72c, Digital Content Provenance Standards Act;
- 95 ~~[(dd)]~~ (ee) Chapter 78, Earned Wage Access Services Act; and



- 129 service and the subsequent provision of that counterfeit intimate image to the user.
- 130 (6) "Generate" means to create, produce, compose, materially edit, or facilitate the creation
- 131 of an intimate image through the use of artificial intelligence technology.
- 132 (7) "Generation service" means a person that operates, maintains, or provides an interactive
- 133 computer service that:
- 134 (a) enables users to generate intimate images;
- 135 (b) processes user image generation requests through servers, computer systems, or
- 136 computing resources controlled by the service operator rather than solely on the
- 137 user's local device; and
- 138 (c) distributes generated intimate images to users through the service.
- 139 (8) "Identifiable individual" means an individual who is recognizable as an actual human
- 140 individual by the human individual's face, likeness, or other distinguishing
- 141 characteristic, including a unique physical feature or other recognizable attribute.
- 142 (9) "Interactive computer service" means the same as that term is defined in 47 U.S.C. Sec.
- 143 230(f)(2).
- 144 (10) "Intimate image" means an "intimate visual depiction" as those terms are defined in the
- 145 Take It Down Act.
- 146 (11) "Reasonable expectation of privacy" means an individual's expectation that:
- 147 (a) the individual's body will not be viewed, recorded, or depicted in an intimate image
- 148 without the individual's knowledge and consent; and
- 149 (b) an intimate image of the individual will not be generated, created, distributed, or
- 150 manipulated without the individual's knowledge and consent.
- 151 (12) "Sexually explicit conduct" means the same as that term is defined in 18 U.S.C. Sec.
- 152 2256(2)(A).
- 153 (13) "Take It Down Act" means the Tools to Address Known Exploitation by Immobilizing
- 154 Technological Deepfakes on Websites and Networks Act, Public Law 119-12, codified
- 155 at 47 U.S.C. Sec. 230 note.

156 Section 3. Section **13-72b-201** is enacted to read:

157 **Part 2. Generation Services**

158 **13-72b-201 (Effective 01/01/27). Unlawful distribution of non-consensual**

159 **counterfeit intimate images.**

- 160 (1) The distribution of a counterfeit intimate image by a generation service without the
- 161 consent of the identifiable individual depicted in the image is a violation of the
- 162 individual's reasonable expectation of privacy.

- 163 (2) A generation service may not distribute a counterfeit intimate image without first  
164 obtaining consent from the identifiable individual depicted in the counterfeit intimate  
165 image.
- 166 (3) To obtain consent sufficient to meet the requirements of Subsection (2), a generation  
167 service shall implement and maintain a consent system that:
- 168 (a) requires the identifiable individual depicted in the counterfeit intimate image to  
169 affirmatively provide consent before the counterfeit intimate image is distributed;  
170 (b) assures the identity of the individual providing consent with reasonable accuracy; and  
171 (c) maintains a record of the consent for a period of not less than seven years.
- 172 (4) A generation service may not require an individual to disclose personally identifiable  
173 information beyond what is reasonably necessary to assure the individual's identity and  
174 obtain valid consent.

175 Section 4. Section **13-72b-202** is enacted to read:

176 **13-72b-202 (Effective 01/01/27). Civil liability for generation services.**

- 177 (1) A person, or the heirs of a deceased person, who has been injured by a violation  
178 recognized in Section 13-72b-201 may bring a civil action against the generation service  
179 that committed the violation.
- 180 (2) If in an action described in Subsection (1) the court finds the defendant is violating or  
181 has violated any provision of Section 13-72b-201, the court shall:
- 182 (a) enjoin the defendant from continuing the violation; and  
183 (b) order the defendant to remove or destroy any counterfeit intimate image distributed  
184 in violation of Section 13-72b-201 and all copies of the counterfeit intimate image  
185 within the defendant's possession or control.
- 186 (3) It is not necessary that actual damages to the plaintiff be alleged or proved in an action  
187 under this section.
- 188 (4) A plaintiff in an action under this section is entitled to recover:
- 189 (a) actual damages sustained, if any, including damages for emotional distress;  
190 (b) punitive damages, if the violation is found to be willful, reckless, or malicious; and  
191 (c) reasonable attorney fees and costs.
- 192 (5) Each distribution of a counterfeit intimate image depicting an identifiable individual  
193 without consent constitutes a separate violation.
- 194 (6) The statute of limitations for a civil action under this section is the later of:
- 195 (a) three years from the date the plaintiff discovered or reasonably should have  
196 discovered the violation; or

197 (b) 10 years from the date of the violation.

198 Section 5. Section **13-72b-203** is enacted to read:

199 **13-72b-203 (Effective 01/01/27). Safe harbor for generation services.**

200 (1) A generation service is not liable under Section 13-72b-202 if the generation service  
201 demonstrates that:

202 (a) the generation service does not hold itself out as providing services for creating  
203 counterfeit intimate images;

204 (b) the generation service has implemented and maintains a written policy that:

205 (i) prohibits the generation and distribution of non-consensual counterfeit intimate  
206 images;

207 (ii) includes reasonable safeguards designed to prevent the creation of counterfeit  
208 intimate images; and

209 (iii) includes procedures for responding to reports of violations;

210 (c) the generation service acted in accordance with the policy described in Subsection  
211 (1)(b) with respect to the alleged violation;

212 (d) the generation service published the policy described in Subsection (1)(b) in a clear  
213 and conspicuous location accessible to the public on the generation service's website  
214 or primary user interface;

215 (e) the generation service published a general description of the reasonable safeguards  
216 described in Subsection (1)(b)(ii), which may describe technical measures in general  
217 terms without disclosing proprietary implementation details that could be exploited to  
218 circumvent the safeguards;

219 (f) the generation service implemented and maintained a consent system that complies  
220 with Subsection 13-72b-201(3); and

221 (g) upon receiving notice that a counterfeit intimate image was created or distributed  
222 without consent, the generation service took prompt action to prevent further  
223 distribution.

224 (2) A generation service qualifies for the safe harbor under Subsection (1) even if a  
225 non-consensual counterfeit intimate image was distributed through the service if the  
226 generation service demonstrates that:

227 (a) the generation service had no actual knowledge that the image was created or  
228 distributed without consent before receiving notice;

229 (b) the generation service's consent system was operating as designed;

230 (c) the generation service reasonably relied on information provided through the consent

- 231 system; and
- 232 (d) upon discovering the violation, the generation service took prompt action to prevent
- 233 further distribution.
- 234 (3) A generation service that has implemented and maintains a written policy and
- 235 reasonable technical safeguards that categorically prevent the generation of intimate
- 236 images by the service is not required to comply with the consent requirements in
- 237 Subsections (1)(b), (1)(c), (1)(e), (1)(f), (2)(b), and (2)(c) to qualify for safe harbor
- 238 protection under this section.
- 239 (4) In determining whether a generation service qualifies for safe harbor protection under
- 240 this section, the court shall, among other relevant factors, consider whether the
- 241 generation service's safeguards and policies:
- 242 (a) are consistent with widely accepted industry standards;
- 243 (b) are regularly updated to address emerging technologies and methods for creating
- 244 counterfeit intimate images;
- 245 (c) include technical measures to detect and prevent the generation of counterfeit
- 246 intimate images; and
- 247 (d) include reasonable measures to ensure that users are not attempting to circumvent the
- 248 safeguards.
- 249 (5) A generation service may assert the safe harbor protections under this section by motion
- 250 before trial and is not required to proceed to trial to establish eligibility for the safe
- 251 harbor.

252 Section 6. Section **13-72b-204** is enacted to read:

253 **13-72b-204 (Effective 01/01/27). Heightened pleading standard for actions**

254 **against generation services.**

- 255 (1) In any action brought under Section 13-72b-202 against a generation service, the
- 256 complaint shall plead with particularity facts establishing that the generation service
- 257 does not qualify for safe harbor protection under Section 13-72b-203.
- 258 (2) To meet the pleading requirements of Subsection (1), the plaintiff shall include specific
- 259 factual allegations, including dates, communications, and other evidence, demonstrating
- 260 that the generation service does not qualify for safe harbor protection under Section
- 261 13-72b-203, including facts showing one or more of the following:
- 262 (a) that the generation service holds itself out as providing services for creating
- 263 counterfeit intimate images;
- 264 (b) that the generation service failed to implement a written policy that:

- 265            (i) prohibits the generation and distribution of non-consensual counterfeit intimate  
266            images;
- 267            (ii) includes reasonable safeguards designed to prevent the creation of counterfeit  
268            intimate images; and
- 269            (iii) includes procedures for responding to reports of violations;
- 270            (c) that the generation service distributed a counterfeit intimate image depicting the  
271            plaintiff without requesting or obtaining the plaintiff's consent;
- 272            (d) that the generation service had actual knowledge that a counterfeit intimate image  
273            was created or distributed without consent and failed to take prompt action to prevent  
274            further distribution; or
- 275            (e) that the generation service intentionally designed the service to facilitate the creation  
276            of non-consensual counterfeit intimate images.
- 277            (3) General or conclusory allegations that a generation service violated this part are  
278            insufficient to state a claim.
- 279            (4) If a complaint fails to meet the pleading requirements of this section, the court shall  
280            dismiss the action without prejudice.
- 281            (5) A generation service may bring a motion to dismiss under this section before filing an  
282            answer or other responsive pleading.
- 283            (6) If the court grants a motion to dismiss under this section and the plaintiff files an  
284            amended complaint that again fails to meet the pleading requirements of this section, the  
285            court shall:
- 286            (a) dismiss the action with prejudice; and
- 287            (b) award the generation service reasonable attorney fees and costs incurred in bringing  
288            the motion to dismiss the amended complaint.
- 289            Section 7. Section **13-72b-205** is enacted to read:
- 290            **13-72b-205 (Effective 01/01/27). Transparency and reporting requirements.**
- 291            (1) A generation service shall take reasonable measures to inform users that:
- 292            (a) distribution of non-consensual counterfeit intimate images is prohibited;
- 293            (b) violations of this part may result in civil liability; and
- 294            (c) the service provides procedures for reporting violations.
- 295            (2) A generation service shall clearly and conspicuously provide to users procedures for  
296            reporting violations to the generation service.
- 297            (3) A generation service shall publish in a clear and conspicuous location on the generation  
298            service's website or primary user interface:

- 299 (a) the written policy required by Subsection 13-72b-203(1)(b); and  
 300 (b) a general description of the safeguards implemented to prevent the generation of  
 301 non-consensual counterfeit intimate images, which may describe technical measures  
 302 in general terms without disclosing proprietary implementation details that could be  
 303 exploited to circumvent the safeguards.

304 Section 8. Section **13-72b-301** is enacted to read:

305 **Part 3. Covered Platforms**

306 **13-72b-301 (Effective 01/01/27). Unlawful distribution of non-consensual**  
 307 **counterfeit intimate images on platforms.**

- 308 (1) A covered platform may not knowingly allow the distribution of a counterfeit intimate  
 309 image without consent from the identifiable individual depicted in the counterfeit  
 310 intimate image.  
 311 (2) A covered platform knowingly allows the distribution of a counterfeit intimate image  
 312 without consent if the covered platform:  
 313 (a) receives notice under Section 13-72b-302 that a counterfeit intimate image has been  
 314 distributed without consent; and  
 315 (b) fails to comply with the takedown requirements in Section 13-72b-302.

316 Section 9. Section **13-72b-302** is enacted to read:

317 **13-72b-302 (Effective 01/01/27). Duty to remove -- Notice and takedown**  
 318 **requirements.**

- 319 (1) A covered platform shall establish and implement notice and removal procedures that  
 320 comply with the requirements established in Section 3(a) of the Take It Down Act.  
 321 (2) The requirements described in Subsection (1) include:  
 322 (a) establishing a mechanism for an individual depicted in a counterfeit intimate image  
 323 to notify the covered platform that the image has been published on the covered  
 324 platform without the individual's consent;  
 325 (b) providing clear and conspicuous notice of the mechanism described in Subsection  
 326 (2)(a);  
 327 (c) upon receiving notice that meets the requirements established in the Take It Down  
 328 Act, removing the reported counterfeit intimate image within 48 hours after receiving  
 329 the notice; and  
 330 (d) making reasonable efforts to identify and remove any identical copy of the  
 331 counterfeit intimate image.  
 332 (3) A covered platform that complies in good faith with the notice and takedown

333 procedures required by this section is not liable under this chapter for actions taken in  
334 accordance with this section before receiving notice.

335 Section 10. Section **13-72b-303** is enacted to read:

336 **13-72b-303 (Effective 01/01/27). Civil liability for covered platforms.**

337 (1) A person, or the heirs of a deceased person, who has been injured by a violation of  
338 Section 13-72b-301 may bring a civil action against the covered platform that committed  
339 the violation.

340 (2) If in an action described in Subsection (1) the court finds the defendant is violating or  
341 has violated any provision of Section 13-72b-301, the court shall:

342 (a) enjoin the defendant from continued violation; and

343 (b) order the defendant to remove or destroy any counterfeit intimate image distributed  
344 in violation of Section 13-72b-301 and all copies of the counterfeit intimate image  
345 within the defendant's possession or control.

346 (3) It is not necessary that actual damages to the plaintiff be alleged or proved in an action  
347 under this section.

348 (4) A plaintiff in an action under this section is entitled to recover:

349 (a) actual damages sustained, if any, including damages for emotional distress;

350 (b) punitive damages, if the violation is found to be willful, reckless, or malicious; and

351 (c) reasonable attorney fees and costs.

352 (5) Each failure to comply with the notice and takedown requirements established in  
353 Section 13-72b-302 after receiving notice of a counterfeit intimate image constitutes a  
354 separate violation of this chapter.

355 (6) The statute of limitations for a civil action under this section is the later of:

356 (a) three years from the date the plaintiff discovered or reasonably should have  
357 discovered the violation; or

358 (b) 10 years from the date of the violation.

359 Section 11. Section **13-72b-304** is enacted to read:

360 **13-72b-304 (Effective 01/01/27). Safe harbor for covered platforms.**

361 (1) A covered platform is not liable under Section 13-72b-303 if the covered platform  
362 demonstrates that:

363 (a) the covered platform implemented and maintained notice and removal procedures  
364 that comply with Section 13-72b-302; and

365 (b) the covered platform acted in good faith in responding to notices of non-consensual  
366 counterfeit intimate images.

- 367 (2) A covered platform qualifies for safe harbor protection under this section even if a  
368 non-consensual counterfeit intimate image appeared on the platform if the covered  
369 platform demonstrates that:
- 370 (a) the covered platform had no actual knowledge of the image before receiving notice  
371 under Section 13-72b-302; and
- 372 (b) upon receiving notice, the covered platform complied with the takedown  
373 requirements in Section 13-72b-302.
- 374 (3) In determining whether a covered platform acted in good faith in responding to a notice  
375 of a non-consensual counterfeit intimate image, the court shall consider:
- 376 (a) the size and resources of the covered platform;
- 377 (b) the volume of content distributed on the platform;
- 378 (c) the effectiveness of the platform's proactive measures; and
- 379 (d) whether the platform's measures are consistent with widely accepted industry  
380 standards.
- 381 (4) A covered platform may establish the safe harbor protections under this section by  
382 motion to dismiss or motion for summary judgment.
- 383 (5) If a court determines that a covered platform has established safe harbor protection  
384 under this section on a motion to dismiss or motion for summary judgment, the court  
385 shall:
- 386 (a) dismiss the action or grant summary judgment in favor of the covered platform; and
- 387 (b) award the covered platform reasonable attorney fees and costs.
- 388 Section 12. Section **13-72b-305** is enacted to read:
- 389 **13-72b-305 (Effective 01/01/27). Heightened pleading standard for actions**  
390 **against covered platforms.**
- 391 (1) In any action brought under Section 13-72b-303 against a covered platform, the  
392 complaint shall plead with particularity facts establishing that the covered platform does  
393 not qualify for safe harbor protection under Section 13-72b-304.
- 394 (2) To meet the pleading requirements of Subsection (1), the plaintiff shall include specific  
395 factual allegations demonstrating that the covered platform does not qualify for safe  
396 harbor protection under Section 13-72b-304, including facts showing one or more of the  
397 following:
- 398 (a) that the covered platform failed to implement notice and removal procedures that  
399 comply with Section 13-72b-302;
- 400 (b) that the covered platform failed to act in good faith in responding to notices of

- 401 non-consensual counterfeit intimate images;
- 402 (c) if the plaintiff provided notice under Section 13-72b-302:
- 403 (i) the specific date and method by which notice was provided;
- 404 (ii) the content of the notice provided;
- 405 (iii) the covered platform's response or failure to respond; and
- 406 (iv) facts establishing that the covered platform failed to comply with the takedown
- 407 requirements in Section 13-72b-302; or
- 408 (d) if the plaintiff did not provide notice under Section 13-72b-302:
- 409 (i) facts establishing that the covered platform had actual knowledge of the
- 410 non-consensual counterfeit intimate image before the plaintiff provided notice; and
- 411 (ii) facts establishing that the covered platform failed to take reasonable steps to
- 412 remove the image within 48 hours after obtaining actual knowledge.
- 413 (3) General or conclusory allegations that a covered platform violated this part are
- 414 insufficient to state a claim.
- 415 (4) If a complaint fails to meet the pleading requirements of this section, the court shall
- 416 dismiss the action without prejudice.
- 417 (5) A covered platform may bring a motion to dismiss under this section before filing an
- 418 answer or other responsive pleading.
- 419 (6) If the court grants a motion to dismiss under this section and the plaintiff files an
- 420 amended complaint that again fails to meet the pleading requirements of this section, the
- 421 court shall:
- 422 (a) dismiss the action with prejudice; and
- 423 (b) award the covered platform reasonable attorney fees and costs incurred in bringing
- 424 the motion to dismiss the amended complaint.

425 Section 13. Section **13-72b-306** is enacted to read:

426 **13-72b-306 (Effective 01/01/27). Relationship to federal law.**

- 427 (1) This part does not expand or modify the notice and takedown requirements established
- 428 in the Take It Down Act.
- 429 (2) This part does not alter, modify, or limit Section 230 of the Communications Decency
- 430 Act, 47 U.S.C. Sec. 230, and may not be construed to impose liability on a covered
- 431 platform for acting as the publisher or speaker of information provided by another
- 432 information content provider.

433 Section 14. Section **13-72b-401** is enacted to read:

434 **Part 4. Severability**

435 **13-72b-401 (Effective 01/01/27). Severability.**

436 (1) If any provision of this chapter or the application of any provision to any person or  
437 circumstance is held invalid by a final decision of a court of competent jurisdiction, the  
438 remainder of this chapter shall be given effect without the invalid provision or  
439 application.

440 (2) The provisions of this chapter are severable.

441 Section 15. Section **13-72c-101** is enacted to read:

442 **CHAPTER 72c. Digital Content Provenance Standards Act**443 **Part 1. General Provisions**444 **13-72c-101 (Effective 01/01/27). Definitions.**

445 As used in this chapter:

446 (1) "Artificial intelligence" means a machine-based system that makes predictions,  
447 recommendations, or decisions influencing real or virtual environments.

448 (2) "Capture device" means a device that can record photographs, audio, or video content,  
449 including a video camera, a still photography camera, a mobile phone with a built-in  
450 camera or microphone, or a voice recorder.

451 (3)(a) "Capture device manufacturer" means a person who produces a capture device for  
452 sale in the state.

453 (b) "Capture device manufacturer" does not include a person exclusively engaged in the  
454 assembly of a capture device.

455 (4) "Compliant system provenance data" means system provenance data that is compliant  
456 with widely adopted specifications of an established standards-setting body.

457 (5)(a) "Covered provider" means a person that creates, codes, or otherwise produces a  
458 generative artificial intelligence system that:

459 (i) has over 1,000,000 monthly visitors or users; and

460 (ii) is publicly accessible within the geographic boundaries of the state.

461 (b) "Covered provider" does not include a person that creates, codes, or otherwise  
462 produces a generative artificial intelligence system that is used exclusively for the  
463 person's internal business operations and is not made publicly accessible.

464 (6) "Digital signature" means a cryptography-based method that identifies the user or entity  
465 that attests to the information provided in the signed section.

466 (7) "Generative artificial intelligence system" means an artificial intelligence system that  
467 can generate derived synthetic content, including text, images, video, or audio, that

- 468 emulates the structure and characteristics of the system's training data.
- 469 (8)(a) "Large online platform" means a public-facing social media platform, mass  
470 messaging platform, or stand-alone search engine that distributes content to users  
471 who did not create or collaborate in creating the content and that exceeded 2,000,000  
472 unique monthly users during the preceding 12 months.
- 473 (b) "Large online platform" does not include:
- 474 (i) a broadband internet access service, as defined in 47 C.F.R. Sec. 8.1(b); or  
475 (ii) a telecommunications service, as defined in 47 U.S.C. Sec. 153.
- 476 (9) "Latent" means present but not manifest.
- 477 (10) "Manifest" means easily perceived, understood, or recognized by a natural person.
- 478 (11) "Mass messaging platform" means a direct messaging platform that allows users to  
479 distribute content to more than 100 users simultaneously.
- 480 (12) "Metadata" means structural or descriptive information about data.
- 481 (13) "Personal information" means the same as that term is defined in Section 13-61-101.
- 482 (14) "Provenance data" means data that is embedded into digital content, or that is included  
483 in the digital content's metadata, for the purpose of verifying the digital content's  
484 authenticity, origin, or history of modification.
- 485 (15) "System provenance data" means provenance data that is not reasonably capable of  
486 being associated with a particular user and that contains:
- 487 (a) information regarding the type of device, system, or service that was used to generate  
488 a piece of digital content; or
- 489 (b) information related to content authenticity.
- 490 (16) "User" means a Utah resident who accesses, interacts with, or uses an interactive  
491 computer service, platform, generation service, generative artificial intelligence system,  
492 or capture device.
- 493 (17) "User interface" means the method by which an individual interacts with, controls, or  
494 receives information from a computer, software application, website, or electronic  
495 device.

496 Section 16. Section **13-72c-201** is enacted to read:

497 **Part 2. Content Provenance Standards and Requirements**

498 **13-72c-201 (Effective 01/01/27). Requirements for large online platforms.**

- 499 (1) A large online platform shall:
- 500 (a) detect whether compliant system provenance data is embedded into or attached to  
501 content distributed on the large online platform;

- 502 (b) provide a user interface to disclose the availability of system provenance data; and  
 503 (c) allow a user to inspect all available compliant system provenance data in an easily  
 504 accessible manner:  
 505 (i) directly through the large online platform's user interface described in Subsection  
 506 (1)(b);  
 507 (ii) by allowing the user to download the content's compliant system provenance  
 508 data; or  
 509 (iii) by providing a link to the content's system provenance data displayed on an  
 510 internet website or in another application provided either by the large online  
 511 platform or a third party.  
 512 (2) A large online platform may not, to the extent technically feasible, knowingly strip any  
 513 system provenance data or digital signature that is compliant with widely adopted  
 514 specifications adopted by an established standards-setting body from content uploaded  
 515 or distributed on the large online platform.

516 Section 17. Section **13-72c-202** is enacted to read:

517 **13-72c-202 (Effective 01/01/27). Requirements for capture devices.**

- 518 (1) A capture device manufacturer shall include a latent disclosure in content captured by  
 519 the capture device that conveys:  
 520 (a)(i) the name of the capture device manufacturer; or  
 521 (ii) digital signatures sufficient to prove whether the content was created using a type  
 522 of capture device; and  
 523 (b) the time and date of the content's creation or alteration.  
 524 (2) A capture device manufacturer may provide a user with the option to disable the latent  
 525 disclosure on a capture device required in Subsection (1).  
 526 (3) A capture device manufacturer shall comply with this section only to the extent  
 527 technically feasible and compliant with widely adopted specifications adopted by an  
 528 established standards-setting body.  
 529 (4) This section applies to any capture device a capture device manufacturer produces for  
 530 sale in the state on or after January 1, 2028.

531 Section 18. Section **13-72c-203** is enacted to read:

532 **13-72c-203 (Effective 01/01/27). User disclosures.**

533 A covered provider shall include a latent disclosure in image, video, or audio content, or  
 534 content that is any combination of image, video, or audio, created or substantially modified by  
 535 the covered provider's generative artificial intelligence system that meets the following criteria:

- 536 (1) to the extent that it is technically feasible and reasonable, the disclosure conveys the  
537 following information, either directly or through a link to a permanent internet website:  
538 (a) the time and date of the content's creation or alteration; and  
539 (b) either:  
540 (i) the name of the capture device manufacturer; or  
541 (ii) digital signatures sufficient to prove whether the content was created or  
542 substantially altered using a generative artificial intelligence system; and  
543 (2) the disclosure is consistent with widely accepted industry standards.

544 Section 19. Section **13-72c-301** is enacted to read:

545 **Part 3. Enforcement**

546 **13-72c-301 (Effective 01/01/27). Enforcement -- Civil liability.**

- 547 (1) The Division of Consumer Protection shall administer and enforce the provisions of Part  
548 2, Content Provenance Standards and Requirements in accordance with Chapter 2,  
549 Division of Consumer Protection.
- 550 (2) In addition to the division's enforcement powers under Chapter 2, Division of Consumer  
551 Protection:  
552 (a) the division director may impose an administrative fine of up to \$2,500 for each  
553 violation of this chapter; and  
554 (b) the division may bring an action in a court of competent jurisdiction to enforce a  
555 provision of this chapter.
- 556 (3) In a court action by the division to enforce a provision of this chapter, the court may:  
557 (a) declare that an act or practice violates a provision of this chapter;  
558 (b) issue an injunction for a violation of this chapter;  
559 (c) order disgorgement of money received in violation of this chapter;  
560 (d) order payment of disgorged money to an injured purchaser or consumer;  
561 (e) impose a fine of up to \$2,500 for each violation of this chapter; or  
562 (f) award other relief that the court determines reasonable and necessary.
- 563 (4) If a court awards judgment or injunctive relief to the division, the court shall award the  
564 division:  
565 (a) reasonable attorney fees;  
566 (b) court costs; and  
567 (c) investigative fees.
- 568 (5) A court may impose a civil penalty of no more than \$5,000 for each violation of an  
569 administrative or court order issued for a violation of this chapter.

570 (6) The attorney general may bring a civil action on behalf of the division to collect a civil  
571 penalty imposed under this section.

572 (7) The division shall deposit all fines and civil penalties collected under this section into  
573 the Consumer Protection Education and Training Fund created in Section 13-2-8.

574 (8) Nothing in this chapter shall displace any other available remedies or rights authorized  
575 under the laws of this state or the United States.

576 Section 20. Section **63A-16-215** is enacted to read:

577 **63A-16-215** (Effective 01/01/27). **Government websites and applications.**

578 (1) The chief information officer shall make rules, in accordance with Title 63G, Chapter 3,  
579 Utah Administrative Rulemaking Act, establishing standards for digital content on a  
580 webpage of a state agency that the public can access to facilitate a transaction or obtain a  
581 service if the chief information officer determines there is a substantial risk that  
582 fraudulent or misleading media could cause harm to a resident of the state interacting  
583 with the state agency.

584 (2) The standards required by Subsection (1) shall require a digitally accessible provenance  
585 record containing provenance information for digital content captured, created, or edited  
586 that includes:

587 (a) the identification of:

588 (i) the type of software or tool used; or

589 (ii) the specific tool used;

590 (b) the date of creation;

591 (c) a content identifier; and

592 (d) the previous content identifiers, if applicable.

593 (3) This section does not apply to digital content created before January 1, 2027.

594 Section 21. **Effective Date.**

595 This bill takes effect on January 1, 2027.