

HB0276S02 compared with HB0276

~~{Omitted text}~~ shows text that was in HB0276 but was omitted in HB0276S02

inserted text shows text that was not in HB0276 but was inserted into HB0276S02

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1 **Artificial Intelligence Modifications**
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Ariel Defay
Senate Sponsor: Kirk A. Cullimore



2
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 distribution of counterfeit intimate images;
- 12 ▶ prohibits generation services and platforms from distributing counterfeit intimate images without obtaining and verifying consent from the depicted individual;
- 14 ▶ establishes civil liability ~~{with statutory damages}~~ for violations of the act, with actual damages, punitive damages, attorney fees, and injunctive relief;
- 16 ▶ establishes safe harbor protections for generation services and covered platforms that implement reasonable safeguards and respond appropriately to notices;
- 18 ▶ establishes heightened pleading standards requiring plaintiffs to plead specific facts;

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- 16 ▶ requires platforms to implement notice and takedown procedures and disclosure requirements;
- 18 ▶ requires large online platforms to detect, disclose, and preserve provenance data in distributed content;
- 20 ▶ establishes requirements for capture device manufacturers regarding latent disclosures in captured content;
- 22 ▶ requires covered providers to include disclosures in AI-generated content;
- 23 ▶ ~~{ establishes requirements for licensing generative artificial intelligence systems to third parties; }~~
- 25 ▶ provides exemptions for certain products and services; {and}
- 26 ▶ 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 07/01/26)] (Effective 01/01/27), as last amended by Laws of Utah 2025, Chapter 468**

37 ENACTS:

38 **13-72b-101 (Effective 01/01/27), Utah Code Annotated 1953**

34 ~~{13-72b-102, Utah Code Annotated 1953}~~

35 ~~{13-72b-103, Utah Code Annotated 1953}~~

36 ~~{13-72b-104, Utah Code Annotated 1953}~~

37 ~~{13-72b-105, Utah Code Annotated 1953}~~

38 ~~{13-72b-106, Utah Code Annotated 1953}~~

39 ~~{13-72b-107, Utah Code Annotated 1953}~~

39 **13-72b-201 (Effective 01/01/27), Utah Code Annotated 1953**

40 **13-72b-202 (Effective 01/01/27), Utah Code Annotated 1953**

41 **13-72b-203 (Effective 01/01/27), Utah Code Annotated 1953**

42 **13-72b-204 (Effective 01/01/27), Utah Code Annotated 1953**

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43 **13-72b-205 (Effective 01/01/27), Utah Code Annotated 1953**

44 **13-72b-301 (Effective 01/01/27), Utah Code Annotated 1953**

45 **13-72b-302 (Effective 01/01/27), Utah Code Annotated 1953**

46 **13-72b-303 (Effective 01/01/27), Utah Code Annotated 1953**

47 **13-72b-304 (Effective 01/01/27), Utah Code Annotated 1953**

48 **13-72b-305 (Effective 01/01/27), Utah Code Annotated 1953**

49 **13-72b-306 (Effective 01/01/27), Utah Code Annotated 1953**

50 **13-72b-401 (Effective 01/01/27), Utah Code Annotated 1953**

51 **13-72c-101 (Effective 01/01/27), Utah Code Annotated 1953**

52 **13-72c-201 (Effective 01/01/27), Utah Code Annotated 1953**

53 **13-72c-202 (Effective 01/01/27), Utah Code Annotated 1953**

54 **13-72c-203 (Effective 01/01/27), Utah Code Annotated 1953**

55 **13-72c-301 (Effective 01/01/27), Utah Code Annotated 1953**

56 **63A-16-215 (Effective 01/01/27), Utah Code Annotated 1953**

57

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

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

60 **13-2-1. Consumer protection division established -- Functions.**

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

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

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

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

67 (c) Chapter 15, Business Opportunity Disclosure Act;

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

69 (e) Chapter 21, Credit Services Organizations Act;

70 (f) Chapter 22, Charitable Solicitations Act;

71 (g) Chapter 23, Health Spa Services Protection Act;

72 (h) Chapter 25a, Telephone and Facsimile Solicitation Act;

73 (i) Chapter 26, Telephone Fraud Prevention Act;

74 (j) Chapter 28, Prize Notices Regulation Act;

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- 75 (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter Transaction Information
Act;
- 77 (l) Chapter 34, Utah Postsecondary School and State Authorization Act;
- 78 (m) Chapter 41, Price Controls During Emergencies Act;
- 79 (n) Chapter 42, Uniform Debt-Management Services Act;
- 80 (o) Chapter 49, Immigration Consultants Registration Act;
- 81 (p) Chapter 51, Transportation Network Company Registration Act;
- 82 (q) Chapter 52, Residential Solar Energy Consumer Protection Act;
- 83 (r) Chapter 53, Residential, Vocational ~~[or]~~ and Life Skills Program Act;
- 84 (s) Chapter 54, Ticket Website Sales Act;
- 85 (t) Chapter 56, Ticket Transferability Act;
- 86 (u) Chapter 57, Maintenance Funding Practices Act;
- 87 (v) Chapter 61, Utah Consumer Privacy Act;
- 88 (w) Chapter 64, Vehicle Value Protection Agreement Act;
- 89 (x) Chapter 65, Utah Commercial Email Act;
- 90 (y) Chapter 67, Online Dating Safety Act;
- 91 (z) Chapter 68, Lawyer Referral Consultants Registration Act;
- 92 (aa) Chapter 70, Automatic Renewal Contracts Act;
- 93 (bb) Chapter 71, Utah Minor Protection in Social Media Act;
- 94 (cc) Chapter 72a, Artificial Intelligence Applications Relating to Mental Health;
- 95 (dd) Chapter 72c, Digital Content Provenance Standards Act;
- 96 ~~[(dd)]~~ (ee) Chapter 78, Earned Wage Access Services Act; and
- 97 ~~[(ee)]~~ (ff) Chapter 81, Utah Digital Choice Act.
- 98 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may
make rules to establish:
- 100 (a) a public list that identifies a person that:
- 101 (i) violates a chapter described in Subsection (2);
- 102 (ii) without proper legal justification, fails to comply with an order, subpoena, judgment, or other legal
process issued by:
- 104 (A) the division; or
- 105 (B) a court of competent jurisdiction; or

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- 106 (iii) breaches a settlement agreement, stipulation, assurance of voluntary compliance, or similar
instrument signed by the person and the division; and
- 108 (b) a process by which a person may be removed from the list the division establishes as described in
Subsection (3)(a).

110 Section 2. Section 2 is enacted to read:

113 **13-72b-101. (Effective 01/01/27) Definitions.**

72b. Digital Voyeurism Prevention Act

1. General Provisions

As used in this chapter:

- 52 (1) "Artificial intelligence technology" means the same as that term is defined in Section 13-72-101.
- 54 (2) "Consent" means express permission, freely and voluntarily given by an identifiable individual,
with full knowledge of the nature and purpose of the generation of an intimate image depicting the
individual, where the consent:
- 57 (a) is specific to the particular intimate image being generated;
- 58 (b) is obtained before the generation of the intimate image; and
- 59 (c) may be revoked at any time.
- 60 (3) "Counterfeit intimate image" means {an intimate image} a "digital forgery" as that {has been
created or generated through} term is defined in the {use of artificial intelligence technology,
machine learning, digital editing tools, or other technological means to depict the likeness of an
identifiable individual} Take It Down Act.
- 125 (4) "Covered platform" means the same as that term is defined in Section 3 of the Take It Down Act,
Public Law 119-12, 139 Stat. 59, codified at 47 U.S.C. 230 note.
- 64 (4){(5)}
- (a) "Distribute" means to sell, exhibit, display, publish, provide, give, provide access to, or otherwise
transfer a counterfeit intimate image, with or without consideration.
- 66 (b) "Distribute" includes the generation of a counterfeit intimate image by a generation service and the
subsequent provision of that counterfeit intimate image to the user.
- 68 (5){(6)} "Generate" means to create, produce, compose, materially edit, or facilitate the creation of an
intimate image through the use of artificial intelligence technology{, digital editing tools, or other
technological means} .

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- (6){(7)} "Generation service" means a person that operates, maintains, or provides an interactive computer service that:
- 73 (a) enables users to generate intimate images;
- 74 (b) processes user image generation requests through servers, computer systems, or computing resources controlled by the service operator rather than solely on the user's local device; and
- 77 (c) distributes generated intimate images to users through the service.
- 78 (7){(8)} "Identifiable individual" means an individual who is recognizable as an actual human individual by the human individual's face, likeness, or other distinguishing characteristic, including a unique physical feature or other recognizable attribute.
- 81 (8){(9)} "Interactive computer service" means the same as that term is defined in 47 U.S.C. Sec. 230(f)(2).
- 83 (9){(10)} "Intimate image" means {any} an "intimate" visual depiction{, photograph, film, video, recording, picture, or computer or computer-generated image, picture, or video, whether made or produced by electronic, mechanical, or other means, that depicts:} " as those terms are defined in the Take It Down Act.
- 86 {(a) {~~exposed human male or female genitals, anus, or pubic area, with less than an opaque covering;~~}
- 88 {(b) {~~a female breast with less than an opaque covering, or any portion of the female breast below the top of the areola; or~~}
- 90 {(c) {~~an individual engaged in sexually explicit conduct.~~}
- 91 {(10) {~~"Platform" means a person that operates, maintains, or provides an interactive computer service that:~~}
- 93 {(a) {~~hosts, distributes, or makes accessible content; and~~}
- 94 {(b) {~~enables a user to interact with content provided by the platform or another user.~~}
- 95 (11) "Reasonable expectation of privacy" means an individual's expectation that:
- 96 (a) the individual's body will not be viewed, recorded, or depicted in an intimate image without the individual's knowledge and consent; and
- 98 (b) an intimate image of the individual will not be generated, created, distributed, or manipulated without the individual's knowledge and consent.
- 100 (12) "Sexually explicit conduct" means {~~actual or simulated:~~} the same as that term is defined in 18 U.S.C. Sec. 2256(2)(A).

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101 {~~(a) {sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether
between individuals of the same or opposite sex;}~~}

103 {~~(b) {masturbation;}~~}

104 {~~(c) {bestiality;}~~}

105 {~~(d) {sadistic or masochistic activities;}~~}

106 {~~(e) {exhibition of the genitals, pubic region, buttocks, or female breast of any individual;}~~}

107 {~~(f) {visual depiction of nudity or partial nudity;}~~}

108 {~~(g) {fondling or touching of the genitals, pubic region, buttocks, or female breast; or}~~}

109 {~~(h) {visual depiction of defecation or urination for the purpose of causing sexual arousal of any
individual.}~~}

154 (13) "Take It Down Act" means the Tools to Address Known Exploitation by Immobilizing
Technological Deepfakes on Websites and Networks Act, Public Law 119-12, codified at 47 U.S.C.
Sec. 230 note.

111 Section 2. Section 2 is enacted to read:

112 **13-72b-102. Unlawful distribution of non-consensual counterfeit intimate images.**

113 (1) The distribution of a counterfeit intimate image without the consent of the identifiable individual
depicted in the image is a violation of the individual's reasonable expectation of privacy.

116 (2) A generation service may not distribute a counterfeit intimate image without first obtaining and
verifying consent from the identifiable individual depicted in the counterfeit intimate image.

119 (3) To obtain and verify consent sufficient to meet the requirements of Subsection (2), a generation
service shall implement and maintain a consent verification system that:

121 (a) requires the identifiable individual depicted in the counterfeit intimate image to affirmatively
provide consent before the counterfeit intimate image is distributed;

123 (b) verifies the identity of the individual providing consent with reasonable accuracy; and

124 (c) maintains a record of the consent verification for a period of not less than seven years.

125 (4) A generation service may not require an individual to disclose personally identifiable information
beyond what is reasonably necessary to verify the individual's identity and obtain valid consent.

128 Section 3. Section 3 is enacted to read:

129 **13-72b-103. Civil liability for generation services.**

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- 133 (1) A person, or the heirs of a deceased person, who has been injured by a violation recognized in
Section 13-72b-102 may bring a civil action against the generation service that committed the
violation.
- 135 (2) If in an action described in Subsection (1) the court finds the defendant is violating or has violated
any provision of Section 13-72b-102, the court shall:
- 136 (a) enjoin the defendant from continuing the violation; and
- 137 (b) order the defendant to remove or destroy any counterfeit intimate image distributed in violation
of Section 13-72b-102 and all copies of the counterfeit intimate image within the defendant's
possession or control.
- 139 (3) It is not necessary that actual damages to the plaintiff be alleged or proved in an action under this
section.
- 141 (4) A plaintiff in an action under this section is entitled to recover:
- 142 (a) actual damages sustained, if any, including damages for emotional distress;
- 143 (b) statutory damages in an amount not less than \$10,000 and not more than \$100,000 for each
violation;
- 145 (c) punitive damages, if the violation is found to be willful, reckless, or malicious; and
- 146 (d) reasonable attorney fees and costs.
- 147 (5) In determining the amount of statutory damages under Subsection (4)(b), the court shall consider:
- 149 (a) the nature and scope of the violation;
- 150 (b) the number of counterfeit intimate images distributed;
- 151 (c) whether the defendant implemented any consent verification procedures;
- 152 (d) the defendant's revenue derived from the generation service;
- 153 (e) whether the defendant took reasonable steps to prevent violations after receiving notice; and
- 155 (f) any other factors the court deems relevant.
- 156 (6) Each distribution of a counterfeit intimate image depicting an identifiable individual without consent
constitutes a separate violation.
- 158 (7) The statute of limitations for a civil action under this section is the later of:
- 159 (a) three years from the date the plaintiff discovered or reasonably should have discovered the violation;
or
- 161 (b) 10 years from the date of the violation.

162 Section 4. Section 4 is enacted to read:

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163 **13-72b-104. Unlawful distribution of non-consensual counterfeit intimate images on**
164 **platforms.**

165 (1) A platform may not knowingly allow the distribution of a counterfeit intimate image without
166 consent from the identifiable individual depicted in the counterfeit intimate image.

167 (2) A platform knowingly allows the distribution of a counterfeit intimate image without consent if:

170 (a)

(i) the platform receives notice under Section 13-72b-106 that a counterfeit intimate image has been
171 distributed without consent; and

172 (ii) fails to comply with the takedown requirements in Section 13-72b-106; or

173 (b) the platform otherwise has actual knowledge that a counterfeit intimate image is being distributed
174 without consent on the platform.

175 (3) A platform's failure to comply with Section 13-72b-106 after receiving notice creates a rebuttable
176 presumption that the platform knowingly allowed continued distribution.

177 Section 5. Section 5 is enacted to read:

178 **13-72b-105. Civil liability for platforms.**

179 (1) A person, or the heirs of a deceased person, who has been injured by a violation of Section
180 13-72b-104 may bring a civil action against the platform that committed the violation.

182 (2) If in an action described in Subsection (1) the court finds the defendant is violating or has violated
183 any provision of Section 13-72b-104, the court shall:

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

185 (b) order the defendant to remove or destroy any counterfeit intimate image distributed in violation
186 of Section 13-72b-104 and all copies of the counterfeit intimate image within the defendant's
187 possession or control.

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

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

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

192 (b) statutory damages in an amount not less than \$5,000 and not more than \$50,000 for each violation;

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

195 (d) reasonable attorney fees and costs.

196 (5) In determining the amount of statutory damages under Subsection (4)(b), the court shall consider:

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- 198 (a) the nature and scope of the violation;
199 (b) the extent of distribution or accessibility of the counterfeit intimate image;
200 (c) the defendant's willingness to comply with removal requests;
201 (d) whether the defendant took reasonable steps to prevent violations after receiving notice; and
202 (e) any other factors the court deems relevant.
203
204 (6) Each failure to remove a counterfeit intimate image after receiving notice under Section 13-72b-106
constitutes a separate violation of this chapter.
205
206 (7) The statute of limitations for a civil action under this section is the later of:
207 (a) three years from the date the plaintiff discovered or reasonably should have discovered the violation;
or
208 (b) 10 years from the date of the violation.

209 Section 6. Section 6 is enacted to read:

210 **13-72b-106. Duty to remove -- Notice and takedown procedures.**

- 211
212 (1) Upon receiving notice from an identifiable individual or the individual's authorized representative
that a counterfeit intimate image depicting the individual has been distributed without consent on a
platform, the platform shall:
213
214 (a) within 48 hours of receiving notice, temporarily disable access to the counterfeit intimate image
pending investigation;
215 (b) within seven days of receiving notice, conduct a reasonable investigation to determine whether the
counterfeit intimate image was distributed without consent; and
216 (c) if the platform determines the counterfeit intimate image was distributed without consent,
permanently remove the counterfeit intimate image and prevent the reposting of substantially similar
images depicting the same identifiable individual.
217
218 (2) Notice under Subsection (1) shall include:
219 (a) identification of the identifiable individual depicted in the counterfeit intimate image;
220 (b) identification or description of the counterfeit intimate image sufficient for the platform to locate the
image, including a URL or other locator if available;
221 (c) a statement that the identifiable individual did not consent to the creation or distribution of the
counterfeit intimate image; and
222 (d) contact information for the individual providing notice.
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(3) A platform that complies in good faith with the notice and takedown procedures in this section is not liable under this chapter for actions taken in accordance with this section before receiving notice.

233 Section 7. Section 7 is enacted to read:

234 **13-72b-107. Transparency and reporting requirements.**

235 (1) Before processing a user's request to generate a counterfeit intimate image, a generation service shall clearly and conspicuously disclose to the user:

237 (a) that distribution of non-consensual counterfeit intimate images is prohibited;

238 (b) the consent verification requirements under this chapter;

239 (c) the civil penalties for violations of this chapter; and

240 (d) procedures for a user to report a violation to the generation service.

241 (2) A platform shall clearly and conspicuously provide to users procedures for reporting and requesting removal of non-consensual counterfeit intimate images.

157 Section 3. Section 3 is enacted to read:

158

Part 2. Generation Services

159 **13-72b-201. Unlawful distribution of non-consensual counterfeit intimate images.**

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

164 (2) A generation service may not distribute a counterfeit intimate image without first obtaining consent from the identifiable individual depicted in the counterfeit intimate image.

167 (3) To obtain consent sufficient to meet the requirements of Subsection (2), a generation service shall implement and maintain a consent system that:

169 (a) requires the identifiable individual depicted in the counterfeit intimate image to affirmatively provide consent before the counterfeit intimate image is distributed;

171 (b) assures the identity of the individual providing consent with reasonable accuracy; and

172 (c) maintains a record of the consent for a period of not less than seven years.

173 (4) A generation service may not require an individual to disclose personally identifiable information beyond what is reasonably necessary to assure the individual's identity and obtain valid consent.

176 Section 4. Section 4 is enacted to read:

177 **13-72b-202. Civil liability for generation services.**

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- 181 (1) A person, or the heirs of a deceased person, who has been injured by a violation recognized in
182 Section 13-72b-201 may bring a civil action against the generation service that committed the
183 violation.
- 184 (2) If in an action described in Subsection (1) the court finds the defendant is violating or has violated
185 any provision of Section 13-72b-201, the court shall:
- 186 (a) enjoin the defendant from continuing the violation; and
- 187 (b) order the defendant to remove or destroy any counterfeit intimate image distributed in violation
188 of Section 13-72b-201 and all copies of the counterfeit intimate image within the defendant's
189 possession or control.
- 190 (3) It is not necessary that actual damages to the plaintiff be alleged or proved in an action under this
191 section.
- 192 (4) A plaintiff in an action under this section is entitled to recover:
- 193 (a) actual damages sustained, if any, including damages for emotional distress;
- 194 (b) punitive damages, if the violation is found to be willful, reckless, or malicious; and
- 195 (c) reasonable attorney fees and costs.
- 196 (5) Each distribution of a counterfeit intimate image depicting an identifiable individual without consent
197 constitutes a separate violation.
- 198 (6) The statute of limitations for a civil action under this section is the later of:
- 199 (a) three years from the date the plaintiff discovered or reasonably should have discovered the violation;
200 or
- 201 (b) 10 years from the date of the violation.
- 202 Section 5. Section 5 is enacted to read:
- 203 **13-72b-203. Safe harbor for generation services.**
- 204 (1) A generation service is not liable under Section 13-72b-202 if the generation service demonstrates
205 that:
- 206 (a) the generation service does not hold itself out as providing services for creating counterfeit intimate
207 images;
- 208 (b) the generation service has implemented and maintains a written policy that:
- 209 (i) prohibits the generation and distribution of non-consensual counterfeit intimate images;
- 210 (ii) includes reasonable safeguards designed to prevent the creation of counterfeit intimate images; and
211 (iii) includes procedures for responding to reports of violations;

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- 211 (c) the generation service acted in accordance with the policy described in Subsection (1)(b) with
212 respect to the alleged violation;
- 213 (d) the generation service published the policy described in Subsection (1)(b) in a clear and conspicuous
214 location accessible to the public on the generation service's website or primary user interface;
- 215 (e) the generation service published a general description of the reasonable safeguards described in
216 Subsection (1)(b)(ii), which may describe technical measures in general terms without disclosing
217 proprietary implementation details that could be exploited to circumvent the safeguards;
- 218 (f) the generation service implemented and maintained a consent system that complies with Subsection
219 13-72b-201(3); and
- 220 (g) upon receiving notice that a counterfeit intimate image was created or distributed without consent,
221 the generation service took prompt action to prevent further distribution.
- 222 (2) A generation service qualifies for the safe harbor under Subsection (1) even if a non-consensual
223 counterfeit intimate image was distributed through the service if the generation service demonstrates
224 that:
- 225 (a) the generation service had no actual knowledge that the image was created or distributed without
226 consent before receiving notice;
- 227 (b) the generation service's consent system was operating as designed;
- 228 (c) the generation service reasonably relied on information provided through the consent system; and
- 229 (d) upon discovering the violation, the generation service took prompt action to prevent further
230 distribution.
- 231 (3) A generation service that has implemented and maintains a written policy and reasonable technical
232 safeguards that categorically prevent the generation of intimate images by the service is not required
233 to comply with the consent requirements in Subsections (1)(b), (1)(c), (1)(e), (1)(f), (2)(b), and (2)
234 (c) to qualify for safe harbor protection under this section.
- 235 (4) In determining whether a generation service qualifies for safe harbor protection under this section,
236 the court shall, among other relevant factors, consider whether the generation service's safeguards
237 and policies:
- 238 (a) are consistent with widely accepted industry standards;
- 239 (b) are regularly updated to address emerging technologies and methods for creating counterfeit
240 intimate images;
- 241 (c) include technical measures to detect and prevent the generation of counterfeit intimate images; and

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- 248 (d) include reasonable measures to ensure that users are not attempting to circumvent the safeguards.
250 (5) A generation service may assert the safe harbor protections under this section by motion before trial
and is not required to proceed to trial to establish eligibility for the safe harbor.

253 Section 6. Section 6 is enacted to read:

254 **13-72b-204. Heightened pleading standard for actions against generation services.**

- 256 (1) In any action brought under Section 13-72b-202 against a generation service, the complaint shall
plead with particularity facts establishing that the generation service does not qualify for safe harbor
protection under Section 13-72b-203.
- 259 (2) To meet the pleading requirements of Subsection (1), the plaintiff shall include specific factual
allegations, including dates, communications, and other evidence, demonstrating that the generation
service does not qualify for safe harbor protection under Section 13-72b-203, including facts
showing one or more of the following:
- 263 (a) that the generation service holds itself out as providing services for creating counterfeit intimate
images;
- 265 (b) that the generation service failed to implement a written policy that:
- 266 (i) prohibits the generation and distribution of non-consensual counterfeit intimate images;
- 268 (ii) includes reasonable safeguards designed to prevent the creation of counterfeit intimate images; and
- 270 (iii) includes procedures for responding to reports of violations;
- 271 (c) that the generation service distributed a counterfeit intimate image depicting the plaintiff without
requesting or obtaining the plaintiff's consent;
- 273 (d) that the generation service had actual knowledge that a counterfeit intimate image was created or
distributed without consent and failed to take prompt action to prevent further distribution; or
- 276 (e) that the generation service intentionally designed the service to facilitate the creation of non-
consensual counterfeit intimate images.
- 278 (3) General or conclusory allegations that a generation service violated this part are insufficient to state
a claim.
- 280 (4) If a complaint fails to meet the pleading requirements of this section, the court shall dismiss the
action without prejudice.
- 282 (5) A generation service may bring a motion to dismiss under this section before filing an answer or
other responsive pleading.

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(6) If the court grants a motion to dismiss under this section and the plaintiff files an amended complaint that again fails to meet the pleading requirements of this section, the court shall:

(a) dismiss the action with prejudice; and

(b) award the generation service reasonable attorney fees and costs incurred in bringing the motion to dismiss the amended complaint.

Section 7. Section 7 is enacted to read:

13-72b-205. Transparency and reporting requirements.

(1) A generation service shall take reasonable measures to inform users that:

(a) distribution of non-consensual counterfeit intimate images is prohibited;

(b) violations of this part may result in civil liability; and

(c) the service provides procedures for reporting violations.

(2) A generation service shall clearly and conspicuously provide to users procedures for reporting violations to the generation service.

(3) A generation service shall publish in a clear and conspicuous location on the generation service's website or primary user interface:

(a) the written policy required by Subsection 13-72b-203(1)(b); and

(b) a general description of the safeguards implemented to prevent the generation of non-consensual counterfeit intimate images, which may describe technical measures in general terms without disclosing proprietary implementation details that could be exploited to circumvent the safeguards.

Section 8. Section 8 is enacted to read:

Part 3. Covered Platforms

13-72b-301. Unlawful distribution of non-consensual counterfeit intimate images on platforms.

(1) A covered platform may not knowingly allow the distribution of a counterfeit intimate image without consent from the identifiable individual depicted in the counterfeit intimate image.

(2) A covered platform knowingly allows the distribution of a counterfeit intimate image without consent if the covered platform:

(a) receives notice under Section 13-72b-302 that a counterfeit intimate image has been distributed without consent; and

(b) fails to comply with the takedown requirements in Section 13-72b-302.

Section 9. Section 9 is enacted to read:

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318 **13-72b-302. Duty to remove -- Notice and takedown requirements.**

- 320 (1) A covered platform shall establish and implement notice and removal procedures that comply with
the requirements established in Section 3(a) of the Take It Down Act.
- 322 (2) The requirements described in Subsection (1) include:
- 323 (a) establishing a mechanism for an individual depicted in a counterfeit intimate image to notify the
covered platform that the image has been published on the covered platform without the individual's
consent;
- 326 (b) providing clear and conspicuous notice of the mechanism described in Subsection (2)(a);
- 328 (c) upon receiving notice that meets the requirements established in the Take It Down Act, removing
the reported counterfeit intimate image within 48 hours after receiving the notice; and
- 331 (d) making reasonable efforts to identify and remove any identical copy of the counterfeit intimate
image.
- 333 (3) A covered platform that complies in good faith with the notice and takedown procedures required by
this section is not liable under this chapter for actions taken in accordance with this section before
receiving notice.

336 Section 10. Section 10 is enacted to read:

337 **13-72b-303. Civil liability for covered platforms.**

- 338 (1) A person, or the heirs of a deceased person, who has been injured by a violation of Section
13-72b-301 may bring a civil action against the covered platform that committed the violation.
- 341 (2) If in an action described in Subsection (1) the court finds the defendant is violating or has violated
any provision of Section 13-72b-301, the court shall:
- 343 (a) enjoin the defendant from continued violation; and
- 344 (b) order the defendant to remove or destroy any counterfeit intimate image distributed in violation
of Section 13-72b-301 and all copies of the counterfeit intimate image within the defendant's
possession or control.
- 347 (3) It is not necessary that actual damages to the plaintiff be alleged or proved in an action under this
section.
- 349 (4) A plaintiff in an action under this section is entitled to recover:
- 350 (a) actual damages sustained, if any, including damages for emotional distress;
- 351 (b) punitive damages, if the violation is found to be willful, reckless, or malicious; and
- 352 (c) reasonable attorney fees and costs.

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- 353 (5) Each failure to comply with the notice and takedown requirements established in Section
13-72b-302 after receiving notice of a counterfeit intimate image constitutes a separate violation of
this chapter.
- 356 (6) The statute of limitations for a civil action under this section is the later of:
- 357 (a) three years from the date the plaintiff discovered or reasonably should have discovered the violation;
or
- 359 (b) 10 years from the date of the violation.
- 360 Section 11. Section 11 is enacted to read:
- 361 **13-72b-304. Safe harbor for covered platforms.**
- 362 (1) A covered platform is not liable under Section 13-72b-303 if the covered platform demonstrates
that:
- 364 (a) the covered platform implemented and maintained notice and removal procedures that comply with
Section 13-72b-302; and
- 366 (b) the covered platform acted in good faith in responding to notices of non-consensual counterfeit
intimate images.
- 368 (2) A covered platform qualifies for safe harbor protection under this section even if a non-consensual
counterfeit intimate image appeared on the platform if the covered platform demonstrates that:
- 371 (a) the covered platform had no actual knowledge of the image before receiving notice under Section
13-72b-302; and
- 373 (b) upon receiving notice, the covered platform complied with the takedown requirements in Section
13-72b-302.
- 375 (3) In determining whether a covered platform acted in good faith in responding to a notice of a non-
consensual counterfeit intimate image, the court shall consider:
- 377 (a) the size and resources of the covered platform;
- 378 (b) the volume of content distributed on the platform;
- 379 (c) the effectiveness of the platform's proactive measures; and
- 380 (d) whether the platform's measures are consistent with widely accepted industry standards.
- 382 (4) A covered platform may establish the safe harbor protections under this section by motion to
dismiss or motion for summary judgment.
- 384 (5) If a court determines that a covered platform has established safe harbor protection under this
section on a motion to dismiss or motion for summary judgment, the court shall:

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- 387 (a) dismiss the action or grant summary judgment in favor of the covered platform; and
388 (b) award the covered platform reasonable attorney fees and costs.

389 Section 12. Section 12 is enacted to read:

390 **13-72b-305. Heightened pleading standard for actions against covered platforms.**

- 392 (1) In any action brought under Section 13-72b-303 against a covered platform, the complaint shall
plead with particularity facts establishing that the covered platform does not qualify for safe harbor
protection under Section 13-72b-304.
- 395 (2) To meet the pleading requirements of Subsection (1), the plaintiff shall include specific factual
allegations demonstrating that the covered platform does not qualify for safe harbor protection under
Section 13-72b-304, including facts showing one or more of the following:
- 399 (a) that the covered platform failed to implement notice and removal procedures that comply with
Section 13-72b-302;
- 401 (b) that the covered platform failed to act in good faith in responding to notices of non-consensual
counterfeit intimate images;
- 403 (c) if the plaintiff provided notice under Section 13-72b-302:
- 404 (i) the specific date and method by which notice was provided;
- 405 (ii) the content of the notice provided;
- 406 (iii) the covered platform's response or failure to respond; and
- 407 (iv) facts establishing that the covered platform failed to comply with the takedown requirements in
Section 13-72b-302; or
- 409 (d) if the plaintiff did not provide notice under Section 13-72b-302:
- 410 (i) facts establishing that the covered platform had actual knowledge of the non-consensual counterfeit
intimate image before the plaintiff provided notice; and
- 412 (ii) facts establishing that the covered platform failed to take reasonable steps to remove the image
within 48 hours after obtaining actual knowledge.
- 414 (3) General or conclusory allegations that a covered platform violated this part are insufficient to state a
claim.
- 416 (4) If a complaint fails to meet the pleading requirements of this section, the court shall dismiss the
action without prejudice.
- 418 (5) A covered platform may bring a motion to dismiss under this section before filing an answer or
other responsive pleading.

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- 420 (6) If the court grants a motion to dismiss under this section and the plaintiff files an amended
421 complaint that again fails to meet the pleading requirements of this section, the court shall:
422
423 (a) dismiss the action with prejudice; and
424 (b) award the covered platform reasonable attorney fees and costs incurred in bringing the motion to
425 dismiss the amended complaint.

426 Section 13. Section **13** is enacted to read:

427 **13-72b-306. Relationship to federal law.**

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

434 Section 14. Section **14** is enacted to read:

435 **Part 4. Severability**

436 **13-72b-401. Severability.**

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

442 Section 15. Section **15** is enacted to read:

445 **13-72c-101. (Effective 01/01/27)Definitions.**

72c. Digital Content Provenance Standards Act

1. General Provisions

As used in this chapter:

- 248 (1) "Artificial intelligence" means a machine-based system that makes predictions, recommendations,
249 or decisions influencing real or virtual environments.
250 (2) "Capture device" means a device that can record photographs, audio, or video content, including a
251 video camera, a still photography camera, a mobile phone with a built-in camera or microphone, or
252 a voice recorder.
253 (3)
(a) "Capture device manufacturer" means a person who produces a capture device for sale in the state.

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- 255 (b) "Capture device manufacturer" does not include a person exclusively engaged in the assembly of a
capture device.
- 257 (4) "Compliant system provenance data" means system provenance data that is compliant with widely
adopted specifications of an established standards-setting body.
- 458 (5)
- 259 (5){(a)} "Covered provider" means a person that creates, codes, or otherwise produces a generative
artificial intelligence system that:
- 261 (a){(i)} has over 1,000,000 monthly visitors or users; and
- 262 (b){(ii)} is publicly accessible within the geographic boundaries of the state.
- 462 (b) "Covered provider" does not include a person that creates, codes, or otherwise produces a generative
artificial intelligence system that is used exclusively for the person's internal business operations and
is not made publicly accessible.
- 263 (6) "Digital signature" means a cryptography-based method that identifies the user or entity that attests
to the information provided in the signed section.
- 265 (7) "Generative artificial intelligence system" means an artificial intelligence system that can generate
derived synthetic content, including text, images, video, or audio, that emulates the structure and
characteristics of the system's training data.
- 268 (8)
- (a) "Large online platform" means a public-facing social media platform, { ~~file-sharing platform,~~ } mass
messaging platform, or stand-alone search engine that distributes content to users who did not create
or collaborate in creating the content and that exceeded 2,000,000 unique monthly users during the
preceding 12 months.
- 272 (b) "Large online platform" does not include:
- 273 (i) a broadband internet access service, as defined in 47 C.F.R. Sec. 8.1(b); or
- 274 (ii) a telecommunications service, as defined in 47 U.S.C. Sec. 153.
- 275 (9) "Latent" means present but not manifest.
- 276 (10) "Manifest" means easily perceived, understood, or recognized by a natural person.
- 277 (11) "Mass messaging platform" means a direct messaging platform that allows users to distribute
content to more than 100 users simultaneously.
- 279 (12) "Metadata" means structural or descriptive information about data.
- 280 (13) "Personal information" means the same as that term is defined in Section 13-61-101.

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- 281 (14) "Provenance data" means data that is embedded into digital content, or that is included in the
digital content's metadata, for the purpose of verifying the digital content's authenticity, origin, or
history of modification.
- 284 (15) "System provenance data" means provenance data that is not reasonably capable of being
associated with a particular user and that contains:
- 286 (a) information regarding the type of device, system, or service that was used to generate a piece of
digital content; or
- 288 (b) information related to content authenticity.
- 289 (16) "User" means a Utah resident who accesses, interacts with, or uses an interactive computer service,
platform, generation service, generative artificial intelligence system, or capture device.
- 292 (17) "User interface" means the method by which an individual interacts with, controls, or receives
information from a computer, software application, website, or electronic device.
- 497 Section 16. Section **16** is enacted to read:
- 499 **13-72c-201. (Effective 01/01/27) Requirements for large online platforms.**
2. Content Provenance Standards and Requirements
- 298 (1) A large online platform shall:
- 299 (a) detect whether compliant system provenance data is embedded into or attached to content
distributed on the large online platform;
- 301 (b) provide a user interface to disclose the availability of system provenance data; and
- 302 (c) allow a user to inspect all available compliant system provenance data in an easily accessible
manner:
- 304 (i) directly through the large online platform's user interface described in Subsection (1)(b);
- 306 (ii) by allowing the user to download {a version of the content with } the content's {attached }
compliant system provenance data; or
- 308 (iii) by providing a link to the content's system provenance data displayed on an internet website or in
another application provided either by the large online platform or a third party.
- 311 (2) A large online platform may not, to the extent technically feasible, knowingly strip any system
provenance data or digital signature that is compliant with widely adopted specifications adopted
by an established standards-setting body from content uploaded or distributed on the online
platform.
- 517 Section 17. Section **17** is enacted to read:

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518 **13-72c-202. (Effective 01/01/27) Requirements for capture devices.**

317 (1) A capture device manufacturer shall include a latent disclosure in content captured by the capture
device that conveys:

319 (a)

(i) the name of the capture device manufacturer; or

320 (ii) digital signatures sufficient to prove whether the content was created using a type of capture device;
and

322 (b) the time and date of the content's creation or alteration.

323 (2) A capture device manufacturer may provide a user with the option to disable the latent disclosure on
a capture device required in Subsection (1).

325 (3) A capture device manufacturer shall comply with this section only to the extent technically feasible
and compliant with widely adopted specifications adopted by an established standards-setting body.

328 (4) This section applies to any capture device a capture device manufacturer produces for sale in the
state on or after January 1, 2028.

532 Section 18. Section 18 is enacted to read:

533 **13-72c-203. (Effective 01/01/27) User disclosures.**

332 (1) A covered provider shall include a latent disclosure in image, video, or audio content, or {content
that is any combination of image, video, or audio, created or substantially modified by the covered
provider's generative artificial intelligence system that meets the following criteria:}

content that is any combination of image, video, or audio, created or substantially modified by
the covered provider's generative artificial intelligence system that meets the following criteria:

336 (a){(1)} to the extent that it is technically feasible and reasonable, the disclosure conveys the following
information, either directly or through a link to a permanent internet website:

339 (i)(a) the time and date of the content's creation or alteration; and

340 (ii)(b) either:

341 (A)(i) the name of the capture device manufacturer; or

342 (B)(ii) digital signatures sufficient to prove whether the content was created or substantially altered
using a generative artificial intelligence system; and

344 (b)(2) the disclosure is consistent with widely accepted industry standards.

345 {(2) }

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{(a) ~~{If a covered provider licenses the covered provider's generative artificial intelligence system to a third party, the covered provider shall require by contract that the licensee maintain the system's capability to include a disclosure required by Subsection (1) in content the system creates or alters.}~~}

349 {(b) ~~{If a covered provider knows that a third-party licensee modified a licensed generative artificial intelligence system such that the system is no longer capable of including a disclosure required by Subsection (1) in content the system creates or alters, the covered provider shall revoke the license within 96 hours after the day on which the covered provider discovers the licensee's action.}~~}

354 {(e) ~~{A third-party licensee shall cease using a licensed generative artificial intelligence system after the license for the system has been revoked by the covered provider in accordance with Subsection (2)(b).}~~}

545 Section 19. Section 19 is enacted to read:

547 **13-72c-301. (Effective 01/01/27)Enforcement -- Civil liability.**

3. Enforcement

360 (1) The Division of Consumer Protection shall administer and enforce the provisions of Part 2, Content Provenance Standards and Requirements in accordance with Chapter 2, Division of Consumer Protection.

363 ~~{(2) {The attorney general shall:}~~}

364 ~~{(a) {upon request, give legal advice to the division; and}~~}

365 ~~{(b) {act as counsel for the division in the exercise of the division's responsibilities under this chapter.}~~}

367 (3)~~(2)~~ In addition to the division's enforcement powers under Chapter 2, Division of Consumer Protection:

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

371 (b) the division may bring an action in a court of competent jurisdiction to enforce a provision of this chapter.

373 (4)~~(3)~~ In a court action by the division to enforce a provision of this chapter, the court may:

374 (a) declare that an act or practice violates a provision of this chapter;

375 (b) issue an injunction for a violation of this chapter;

376 (c) order disgorgement of money received in violation of this chapter;

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- 377 (d) order payment of disgorged money to an injured purchaser or consumer;
378 (e) impose a fine of up to \$2,500 for each violation of this chapter; or
379 (f) award other relief that the court determines reasonable and necessary.
- 380 (5)(4) If a court awards judgment or injunctive relief to the division, the court shall award the division:
382 (a) reasonable attorney fees;
383 (b) court costs; and
384 (c) investigative fees.
- 385 (6)(5) A court may impose a civil penalty of no more than \$5,000 for each violation of an
administrative or court order issued for a violation of this chapter.
- 387 (7)(6) The attorney general may bring a civil action on behalf of the division to collect a civil penalty
imposed under this section.
- 389 (8)(7) The division shall deposit all fines and civil penalties collected under this section into the
Consumer Protection Education and Training Fund created in Section 13-2-8.
- 391 (9)(8) Nothing in this chapter shall displace any other available remedies or rights authorized under the
laws of this state or the United States.
- 577 Section 20. Section 20 is enacted to read:
578 **63A-16-215. (Effective 01/01/27)Government websites and applications.**
- 395 (1) The chief information officer shall make rules, in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act, establishing standards for digital content on a webpage of a
state agency that the public can access to facilitate a transaction or obtain a service if the chief
information officer determines there is a substantial risk that fraudulent or misleading media could
cause harm to a resident of the state interacting with the state agency.
- 401 (2) The standards required by Subsection (1) shall require a digitally accessible provenance record
containing provenance information for digital content captured, created, or edited that includes:
- 404 (a) the identification of:
405 (i) the type of software or tool used; or
406 (ii) the specific tool used;
407 (b) the date of creation;
408 (c) a content identifier; and
409 (d) the previous content identifiers, if applicable.
- 410 (3) This section does not apply to digital content created before {May 6, 2026} January 1, 2027.

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595

Section 21. **Effective date.**

Effective Date.

This bill takes effect on {~~May 6, 2026~~} January 1, 2027.

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