HB0438S03 compared with HB0438

{Omitted text} shows text that was in HB0438 but was omitted in HB0438S03
inserted text shows text that was not in HB0438 but was inserted into HB0438S03

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

1   **Artificial Intelligence Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Doug Fiefia

Senate Sponsor:Kirk A. Cullimore

2

3   **LONG TITLE**

4   **General Description:**

5   This bill enacts the {AI} Companion Chatbot Safety Act to regulate {AI} operators of companion chatbots and protect consumers.

7   **Highlighted Provisions:**

8   This bill:

9   ‣ defines terms;

10   ‣ requires {suppliers} operators of {AI} companion chatbots to {implement safety protocols to identify and mitigate safety-critical situations} comply with the Utah Consumer Privacy Act;

12   ‣ {**requires suppliers to assess safety protocol efficacy and generate user engagement estimates;**}

12   ‣ **establishes disclosure and data protection requirements for operators;**

14   ‣ {requires suppliers to facilitate independent evaluation of} establishes additional safety {protocols} requirements for operators serving minor users;

15   ‣ {**requires suppliers to publicly report on safety protocols, efficacy assessments, and user engagement estimates;**}

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14 ‣ **authorizes rulemaking for age assurance standards;**

17 ‣ {~~grants~~} requires annual reporting by operators to the Office of Artificial Intelligence Policy {~~authority to establish disclosure standards and monitor compliance~~} ;

19 ‣ {~~establishes a sunset date for certain safety protocol, monitoring, and reporting~~

~~requirements;~~ }

21 ‣ {~~prohibits suppliers from introducing or permitting minors to access material harmful to~~

~~minors;~~ }

23 ‣ {~~restricts suppliers from sending unsolicited communications to encourage user~~

~~engagement;~~ }

25 ‣ {~~prohibits suppliers from selling or sharing highly sensitive information with third parties;~~

}

26 ‣ {~~prohibits suppliers from selling or sharing personal data of minors with third parties;~~ }

27 ‣ {~~restricts suppliers from introducing commercial content into conversations with minors;~~ }

28 ‣ {~~requires suppliers to provide deletion options and public disclosures about risks and data~~

~~practices;~~ }

30 ‣ {~~requires suppliers to disclose that AI companion chatbots are artificial intelligence and~~

~~not human;~~ }

32 ‣ {~~provides a safe harbor for chatbots not designed to facilitate emotional engagement;~~ }

33 ‣ grants enforcement authority to the Division of Consumer Protection {~~enforcement authority~~} ;

34 ‣ provides for administrative fines and civil penalties; {~~and~~}

18 ‣ **establishes a safe harbor provision for operators;**

19 ‣ **requires the Office of Artificial Intelligence Policy to study and report on companion**

chatbot safety standards; and

35 ‣ provides a severability clause.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 This bill provides a special effective date.

26 **Utah Code Sections Affected:**

27 AMENDS:

42

{13-2-1 (Effective 05/06/26) (Superseded 07/01/26), as last amended by Laws of Utah 2025, Chapters 51, 181, 237, and 269}

28   **13-2-1** {(Effective 07/01/26)}(Effective 07/01/26) (Effective 08/01/26), as last amended by Laws of Utah 2025, Chapter 468

30   **13-61-101 (Effective 08/01/26), as last amended by Laws of Utah 2024, Chapter 186**

31   **13-61-102 (Effective 08/01/26), as last amended by Laws of Utah 2024, Chapter 381**

45   {63I-2-213 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 277}

32   ENACTS:

33   **13-72b-101** {(Effective 05/06/26)}(Effective 08/01/26), Utah Code Annotated 1953

34   **13-72b-201** {(Effective 05/06/26)}(Effective 08/01/26), Utah Code Annotated 1953

35   **13-72b-202** {(Effective 05/06/26)}(Effective 08/01/26), Utah Code Annotated 1953

50   {13-72b-203 (Effective 05/06/26), Utah Code Annotated 1953}

36   **13-72b-301** {(Effective 05/06/26)}(Effective 08/01/26), Utah Code Annotated 1953

37   **13-72b-302** {(Effective 05/06/26)}(Effective 08/01/26), Utah Code Annotated 1953

38   **13-72b-303** {(Effective 05/06/26)}(Effective 08/01/26), Utah Code Annotated 1953

39   **13-72b-401** {(Effective 05/06/26)}(Effective 08/01/26), Utah Code Annotated 1953

40   **13-72b-402 (Effective 08/01/26), Utah Code Annotated 1953**

41   **13-72b-501** {(Effective 05/06/26)}(Effective 08/01/26), Utah Code Annotated 1953

42

43   *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. Consumer protection division established -- Functions.**

61   (1) There is established within the Department of Commerce the Division of Consumer 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 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 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 72b, AI Companion Chatbot Safety Act; and

95 [(dd)] (ee) Chapter 78, Earned Wage Access Services Act.

96 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may
      make rules to establish:

98 (a) a public list that identifies a person that:

99 (i) violates a chapter described in Subsection (2);

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

102   (A) the division; or

103   (B) a court of competent jurisdiction; or

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

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

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

45   **13-2-1. {(Effective 07/01/26)}(Effective 07/01/26) (Effective 08/01/26)Consumer protection
division established -- Functions.**

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

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

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

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

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

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

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

119   (f) Chapter 22, Charitable Solicitations Act;

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

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

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

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

124   (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter Transaction Information
       Act;

126   (l) Chapter 34, Utah Postsecondary School and State Authorization Act;

127   (m) Chapter 41, Price Controls During Emergencies Act;

128   (n) Chapter 42, Uniform Debt-Management Services Act;

129   (o) Chapter 49, Immigration Consultants Registration Act;

130   (p) Chapter 51, Transportation Network Company Registration Act;

131   (q) Chapter 52, Residential Solar Energy Consumer Protection Act;

132   (r) Chapter 53, Residential, Vocational [or] and Life Skills Program Act;

133   (s) Chapter 54, Ticket Website Sales Act;

134   (t) Chapter 56, Ticket Transferability Act;

135   (u) Chapter 57, Maintenance Funding Practices Act;

136   (v) Chapter 61, Utah Consumer Privacy Act;

137   (w) Chapter 64, Vehicle Value Protection Agreement Act;

138   (x) Chapter 65, Utah Commercial Email Act;

139   (y) Chapter 67, Online Dating Safety Act;

140   (z) Chapter 68, Lawyer Referral Consultants Registration Act;

141   (aa) Chapter 70, Automatic Renewal Contracts Act;

142   (bb) Chapter 71, Utah Minor Protection in Social Media Act;

143   (cc) Chapter 72a, Artificial Intelligence Applications Relating to Mental Health;

80   (dd) Chapter 72b, Companion Chatbot Safety Act;

144   [(dd)] (ee) {Chapter 72b, AI Companion Chatbot Safety Act;

145   {(ee)} Chapter 78, Earned Wage Access Services Act; and

146   [(ee)] (ff) Chapter 81, Utah Digital Choice Act.

147   (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may

        make rules to establish:

149   (a) a public list that identifies a person that:

150   (i) violates a chapter described in Subsection (2);

151   (ii) without proper legal justification, fails to comply with an order, subpoena, judgment, or other legal

        process issued by:

153   (A) the division; or

154   (B) a court of competent jurisdiction; or

155   (iii) breaches a settlement agreement, stipulation, assurance of voluntary compliance, or similar

        instrument signed by the person and the division; and

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

        Subsection (3)(a).

95   Section 2. Section **13-61-101** is amended to read:

96   **13-61-101. Definitions.**

        As used in this chapter:

98   (1) "Account" means the Consumer Privacy Restricted Account established in Section 13-61-403.

100   (2) "Affiliate" means an entity that:

101 (a) controls, is controlled by, or is under common control with another entity; or

102 (b) shares common branding with another entity.

103 (3) "Aggregated data" means information that relates to a group or category of consumers:

104 (a) from which individual consumer identities have been removed; and

105 (b) that is not linked or reasonably linkable to any consumer.

106 (4) "Air carrier" means the same as that term is defined in 49 U.S.C. Sec. 40102.

107 (5) "Authenticate" means to use reasonable means to determine that a consumer's request to exercise the rights described in Section 13-61-201 is made by the consumer who is entitled to exercise those rights.

110 (6)

 (a) "Biometric data" means data generated by automatic measurements of an individual's unique biological characteristics.

112 (b) "Biometric data" includes data described in Subsection (6)(a) that are generated by automatic measurements of an individual's fingerprint, voiceprint, eye retinas, irises, or any other unique biological pattern or characteristic that is used to identify a specific individual.

116 (c) "Biometric data" does not include:

117 (i) a physical or digital photograph;

118 (ii) a video or audio recording;

119 (iii) data generated from an item described in Subsection (6)(c)(i) or (ii);

120 (iv) information captured from a patient in a health care setting; or

121 (v) information collected, used, or stored for treatment, payment, or health care operations as those terms are defined in 45 C.F.R. Parts 160, 162, and 164.

123 (7) "Business associate" means the same as that term is defined in 45 C.F.R. Sec. 160.103.

124 (8) "Child" means an individual younger than 13 years old.

125 (9) "Companion chatbot operator" means the same as the term "operator" is defined in Section 13-72b-101.

127 [(9)] (10) "Consent" means an affirmative act by a consumer that unambiguously indicates the consumer's voluntary and informed agreement to allow a person to process personal data related to the consumer.

130 [(10)] (11)

(a) "Consumer" means an individual who is a resident of the state acting in an individual or household context.

132 (b) "Consumer" does not include an individual acting in an employment or commercial context.

134 [(11)] (12) "Control" or "controlled" as used in Subsection (2) means:

135 (a) ownership of, or the power to vote, more than 50% of the outstanding shares of any class of voting securities of an entity;

137 (b) control in any manner over the election of a majority of the directors or of the individuals exercising similar functions; or

139 (c) the power to exercise controlling influence of the management of an entity.

140 [(12)] (13) "Controller" means a person doing business in the state who determines the purposes for which and the means by which personal data are processed, regardless of whether the person makes the determination alone or with others.

143 [(13)] (14) "Covered entity" means the same as that term is defined in 45 C.F.R. Sec. 160.103.

145 [(14)] (15)

(a) "Deidentified data" means data that:

146 (i) cannot reasonably be linked to an identified individual or an identifiable individual; and

148 (ii) are possessed by a controller who:

149 (A) takes reasonable measures to ensure that a person cannot associate the data with an individual;

151 (B) publicly commits to maintain and use the data only in deidentified form and not attempt to reidentify the data; and

153 (C) contractually obligates any recipients of the data to comply with the requirements described in [Subsections (14)(b)(i) and (ii)] this Subsection (15)(a).

156 (b) "Deidentified data" includes synthetic data.

157 [(15)] (16) "Director" means the director of the Division of Consumer Protection.

158 [(16)] (17) "Division" means the Division of Consumer Protection created in Section 13-2-1.

159 [(17)] (18) "Governmental entity" means the same as that term is defined in Section 63G-2-103.

161 [(18)] (19) "Health care facility" means the same as that term is defined in Section 26B-2-201.

163 [(19)] (20) "Health care provider" means the same as that term is defined in Section 78B-3-403.

165 [(20)] (21) "Identifiable individual" means an individual who can be readily identified, directly or indirectly.

167 [(21)] (22) "Institution of higher education" means a public or private institution of higher education.

169   [(22)] (23)   "Local political subdivision" means the same as that term is defined in Section 11-14-102.

171   [(23)] (24)   "Nonprofit corporation" means:

172   (a)   the same as that term is defined in Section 16-6a-102; or

173   (b)   a foreign nonprofit corporation as defined in Section 16-6a-102.

174   [(24)] (25)

     (a)   "Personal data" means information that is linked or reasonably linkable to an identified individual or an identifiable individual.

176   (b)   "Personal data" does not include deidentified data, aggregated data, or publicly available information.

178   [(25)] (26)   "Process" means an operation or set of operations performed on personal data, including collection, use, storage, disclosure, analysis, deletion, or modification of personal data.

181   [(26)] (27)   "Processor" means a person who processes personal data on behalf of a controller.

183   [(27)] (28)   "Protected health information" means the same as that term is defined in 45 C.F.R. Sec. 160.103.

185   [(28)] (29)   "Pseudonymous data" means personal data that cannot be attributed to a specific individual without the use of additional information, if the additional information is:

187   (a)   kept separate from the consumer's personal data; and

188   (b)   subject to appropriate technical and organizational measures to ensure that the personal data are not attributable to an identified individual or an identifiable individual.

191   [(29)] (30)   "Publicly available information" means information that a person:

192   (a)   lawfully obtains from a record of a governmental entity;

193   (b)   reasonably believes a consumer or widely distributed media has lawfully made available to the general public; or

195   (c)   if the consumer has not restricted the information to a specific audience, obtains from a person to whom the consumer disclosed the information.

197   [(30)] (31)   "Right" means a consumer right described in Section 13-61-201.

198   [(31)] (32)

     (a)   "Sale," "sell," or "sold" means the exchange of personal data for monetary consideration by a controller to a third party.

200   (b)   "Sale," "sell," or "sold" does not include:

201

(i) a controller's disclosure of personal data to a processor who processes the personal data on behalf of the controller;

203   (ii) a controller's disclosure of personal data to an affiliate of the controller;

204   (iii) considering the context in which the consumer provided the personal data to the controller, a controller's disclosure of personal data to a third party if the purpose is consistent with a consumer's reasonable expectations;

207   (iv) the disclosure or transfer of personal data when a consumer directs a controller to:

208   (A) disclose the personal data; or

209   (B) interact with one or more third parties;

210   (v) a consumer's disclosure of personal data to a third party for the purpose of providing a product or service requested by the consumer or a parent or legal guardian of a child;

213   (vi) the disclosure of information that the consumer:

214   (A) intentionally makes available to the general public via a channel of mass media; and

216   (B) does not restrict to a specific audience; or

217   (vii) a controller's transfer of personal data to a third party as an asset that is part of a proposed or actual merger, an acquisition, or a bankruptcy in which the third party assumes control of all or part of the controller's assets.

220   [(32)] (33)

(a) "Sensitive data" means:

221   (i) personal data that reveals:

222   (A) an individual's racial or ethnic origin;

223   (B) an individual's religious beliefs;

224   (C) an individual's sexual orientation;

225   (D) an individual's citizenship or immigration status; or

226   (E) information regarding an individual's medical history, mental or physical health condition, or medical treatment or diagnosis by a health care professional;

229   (ii) the processing of genetic personal data or biometric data, if the processing is for the purpose of identifying a specific individual; or

231   (iii) specific geolocation data.

232   (b) "Sensitive data" does not include personal data that reveals an individual's:

233   (i) racial or ethnic origin, if the personal data are processed by a video communication service; or

235 (ii) if the personal data are processed by a person licensed to provide health care under Title 26B,
Chapter 2, Part 2, Health Care Facility Licensing and Inspection, or Title 58, Occupations and
Professions, information regarding an individual's medical history, mental or physical health
condition, or medical treatment or diagnosis by a health care professional.

240 [(33)] (34)

(a) "Specific geolocation data" means information derived from technology, including global position
system level latitude and longitude coordinates, that directly identifies an individual's specific
location, accurate within a radius of 1,750 feet or less.

244 (b) "Specific geolocation data" does not include:

245 (i) the content of a communication; or

246 (ii) any data generated by or connected to advanced utility metering infrastructure systems or equipment
for use by a utility.

248 [(34)] (35) "Synthetic data" means data that has been generated by computer algorithms or statistical
models and does not contain personal data.

250 [(35)] (36)

(a) "Targeted advertising" means displaying an advertisement to a consumer where the advertisement
is selected based on personal data obtained from the consumer's activities over time and across
nonaffiliated websites or online applications to predict the consumer's preferences or interests.

254 (b) "Targeted advertising" does not include advertising:

255 (i) based on a consumer's activities within a controller's website or online application or any affiliated
website or online application;

257 (ii) based on the context of a consumer's current search query or visit to a website or online application;

259 (iii) directed to a consumer in response to the consumer's request for information, product, a service, or
feedback; or

261 (iv) processing personal data solely to measure or report advertising:

262 (A) performance;

263 (B) reach; or

264 (C) frequency.

265 [(36)] (37) "Third party" means a person other than:

266 (a) the consumer, controller, or processor; or

267 (b) an affiliate or contractor of the controller or the processor.

268   [(37)] (38) "Trade secret" means information, including a formula, pattern, compilation, program,
          device, method, technique, or process, that:

270   (a) derives independent economic value, actual or potential, from not being generally known to, and not
          being readily ascertainable by proper means by, other persons who can obtain economic value from
          the information's disclosure or use; and

273   (b) is the subject of efforts that are reasonable under the circumstances to maintain the information's
          secrecy.

275   Section 3. Section **13-61-102** is amended to read:

276   **13-61-102. Applicability.**

277   (1) This chapter applies to:

278   (a) [-]any controller or processor who:

279   [(a)] (i)

       [(i)] (A) conducts business in the state; or

280   [(ii)] (B) produces a product or service that is targeted to consumers who are residents of the state;

282   [(b)] (ii) has annual revenue of $25,000,000 or more; and

283   [(c)] (iii) satisfies one or more of the following thresholds:

284   [(i)] (A) during a calendar year, controls or processes personal data of 100,000 or more consumers; or

286   [(ii)] (B) derives over 50% of the entity's gross revenue from the sale of personal data and controls or
          processes personal data of 25,000 or more consumers[.] ; or

288   (b) a companion chatbot operator.

289   (2) This chapter does not apply to:

290   (a) a governmental entity or a third party under contract with a governmental entity when the third party
          is acting on behalf of the governmental entity;

292   (b) a tribe;

293   (c) an institution of higher education;

294   (d) a nonprofit corporation;

295   (e) a covered entity;

296   (f) a business associate;

297   (g) information that meets the definition of:

298   (i) protected health information for purposes of the federal Health Insurance Portability and
          Accountability Act of 1996, 42 U.S.C. Sec. 1320d et seq., and related regulations;

301   (ii) patient identifying information for purposes of 42 C.F.R. Part 2;

302   (iii) identifiable private information for purposes of the Federal Policy for the Protection of Human
       Subjects, 45 C.F.R. Part 46;

304   (iv) identifiable private information or personal data collected as part of human subjects research
       [pursuant to] in accordance with or under the same standards as:

306   (A) the good clinical practice guidelines issued by the International Council for Harmonisation; or

308   (B) the Protection of Human Subjects under 21 C.F.R. Part 50 and Institutional Review Boards under
       21 C.F.R. Part 56;

310   (v) personal data used or shared in research conducted in accordance with one or more of the
       requirements described in Subsection (2)(g)(iv);

312   (vi) information and documents created specifically for, and collected and maintained by, a committee
       but not a board or council listed in Section 26B-1-204;

314   (vii) information and documents created for purposes of the federal Health Care Quality Improvement
       Act of 1986, 42 U.S.C. Sec. 11101 et seq., and related regulations;

317   (viii) patient safety work product for purposes of 42 C.F.R. Part 3; or

318   (ix) information that is:

319   (A) deidentified in accordance with the requirements for deidentification set forth in 45 C.F.R. Part 164;
       and

321   (B) derived from any of the health care-related information listed in this Subsection (2)(g);

323   (h) information originating from, and intermingled to be indistinguishable with, information under
       Subsection (2)(g) that is maintained by:

325   (i) a health care facility or health care provider; or

326   (ii) a program or a qualified service organization as defined in 42 C.F.R. Sec. 2.11;

327   (i) information used only for public health activities and purposes as described in 45 C.F.R. Sec.
       164.512;

329   (j)
     (i) an activity by:

330   (A) a consumer reporting agency, as defined in 15 U.S.C. Sec. 1681a;

331   (B) a furnisher of information, as set forth in 15 U.S.C. Sec. 1681s-2, who provides information for
       use in a consumer report, as defined in 15 U.S.C. Sec. 1681a; or

334   (C) a user of a consumer report, as set forth in 15 U.S.C. Sec. 1681b;

335   (ii) subject to regulation under the federal Fair Credit Reporting Act, 15 U.S.C. Sec. 1681 et seq.; and

337   (iii) involving the collection, maintenance, disclosure, sale, communication, or use of any personal data
          bearing on a consumer's:

339   (A) credit worthiness;

340   (B) credit standing;

341   (C) credit capacity;

342   (D) character;

343   (E) general reputation;

344   (F) personal characteristics; or

345   (G) mode of living;

346   (k) a financial institution or an affiliate of a financial institution governed by, or personal data collected,
          processed, sold, or disclosed in accordance with, Title V of the Gramm-Leach-Bliley Act, 15 U.S.C.
          Sec. 6801 et seq., and related regulations;

349   (l) personal data collected, processed, sold, or disclosed in accordance with the federal Driver's Privacy
          Protection Act of 1994, 18 U.S.C. Sec. 2721 et seq.;

351   (m) personal data regulated by the federal Family Education Rights and Privacy Act, 20 U.S.C. Sec.
          1232g, and related regulations;

353   (n) personal data collected, processed, sold, or disclosed in accordance with the federal Farm Credit Act
          of 1971, 12 U.S.C. Sec. 2001 et seq.;

355   (o) data that are processed or maintained:

356   (i) in the course of an individual applying to, being employed by, or acting as an agent or independent
          contractor of a controller, processor, or third party, to the extent the collection and use of the data
          are related to the individual's role;

359   (ii) as the emergency contact information of an individual described in Subsection (2)(o)(i) and used for
          emergency contact purposes; or

361   (iii) to administer benefits for another individual relating to an individual described in Subsection (2)(o)
          (i) and used for the purpose of administering the benefits;

363   (p) an individual's processing of personal data for purely personal or household purposes; or

365   (q) an air carrier.

366   (3) A controller is in compliance with any obligation to obtain parental consent under this chapter if the
          controller complies with the verifiable parental consent mechanisms under the Children's Online

Privacy Protection Act, 15 U.S.C. Sec. 6501 et seq., and the act's implementing regulations and exemptions.

370 (4) This chapter does not require a person to take any action in conflict with the federal Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. Sec. 1320d et seq., or related regulations.

373 Section 4. Section **4** is enacted to read:

376 **13-72b-101.** {(Effective 05/06/26)}(Effective 08/01/26)Definitions.

72b. {AI } Companion Chatbot Safety Act

1. General Provisions

377 (1) "Advertisement" means content, a communication, or a digital display provided through a companion chatbot's interface that:

379 (a) promotes the availability, quality, or purchase of a specific product, service, or brand; and

381 (b) is provided to the user in exchange for compensation from a third party.

382 (2)

163 (1){(a)} "Affirmative consent" means a clearact signifying a user's freely given, {voluntary} specific, informed, and unambiguous {agreement by a Utah user } authorization for an act or practice in response to {receive communications from a supplier.} a specific request from an operator, provided:

165 {(2) }

{(a) {"AI companion chatbot" means a chatbot that:} }

166 {(i) {simulates human-like conversation and interaction; and} }

167 {(ii) {is capable of facilitating emotionally intimate engagement with a user by:} }

168 {(A) {engaging in role-play scenarios in which the chatbot assumes or is assigned the role of a friend, significant other, or companion that interacts with a user;} }

385 (i) the request is clear, conspicuous, and written in easy-to-understand language;

386 (ii) the option to refuse to give consent is at least as prominent as the option to give consent, and the option to refuse to give consent takes the same number of steps or fewer as the option to give consent; and

170 (B){(iii)} {responding } affirmative consent to an act or practice is not inferred from the inaction of the user {input with information that purports to be human-like personal details or stories about } or the user's continued use of a companion chatbot{; or} .

172   {(C) {explicitly referring to a chatbot's purported emotions in a manner that implies the chatbot has

emotions.} }

174   (b) {"AI companion chatbot} "Affirmative consent" does not include {a chatbot} :

175   {(i) {used by a business solely for:} }

176   {(A) {customer service or to provide users with information about available commercial services or

products provided by the business, customer service account information, or other information

related to customer service; or} }

179   {(B) {internal purposes or employee productivity;} }

180   {(ii) {integrated into a video game, if:} }

181   {(A) {the AI agent's interactions with the user are functionally integral to the gameplay, narrative, or

fictional universe of the video game; and} }

183   {(B) {the AI agent is not designed to function as a primary source of emotional support or personal

companionship for the user independent of the video game's content; or} }

186   {(iii) {that is primarily designed and marketed for use by developers or researchers.} }

392   (i) acceptance of a general or broad terms of use or similar document;

393   (ii) hovering over, muting, pausing, or closing a given piece of content; or

394   (iii) an agreement obtained through the use of a false, fraudulent, or materially misleading statement or

representation.

396   (3) "Application programming interface" means a set of protocols, tools, or specifications that allows

software systems to communicate with one another and through which a third party may access,

integrate, or build upon an artificial intelligence system's underlying capabilities.

187   (3){(4)} "Artificial intelligence" means the same as that term is defined in Section 13-72-101.

401   (5)

188   (4){(a)} {"Chatbot} "Companion chatbot" means an artificial intelligence {technology } system that

{engages in interactive conversations with } uses a {user of the chatbot.} natural language interface

that:

403   (i) is designed to use personal data retained, stored, or retrieved from a prior interaction and

generate an output that:

405   (A) simulates an ongoing relationship with the user; or

406   (B) indicates the companion chatbot has emotions, feelings, memories, or personal opinions;

408   (ii) is designed to generate an output containing an affective or social inquiry that:

409 (A) is not logically required to resolve a user prompt or task-based command; or

190 (5){(B)} {"Chatbot } prioritizes extension of the interaction{" means a user input } over task resolution;
   and {a chatbot response.}

411 (iii) holds itself out as primarily useful for providing companionship or an ongoing social or
    emotional relationship with the user.

413 (b) "Companion chatbot" does not include an artificial intelligence system that:

414 (i) is deployed by a business, employer, or institution exclusively for internal operational purposes; or

416 (ii) is marketed or offered exclusively to businesses, employers, or institutions or through an application
   programming interface.

418 (6) "Core functioning" means features and services for which the collection or processing of the user's
   personal data is reasonably necessary to provide the companion chatbot service to the user.

191 (6){(7)} "Division" means the Division of Consumer Protection created in Section 13-2-1.

192 {(7) {"Highly sensitive information" means:} }

193 {(a) {information about a Utah user's personal finances;} }

194 {(b) {information provided by a Utah user relating to any legal matter involving the Utah user; or} }

196 {(c) {individually identifiable health information.} }

197 (8) {"Human-chatbot conversation} "Interaction" means a {sequence of chatbot interactions whether
   through } user input and a {single user engagement with the chatbot or } subsequent response by a
   {series of user engagements with the } companion chatbot.

200 {(9) {"Individually identifiable health information" means any information that relates to the physical
   or mental health or condition of an individual.} }

202 (10){(9)} "Material harmful to minors" means the same as that term is defined in Section 76-5c-101.

204 (11){(10)} "Minor" means an individual under 18 years old{.} who:

426 (a) has not been emancipated as that term is defined in Section 80-7-102; or

427 (b) has not been married.

205 (12){(11)} "Office" means the Office of Artificial Intelligence Policy created in Section 13-72-201.

429 (12)
  (a) "Operator" means a person who:

430 (i) makes a companion chatbot available to a user in the state; and

431 (ii) exerts substantial control over the design, features, or content moderation policies of the
    companion chatbot.

433   (b) "Operator" does not include a person who merely provides:

434   (i) hosting or infrastructure services;

435   (ii) cloud computing services; or

436   (iii) application programming interface access used by another person to operate a companion chatbot.

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

207   {(14) {"Safety-critical situation" means a user interaction or pattern of user interactions that would lead a reasonable person to conclude that:} }

209   {(a) {a Utah user is expressing thoughts, plans, or intent related to:} }

210   {(i) {self-harm or suicide;} }

211   {(ii) {violence or criminal behavior; or} }

212   {(iii) {abuse of alcohol or illicit substances;} }

213   {(b) {a Utah user is exhibiting a pattern of communicative behavior indicative of:} }

214   {(i) {progressive social withdrawal, including a stated intent to reduce contact with family or friends in favor of the chatbot;} }

216   {(ii) {psychological dependency, where the user expresses that the chatbot is a primary source of emotional support;} }

218   {(iii) {acute or progressively worsening mental health symptoms, including expressions of severe depression, anxiety, paranoia, delusion, or diminished decision-making capacity; or} }

221   {(iv) {disordered eating behaviors; and} }

222   {(c) {the context of the human-chatbot conversation indicates that a responsive output affirming, encouraging, or normalizing the user's behavior would pose a reasonably foreseeable risk of harm.} }

225   (15){(14)} {"Supplier} "Sensitive data" means the same as that term is defined in Section {13-11-3} 13-61-101.

226   {(16) {"Third party" means a person other than:} }

227   {(a) {the supplier;} }

228   {(b) {the Utah user; or} }

229   {(c) {a service provider acting on behalf of the supplier to provide services directly related to the operation of the AI companion chatbot.} }

440   (15) "Targeted advertising" means the same as that term is defined in Section 13-61-101.

231   (17){(16)} "User" means an individual who {interacts with a chatbot.} :

232 (18){(a)} {~~"User input" means a prompt or response of~~} interacts with a {~~user to an AI~~} companion chatbot{~~.~~} ; and

233 (19){(b)} {~~"Utah user" means a user who~~} is a Utah resident.

444   Section 5. Section **5** is enacted to read:

446   **13-72b-201.** **{~~(Effective 05/06/26)~~}(Effective 08/01/26){~~Design and safety protocols~~} Safety requirements for users**.

     2. {~~Design,~~} Safety {~~Protocols, Monitoring, and Reporting~~} Requirements

237 {~~(1)~~ {~~A supplier shall implement and maintain commercially reasonable safety protocols, informed by expert guidance and state-of-the-art of technology, designed to identify and mitigate safety-critical situations.~~}}

240 {~~(2)~~ {~~The safety protocols described in Subsection (1) shall include:~~}}

241 {~~(a)~~ {~~technical measures to analyze a Utah user's input throughout a human-chatbot conversation to identify patterns of behavioral or mental health deterioration, including those indicative of safety-critical situations, rather than solely analyzing isolated user inputs, to the extent that the user's interaction history with the AI companion chatbot is accessible to the AI companion chatbot at the time of the interaction; and~~}}

247 {~~(b)~~ {~~the methodology by which the supplier identifies:~~}}

248 {~~(i)~~ {~~safety-critical situations; and~~}}

249 {~~(ii)~~ {~~responses that do not aggravate the safety-critical situation.~~}}

447 (1) An operator shall comply with the requirements of Chapter 61, Utah Consumer Privacy Act, including:

250 (3){(a)} {~~A supplier complies with~~} allowing a user to obtain a copy of the {~~requirement~~} prompts provided to {~~mitigate~~} a {~~safety-critical situation described in Subsection (1) if the supplier's AI~~} companion chatbot{~~.~~} that are retained by the operator in a format that is portable and readily usable in accordance with Section 13-61-201; and

252 {~~(a)~~ {~~declines to generate content that encourages or affirms any behavior that would aggravate the safety-critical situation; or~~}}

254 {~~(b)~~ {~~provides a response that is effectively neutral or that avoids aggravating the safety-critical situation.~~}}

256 {~~(4)~~ {~~A supplier's failure to identify or mitigate a specific instance of a safety-critical situation does not constitute a violation of this section if the supplier demonstrates that:~~}}

258 {(a) {the supplier implemented the protocols required by Subsection (2) in good faith;} }

259 {(b) {the protocols indicate a concerted effort on the part of the supplier to employ effective safety
measures considering the evolving nature of artificial intelligence technology; and} }

452 (b) complying with the requirements of Section 13-61-302 with respect to the processing of a user's
sensitive data.

262 (c){(2)} {the supplier consistently applies the protocols in the supplier's operation of } An operator
shall prevent the {AI} companion chatbot{.} from engaging with a user unless:

455 (a) the operator prevents the companion chatbot from generating responses that encourage suicidal
ideation, suicide, self-harm, or harm to others; and

457 (b) if the user expresses suicidal ideation, self-harm, or harm to others, the companion chatbot provides
to the user resources including a referral to:

459 (i) crisis service providers;

460 (ii) a suicide hotline; or

461 (iii) a crisis text line.

462 (3) An operator may not display an advertisement to a user, unless the operator clearly and
conspicuously identifies the advertisement as an advertisement.

464   Section 6. Section **6** is enacted to read:

465   **13-72b-202.** **{(Effective 05/06/26)}(Effective 08/01/26){Monitoring } Additional safety
requirementsfor minor users**.

466 (1) An operator shall, for a user who is a minor:

467 (a) provide a clear and conspicuous notice to the user at least once every three hours during a
continuing chatbot interaction that:

469 (i) reminds the user to take a break from interacting with the companion chatbot; and

470 (ii) states that the user is interacting with an artificial intelligence system, not a human; and

472 (b) opt out, by default, the user from targeted advertising.

473 (2) An operator may not, for a user who is a minor:

474 (a) produce, provide, or direct a user to material harmful to minors;

475 (b) collect data from the user that is not required for core functioning of the companion chatbot;

477 (c) sell a user's personal data;

478 (d) direct targeted advertising to the user unless a parent or legal guardian of the user has provided
affirmative consent; or

480   (e) otherwise convey a user's personal data unless a parent or legal guardian of the user has provided
             affirmative consent, except as required for core functioning of the companion chatbot.

483   (3) An operator shall take reasonable and proportionate steps to prevent a companion chatbot from
             encouraging a user who is a minor to:

485   (a) use illegal substances, alcohol, or a tobacco or nicotine product;

486   (b) engage in sexual conduct;

487   (c) engage in self-harm;

488   (d) engage in illegal conduct;

489   (e) engage in behaviors that promote eating disorders, disordered eating behaviors, or extreme weight-
             loss practices; or

491   (f) engage in activities that are lawful for adults but pose a material risk of serious harm to a minor,
             including age-restricted challenges, stunts, or risky behaviors.

493   (4) An operator that makes a companion chatbot available to a user who is a minor shall:

494   (a) offer a parent or legal guardian of the user accessible tools to:

495   (i) control whether the companion chatbot retains data from prior interactions with the user;

497   (ii) control whether the user's personal data is used to train the companion chatbot;

498   (iii) set time limits on the user's interactions with the companion chatbot; and

266   (1){(iv)} {A supplier of an AI } disable the user's access to the companion chatbot {shall:} ;

267   {(a) {assess, using reasonable methods and to the extent technically feasible, the efficacy of the safety
             protocols in detecting and mitigating safety-critical situations;} }

269   {(b) {generate aggregated estimates of user engagement, calculated separately for users who are minors
             and users who are adults, using a statistically valid methodology disclosed in accordance with
             Section 13-72b-203, sufficient to identify for each group:} }

273   {(i) {the median hours of use and number of chatbot interactions; and} }

274   {(ii) {the 90th percentile of hours of use and number of chatbot interactions, or a similar quantification
             of typical usage of the most engaged users;} }

500   (b) take reasonable steps to ensure that a parent or legal guardian of the user is aware of the tools
             described in Subsection (4)(a), including through direct communications reasonably calculated to
             reach a parent or legal guardian; and

276   (c) provide {a mechanism for a Utah } timely notice to a parent or legal guardian of the user {to report
             to } if the {supplier any safety-critical situation } user modifies or {concerning chatbot response

from }{ disables a setting previously configured by the { Utah user's use of the AI companion chatbot; and } parent or legal guardian under Subsection (4)(a).

279 {(d) {beginning May 1, 2027, facilitate independent evaluation of the safety protocols by:} }

280 {(i) {commissioning an independent assessment by a qualified third party that:} }

281 {(A) {applies generally accepted industry standards for AI safety and risk management, at least as rigorous as the Artificial Intelligence Risk Management Framework established by the National Institute of Standards and Technology in January 2023, or any successor standard;} }

285 {(B) {has not provided consulting, product design, or engineering services to the supplier within the 12 months preceding the assessment; and} }

287 {(C) {certifies that the qualified third party has no financial interest in the outcome of the assessment; or} }

289 {(ii) { providing reasonable accommodations to allow independent research evaluations.} }

290 {(2) {With respect to the independent research evaluations described in Subsection (1)(d)(ii), a supplier may:} }

292 {(a) {restrict access to qualified researchers who are affiliated with an accredited institution of higher education or a nonprofit research organization;} }

294 {(b) {require researchers to agree to reasonable confidentiality and data security agreements; and} }

296 {(c) {limit access to a secure data environment or physical location controlled by the supplier to prevent the unauthorized export of personal data.} }

298 {(3) {In preparing the aggregated estimates of user engagement as required by Subsection (1)(b), a supplier may rely on:} }

300 {(a) {a user account if the user has an account;} }

301 {(b) {the internet protocol address of a device used to access an AI companion chatbot, if there is no user account; or} }

303 {(c) {another method that the supplier reasonably ascertains to be at least as effective as the methods described in Subsections (3)(a) and (b).} }

305 {(4) {A supplier may satisfy the requirement in Subsection (1)(b) by using data derived from the supplier's entire user base or a relevant geographic subset that includes Utah users.} }

506 (5) The requirements of this section are in addition to the requirements of Section 13-72b-201.

307 Section 6. Section **6** is enacted to read:

308 **13-72b-203. Public disclosure requirements.**

309   (1) A supplier of an AI companion chatbot shall make publicly available on the supplier's website clear and conspicuous disclosures, not less than quarterly, on:

311   (a) the safety protocols implemented by the supplier under Section 13-72b-201 and an assessment of the efficacy of the safety protocols in ensuring appropriate responses to safety-critical situations that are consistent with how a reasonable person would respond;

315   (b) any protocols in place to detect safety-critical situations and an assessment of their efficacy, including a detailed description of how the assessment was made;

317   (c) a report of the findings of any assessments conducted under Subsection 13-72b-202(1)(d);

319   (d) the estimates generated under Subsection 13-72b-202(1)(b) and a description of the methodology used; and

321   (e) the number and type of safety-critical situations or inappropriate chatbot responses reported by Utah users through the mechanism provided in accordance with Subsection 13-72b-202(1)(c).

324   (2) The disclosures required by Subsection (1) may not include any personal data of a Utah user.

326   (3) The Office of Artificial Intelligence Policy may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules establishing the form and content of the disclosures required by this section.

329   (4) The office may monitor, audit, and verify the accuracy and completeness of a public disclosure described in this section.

508   Section 7. Section **7** is enacted to read:

510   **13-72b-301.** **{(Effective 05/06/26)}(Effective 08/01/26){Supplier requirements and prohibitions} Division rulemaking.**

    {3. Consumer Protections for Users of AI Companion Chatbots}

334   {(1) {A supplier of an AI companion chatbot may not:} }

335   {(a) {introduce material harmful to minors into a chatbot interaction of a Utah user who is a minor;} }

337   {(b) {permit a Utah user who is a minor to access material harmful to minors;} }

338   {(c) {send to a Utah user any text, email, or push notification to encourage further engagement of the Utah user with the AI companion chatbot, without the affirmative consent of the Utah user;} }

341   {(d) {sell to any third party any highly sensitive information of a Utah user;} }

342   {(e) {sell to any third party any personal data or highly sensitive information of a Utah user who is a minor; or} }

344

{(f) {introduce paid commercial content or sponsored product placements into a human-chatbot
conversation with a Utah user who is a minor, unless the content is generated in direct response to a
specific user input requesting information or advice that is directly related to the commercial content
that the supplier introduces into the human-chatbot conversation.} }

349 {(2) {A supplier shall provide a Utah user with readily accessible and easy-to-use options to delete:} }

351 {(a) {the user's account, if applicable; and} }

352 {(b) {any personal data or highly sensitive information associated with the account or otherwise
reasonably retrievable by the supplier.} }

354 {(3) {A supplier shall make publicly available on the supplier's website clear and conspicuous
disclosures that include:} }

3. Rulemaking and Reporting

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

division may make rules establishing reasonable age assurance standards that an operator may

356 (a) {a description of } meet to qualify for the {known risks associated with use of the AI companion
chatbot} safe harbor described in Section 13-72b-402, includingstandards for:

358 {(i) {potential for social isolation;} }

359 {(ii) {potential impacts on mental health;} }

360 {(iii) {limitations of the AI companion chatbot's capabilities; and} }

361 {(iv) {circumstances under which users should seek assistance from human professionals;} }

363 {(b) {a description of the types of data collected from Utah users;} }

364 {(c) {a description of how user data is used, stored, and protected;} }

365 {(d) {the supplier's policies regarding data sharing with third parties;} }

366 {(e) {information about how Utah users may:} }

367 {(i) {access their data;} }

514 (1) third-party age assurance services;

368 (ii){(2)} {request deletion of their } protecting user privacy and datasecurity; {and}

369 {(iii) {withdraw consent for data processing; and} }

370 {(f) {contact information for submitting complaints or concerns about the AI companion chatbot.} }

372 {(4) {The disclosures required under Subsection (3) shall:} }

373 {(a) {be written in plain, easily understandable language; and} }

374 {(b) {be readily accessible from the main page of the supplier's website.} }

516 (3) verifying the reliability and accuracy of age assurance methods; and

517 (4) retaining, protecting, and securely disposing of any information obtained as a result of age
          assurance.

519   Section 8. Section **8** is enacted to read:

520   **13-72b-302.** {(Effective 05/06/26)}(Effective 08/01/26){Disclosure of artificial intelligence
and statement of limitations} **Office rulemaking and reporting**.

521 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office may
          make rules establishing the form of the report required in Section 13-72b-303.

523 (2) The office shall study and report to the Business and Labor Interim Committee at the November
          2026 interim meeting on standards relating to:

378 (1){(a)} {A supplier shall clearly and conspicuously disclose to a Utah user that the AI } design
          features that prevent a companion chatbot {is an artificial intelligence technology and not } from
          engaging in or reciprocating user attempts to establish a {human.} relationship;

380 {(2) {The disclosure described in Subsection (1) shall be made:} }

381 {(a) {in a chatbot interaction with the Utah user;} }

382 (b) {the first time a Utah user interacts with an AI } measures or methods to limit a user's emotional and
          social attachment to a companion chatbot;and

383 {(c) {at the beginning of any interaction with the Utah user if the Utah user has not accessed the AI
          companion chatbot within the previous seven days; and} }

385 {(d) {any time a Utah user asks or otherwise prompts the AI companion chatbot about whether artificial
          intelligence is being used.} }

387 {(3) { A supplier is not subject to an enforcement action for violating Section 13-72b-301 if the
          supplier's AI companion chatbot clearly and conspicuously discloses throughout a human-chatbot
          conversation that it is artificial intelligence and not human.} }

529 (c) measures and processes to reduce mental and physical risk to a user.

530   Section 9. Section **9** is enacted to read:

531   **13-72b-303.** {(Effective 05/06/26)}(Effective 08/01/26){Safe harbor for non-companion
applications} **Reporting requirements**.

392 {(1) {A supplier of a chatbot is not liable under this chapter if the supplier demonstrates that the
          chatbot:} }

394

{(a) {is not marketed, promoted, or deliberately designed to function as a friend, romantic partner, or source of psychological companionship; and} }

396 {(b) {incorporates active boundary reinforcement protocols that are reasonably designed to:} }

397 {(i) {refuse to engage in or reciprocate user attempts to establish a sustained, personal social relationship or exclusive emotional bond;} }

399 {(ii) {maintain a conversational tone that is primarily service-oriented, functional, or creative, rather than personally intimate; and} }

532 (1) An operator shall annually report to the office:

533 (a) the number of times the operator has issued a crisis service provider referral notification in accordance with Section 13-72b-201 in the preceding calendar year;

401 (iii){(b)} {ensure } methods the {chatbot does not unilaterally initiate unprompted } operator has implemented to detect, remove, and respond to expressions of {personal affection} suicidal ideation, {emotional need} suicide, or {longing toward the user.} self-harm by users; and

403 {(2) {A supplier that satisfies the conditions described in Subsection (1) is not liable under this chapter solely because the chatbot is designed to:} }

405 {(a) {use polite, empathetic, or conversational language to facilitate user interaction; or} }

406 {(b) {engage in temporary role-play scenarios at the explicit direction of the user for creative or entertainment purposes, provided the chatbot reverts to a non-companion persona upon the conclusion of the specific task.} }

537 (c) methods the operator has implemented to prevent a companion chatbot from generating responses that encourage suicidal ideation, suicide, or self-harm.

539 (2) The report required by this section may not include a user's personal data.

540 Section 10. Section **10** is enacted to read:

542 **13-72b-401.** {(Effective 05/06/26)}(Effective 08/01/26){Division enforcement powers} **Enforcement.**

4. {Division } Enforcement {Powers} and Safe Harbor

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

545 (2) The division may coordinate with the office to investigate and enforce violations of this chapter.

414 (2){(3)} In addition to the division's enforcement powers under Chapter 2, Division of Consumer Protection:

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

418 {(b) {for a violation of Section 13-72b-203, the division director may impose an administrative fine of up to $2,500 for each element required to be disclosed under Section 13-72b-203 that the supplier fails to disclose, for each day that the element is not disclosed;} }

422 {(c) {for a violation of Subsection 13-72b-301(3), the division director may impose an administrative fine of up to $2,500 for each element required to be disclosed under Subsection 13-72b-301(3) that the supplier fails to disclose, for each day that the element is not disclosed; and} }

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

428 (3){(4)} In a court action by the division to enforce a provision of this chapter, the court may:

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

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

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

432 (d) order payment of disgorged money to an injured purchaser or consumer;

433 (e) impose a fine of up to $2,500 for each violation of this chapter; or

434 (f) award other relief that the court determines reasonable and necessary.

435 (4){(5)} If a court awards judgment or injunctive relief to the division, the court shall award the division:

437 (a) reasonable attorney fees;

438 (b) court costs; and

439 (c) investigative fees.

440 (5){(6)} A court may impose a civil penalty of no more than $50,000 for each violation of an administrative or court order issued for a violation of this chapter.

442 (6){(7)} A civil penalty authorized under this section may be imposed in a civil action.

443 (7){(8)} 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.

445 (8){(9)} Nothing in this chapter {shall displace } displaces any other available {remedies } remedy or {rights } right authorized under the laws of this state or the United States.

572 Section 11. Section **11** is enacted to read:

573 **13-72b-402. Safe harbor.**

574   (1) An operator bears the burden of demonstrating by clear and convincing evidence that the operator qualifies for the safe harbor described in this section.

576   (2) An operator is not liable for a violation of Section 13-72b-202 if the operator uses an age assurance method that meets the standards established by division rule made in accordance with Section 13-72b-301.

579   Section 12. Section **12** is enacted to read:

581   **13-72b-501.**   **{(Effective 05/06/26)}(Effective 08/01/26)Severability.**

        5. Severability

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

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

455   {Section 12. Section **63I-2-213** is amended to read: }

456   **63I-2-213. Repeal dates: Title 13.**

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

459   (2) Title 13, Chapter 72, Artificial Intelligence Policy Act, is repealed July 1, 2027.

460   (3) Title 13, Chapter 72b, Part 2, Design, Safety Protocols, Monitoring, and Reporting, is repealed May 6, 2029.

587   Section 13. **Effective date.**

        Effective Date.

463   (1) {Except as provided in Subsection (2), this } This bill takes effect {May 6, } on August 1, 2026.

464   {(2) {The actions affecting Section 13-2-1 (Effective 07/01/26) take effect on July 1, 2026.} }

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