

# HB0438S04 compared with HB0438S03

~~{Omitted text}~~ shows text that was in HB0438S03 but was omitted in HB0438S04  
inserted text shows text that was not in HB0438S03 but was inserted into HB0438S04

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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 Companion Chatbot Safety Act to regulate operators of companion  
6 chatbots and protect consumers.

7 **Highlighted Provisions:**

8 This bill:

- 9 ▶ defines terms;
- 10 ▶ requires operators of companion chatbots to comply with the Utah Consumer Privacy Act;
- 12 ▶ establishes disclosure and data protection requirements for operators;
- 13 ▶ establishes additional safety requirements for operators serving minor users;
- 14 ▶ authorizes ~~{rulemaking}~~ the Governor's Office of Economic Opportunity (office) to make rules  
for age assurance and safe harbor standards;
- 15 ▶ requires annual reporting by operators to the ~~{Office of Artificial Intelligence Policy}~~ office;
- 16 ▶ grants ~~{enforcement}~~ the office authority to ~~{the Division}~~ investigate operator compliance and  
issue determinations of ~~{Consumer Protection}~~ violation;
- 17 ▶

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~~{provides for administrative fines}~~ authorizes the attorney general to bring civil enforcement actions and seek civil penalties for violations of this chapter;

18       ▶ establishes ~~{a}~~ safe harbor ~~{provision}~~ provisions for operators; and

19       ▶ ~~{requires the Office of Artificial Intelligence Policy to study and report on companion chatbot safety standards; and}~~

21       ▶ provides a severability clause.

## 23 Money Appropriated in this Bill:

24       None

## 25 Other Special Clauses:

26       This bill provides a special effective date.

## 27 Utah Code Sections Affected:

28 AMENDS:

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

29       **13-61-101 (Effective 08/01/26)**, as last amended by Laws of Utah 2024, Chapter 186

30       **13-61-102 (Effective 08/01/26)**, as last amended by Laws of Utah 2024, Chapter 381

31       **63I-2-213 (Effective 08/01/26), as last amended by Laws of Utah 2025, Chapter 277**

32 ENACTS:

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

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

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

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

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

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

39       ~~{13-72b-401 (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 08/01/26), Utah Code Annotated 1953}~~

33       **63N-22b-101 (Effective 08/01/26), Utah Code Annotated 1953**

34       **63N-22b-201 (Effective 08/01/26), Utah Code Annotated 1953**

35       **63N-22b-202 (Effective 08/01/26), Utah Code Annotated 1953**

36       **63N-22b-301 (Effective 08/01/26), Utah Code Annotated 1953**

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37 **63N-22b-302 (Effective 08/01/26), Utah Code Annotated 1953**

38 **63N-22b-401 (Effective 08/01/26), Utah Code Annotated 1953**

39 **63N-22b-402 (Effective 08/01/26), Utah Code Annotated 1953**

40 **63N-22b-501 (Effective 08/01/26), Utah Code Annotated 1953**

41 RENUMBERS AND AMENDS:

42 **63N-22-101 (Effective 08/01/26) (Repealed 07/01/27), (Renumbered from 13-72-101, as enacted by Laws of Utah 2024, Chapter 186)**

44 **63N-22-201 (Effective 08/01/26) (Repealed 07/01/27), (Renumbered from 13-72-201, as enacted by Laws of Utah 2024, Chapter 186)**

46 **63N-22-301 (Effective 08/01/26) (Repealed 07/01/27), (Renumbered from 13-72-301, as enacted by Laws of Utah 2024, Chapter 186)**

48 **63N-22-302 (Effective 08/01/26) (Repealed 07/01/27), (Renumbered from 13-72-302, as enacted by Laws of Utah 2024, Chapter 186)**

50 **63N-22-304 (Effective 08/01/26) (Repealed 07/01/27), (Renumbered from 13-72-304, as enacted by Laws of Utah 2024, Chapter 186)**

52 **63N-22-305 (Effective 08/01/26) (Repealed 07/01/27), (Renumbered from 13-72-305, as enacted by Laws of Utah 2024, Chapter 186)**

54

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

44 ~~{Section 1. Section 13-2-1 is amended to read: }~~

45 **13-2-1. Consumer protection division established -- Functions.**

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

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

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

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

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

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

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

55 (f) Chapter 22, Charitable Solicitations Act;

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

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- 57 (h) Chapter 25a, Telephone and Facsimile Solicitation Act;
- 58 (i) Chapter 26, Telephone Fraud Prevention Act;
- 59 (j) Chapter 28, Prize Notices Regulation Act;
- 60 (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter Transaction Information Act;
- 62 (l) Chapter 34, Utah Postsecondary School and State Authorization Act;
- 63 (m) Chapter 41, Price Controls During Emergencies Act;
- 64 (n) Chapter 42, Uniform Debt-Management Services Act;
- 65 (o) Chapter 49, Immigration Consultants Registration Act;
- 66 (p) Chapter 51, Transportation Network Company Registration Act;
- 67 (q) Chapter 52, Residential Solar Energy Consumer Protection Act;
- 68 (r) Chapter 53, Residential, Vocational ~~[or]~~ and Life Skills Program Act;
- 69 (s) Chapter 54, Ticket Website Sales Act;
- 70 (t) Chapter 56, Ticket Transferability Act;
- 71 (u) Chapter 57, Maintenance Funding Practices Act;
- 72 (v) Chapter 61, Utah Consumer Privacy Act;
- 73 (w) Chapter 64, Vehicle Value Protection Agreement Act;
- 74 (x) Chapter 65, Utah Commercial Email Act;
- 75 (y) Chapter 67, Online Dating Safety Act;
- 76 (z) Chapter 68, Lawyer Referral Consultants Registration Act;
- 77 (aa) Chapter 70, Automatic Renewal Contracts Act;
- 78 (bb) Chapter 71, Utah Minor Protection in Social Media Act;
- 79 (cc) Chapter 72a, Artificial Intelligence Applications Relating to Mental Health;
- 80 ~~(dd)~~ (dd) Chapter 72b, Companion Chatbot Safety Act;
- 81 ~~[(dd)]~~ (ee) Chapter 78, Earned Wage Access Services Act; and
- 82 ~~[(ee)]~~ (ff) Chapter 81, Utah Digital Choice Act.
- 83 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules to establish:
- 85 (a) a public list that identifies a person that:
- 86 (i) violates a chapter described in Subsection (2);
- 87

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

89 (A) the division; or

90 (B) a court of competent jurisdiction; or

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

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

56 Section 1. Section **13-61-101** is amended to read:

57 **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;

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- 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} 63N-22b-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

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(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 \(15\)\(a\)](#)} Subsections (15)(a)(ii)(A) and (B).

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

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(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)

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(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.

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- 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.

236 Section 2. Section **13-61-102** is amended to read:

### 237 **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  
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[~~(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:

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- (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.;
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- (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:

### CHAPTER 72b. Companion Chatbot Safety Act

#### Part 1. General Provisions

##### **13-72b-101. Definitions.**

- 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)

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- (a) "Affirmative consent" means a clear act signifying a user's freely given, specific, informed, and unambiguous authorization for an act or practice in response to a specific request from an operator, provided:
- 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  
389 (iii) affirmative consent to an act or practice is not inferred from the inaction of the user or the user's continued use of a companion chatbot.
- 391 (b) "Affirmative consent" does not include:
- 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.
- 400 (4) "Artificial intelligence" means the same as that term is defined in Section 13-72-101.  
401 (5)
- (a) "Companion chatbot" means an artificial intelligence system that uses a 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  
410 (B) prioritizes extension of the interaction over task resolution; and  
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:

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- 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.
- 421 (7) "Division" means the Division of Consumer Protection created in Section 13-2-1.
- 422 (8) "Interaction" means a user input and a subsequent response by a companion chatbot.
- 423 (9) "Material harmful to minors" means the same as that term is defined in Section 76-5c-101.
- 425 (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.
- 428 (11) "Office" means the Office of Artificial Intelligence Policy created in Section 13-72-201.  
429 (12)
- 430 (a) "Operator" means a person who:
- 431 (i) makes a companion chatbot available to a user in the state; and  
(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.
- 438 (13) "Personal data" means the same as that term is defined in Section 13-61-101.
- 439 (14) "Sensitive data" means the same as that term is defined in Section 13-61-101.
- 440 (15) "Targeted advertising" means the same as that term is defined in Section 13-61-101.
- 441 (16) "User" means an individual who:
- 442 (a) interacts with a companion chatbot; and  
443 (b) is a Utah resident.

444 Section 5. Section 5 is enacted to read:

### Part 2. Safety Requirements

#### **13-72b-201. Safety requirements for users.**

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

449 (a) allowing a user to obtain a copy of the prompts provided to a 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

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

454 (2) An operator shall prevent the 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. Additional safety requirements for 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

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- 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
- 499 (iv) disable the user's access to the companion chatbot;
- 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
- 503 (c) provide timely notice to a parent or legal guardian of the user if the user modifies or disables a  
setting previously configured by the parent or legal guardian under Subsection (4)(a).
- 506 (5) The requirements of this section are in addition to the requirements of Section 13-72b-201.

508 Section 7. Section 7 is enacted to read:

### Part 3. Rulemaking and Reporting

#### **13-72b-301. Division rulemaking.**

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  
meet to qualify for the safe harbor described in Section 13-72b-402, including standards for:

- 514 (1) third-party age assurance services;

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- 515 (2) protecting user privacy and data security;  
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. 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:  
525 (a) design features that prevent a companion chatbot from engaging in or reciprocating user attempts to  
establish a relationship;  
527 (b) measures or methods to limit a user's emotional and social attachment to a companion chatbot; and  
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. Reporting requirements.**

- 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;  
535 (b) methods the operator has implemented to detect, remove, and respond to expressions of suicidal  
ideation, suicide, or self-harm by users; and  
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:

## 541 **Part 4. Enforcement and Safe Harbor**

### 542 **13-72b-401. Enforcement.**

- 543 (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.  
547 (3) In addition to the division's enforcement powers under Chapter 2, Division of Consumer Protection:

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- 549 (a) the division director may impose an administrative fine of up to \$2,500 for each violation of this  
chapter; and
- 551 (b) the division may bring an action in a court of competent jurisdiction to enforce a provision of this  
chapter.
- 553 (4) In a court action by the division to enforce a provision of this chapter, the court may:
- 554 (a) declare that an act or practice violates a provision of this chapter;
- 555 (b) issue an injunction for a violation of this chapter;
- 556 (c) order disgorgement of money received in violation of this chapter;
- 557 (d) order payment of disgorged money to an injured purchaser or consumer;
- 558 (e) impose a fine of up to \$2,500 for each violation of this chapter; or
- 559 (f) award other relief that the court determines reasonable and necessary.
- 560 (5) If a court awards judgment or injunctive relief to the division, the court shall award the division:
- 562 (a) reasonable attorney fees;
- 563 (b) court costs; and
- 564 (c) investigative fees.
- 565 (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.
- 567 (7) A civil penalty authorized under this section may be imposed in a civil action.
- 568 (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.
- 570 (9) Nothing in this chapter displaces any other available remedy or 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:

580 **Part 5. Severability**

## HB0438S03 compared with HB0438S04

581 **13-72b-501. Severability.**

582 (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.

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

334 **Section 3. Section 63I-2-213 is amended to read:**

335 **63I-2-213. Repeal dates: Title 13.**

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

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

339 Section 4. Section **63N-22-101** is renumbered and amended to read:

341 **[13-72-101]. Definitions.**

As used in this chapter:

343 (1) "Applicant" means a person that applies for participation in the regulatory learning laboratory.

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

347 (3) "Artificial intelligence technology" means a computer system, application, or other product that uses  
or incorporates one or more forms of artificial intelligence.

349 [(4) "Department" means the Department of Commerce.]

350 [(5)] (4) "Director" means the director of the office.

351 [(6)] (5) "Executive director" means the executive director [of the Department of Commerce] of the  
Governor's Office of Economic Opportunity.

353 [(7)] (6) "Learning agenda" means the areas of artificial intelligence applications, risks, and policy  
considerations selected by the office for focus by the learning laboratory.

355 [(8)] (7) "Learning laboratory" means the artificial intelligence analysis and research program created in  
Section [~~13-72-301~~] 63N-22-301.

357 [(9)] (8) "Office" means the Office of Artificial Intelligence Policy created in Section  
[~~13-74-201~~] 63N-22-201.

359 [(10)] (9) "Participant" means a person that is accepted to participate in the learning laboratory.

361 [(11)] (10) "Regulatory mitigation agreement" means an agreement between a participant, the office,  
and relevant state agencies described in Section 63N-22-302.[~~13-72-302.~~]

## HB0438S03 compared with HB0438S04

363 [(12)] (11) "Regulatory mitigation" means:

- 364 (a) when restitution to users may be required;
- 365 (b) terms and conditions related to any cure period before penalties may be assessed;
- 366 (c) any reduced civil fines during the participation term; and
- 367 (d) other terms tailored to identified issues of the artificial intelligence technology.

368 Section 5. Section **63N-22-201** is renumbered and amended to read:

370 ~~[13-72-201]~~. **Creation of Office of Artificial Intelligence Policy -- Director appointed --**  
**Duties and authority.**

- 372 (1) There is created ~~[in the department]~~ within the Governor's Office of Economic Opportunity the  
Office of Artificial Intelligence Policy.
- 374 (2) The executive director of ~~[the department]~~ GOEO shall appoint a director to oversee the  
management and operations of the office.
- 376 (3) The office shall:
- 377 (a) create and administer an artificial intelligence learning laboratory program;
- 378 (b) consult with businesses and other stakeholders in the state about potential regulatory proposals;
- 380 (c) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
establishing:
- 382 (i) procedures, requirements, and fees to apply to participate in the learning laboratory program;
- 384 (ii) criteria for invitation, acceptance, denial, or removal of participants;
- 385 (iii) data usage limitations and cybersecurity criteria for participants;
- 386 (iv) required participant disclosures to consumers;
- 387 (v) reporting requirements for participants to the office;
- 388 (vi) criteria for limited extension of the participation period; and
- 389 (vii) other requirements necessary to administer the learning laboratory; and
- 390 (d) report annually, before November 30, to the Business and Labor Interim Committee regarding:
- 392 (i) the proposed learning agenda for the learning laboratory;
- 393 (ii) the findings, participation, and outcomes of the learning laboratory; and
- 394 (iii) recommended legislation from findings from the learning laboratory.

395 Section 6. Section **63N-22-301** is renumbered and amended to read:

397 ~~[13-72-301]~~. **Artificial Intelligence Learning Laboratory Program.**

399

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- (1) There is established the Artificial Intelligence Learning Laboratory Program, to be administered by the office.
- 401 (2) The purpose of the learning laboratory is to:
- 402 (a) analyze and research the risks, benefits, impacts, and policy implications of artificial intelligence technologies to inform the state regulatory framework;
- 404 (b) encourage development of artificial intelligence technologies in the state;
- 405 (c) evaluate the effectiveness and viability of current, potential, or proposed regulation on artificial intelligence technologies with artificial intelligence companies; and
- 407 (d) produce findings and recommendations for legislation and regulation of artificial intelligence.
- 409 (3)
- (a) The office shall periodically set a learning agenda for the learning laboratory that establishes the specific areas of artificial intelligence policy the office intends to study.
- 412 (b) In establishing the learning agenda, the office may consult with:
- 413 (i) relevant agencies;
- 414 (ii) industry leaders;
- 415 (iii) academic institutions in the state; and
- 416 (iv) key stakeholders with relevant knowledge, experience, or expertise in the area.
- 417 (4) The office may invite and receive an application from a person to participate in the learning laboratory.
- 419 (5) The office shall establish the procedures and requirements for sending an invitation and receiving requests to participate in the learning laboratory in accordance with the purposes of the learning laboratory.
- 422 (6) In selecting participants for the learning laboratory, the office shall consider:
- 423 (a) the relevance and utility of an invitee or applicant's artificial intelligence technology to the learning agenda;
- 425 (b) the invitee or applicant's expertise and knowledge specific to the learning agenda; and
- 426 (c) other factors identified by the office as relevant to participation in the learning laboratory.
- 428 (7) The office shall work with participants to establish benchmarks and assess outcomes of participation in the learning laboratory.

430 Section 7. Section **63N-22-302** is renumbered and amended to read:

432 ~~[13-72-302]~~. **Regulatory mitigation agreements.**

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- 434 (1) A participant who uses or wants to utilize an artificial intelligence technology in the state may apply  
for regulatory mitigation according to criteria and procedures outlined by the office by rule made  
under Section [~~13-72-201~~] 63N-22-201.
- 437 (2) The office may grant, on a temporary basis, regulatory mitigation to a participant by entering into a  
regulatory mitigation agreement with the office and relevant agencies.
- 439 (3) To receive regulatory mitigation, a participant must demonstrate that the applicant meets eligibility  
criteria established in Section [~~13-72-303~~] 63N-22-303.
- 441 (4) A regulatory mitigation agreement between a participant and the office and relevant agencies shall  
specify:
- 443 (a) limitations on scope of the use of the participant's artificial intelligence technology, including:
- 445 (i) the number and types of users;
- 446 (ii) geographic limitations; and
- 447 (iii) other limitations to implementation;
- 448 (b) safeguards to be implemented; and
- 449 (c) any regulatory mitigation granted to the applicant.
- 450 (5) The office shall consult with relevant agencies regarding appropriate terms in a regulatory  
mitigation agreement.
- 452 (6) A participant remains subject to all legal and regulatory requirements not expressly waived or  
modified by the terms of the regulatory mitigation agreement.
- 454 (7)
- (a) The office may remove a participant at any time and for any reason, and the participant does not  
have an expectation of a property right or license to participate in the learning laboratory.
- 457 (b) A participant demonstrating an artificial intelligence technology that violates legal or regulatory  
requirements or the terms of the participation agreement may be immediately removed from further  
participation and subject to all applicable civil and criminal penalties.
- 461 (8) Participation in the learning laboratory does not constitute an endorsement or approval from the  
state.
- 463 (9) The state shall not be responsible for any claims, liabilities, damages, losses, or expenses arising out  
of a participant's involvement in the learning laboratory.

465 Section 8. Section **63N-22-304** is renumbered and amended to read:

467 [~~13-72-304~~]. **Participation in Artificial Intelligence Learning Laboratory.**

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- 469 (1)
- (a) The office may approve an applicant to participate in the program.
- 470 (b) An approved applicant becomes a participant by entering into a participation agreement with the office and relevant state agencies.
- 472 (2) A participant shall:
- 473 (a) provide required information to state agencies in accordance with the terms of the participation agreement; and
- 475 (b) report to the office as required in the participation agreement.
- 476 (3) The office may establish additional cybersecurity auditing procedures applicable to participants demonstrating artificial intelligence technologies that the office considers higher risk.
- 479 (4) A participant shall retain records as required by office rule or the participation agreement.
- 481 (5) A participant shall immediately report to the office any incidents resulting in consumer harm, privacy breach, or unauthorized data usage, which may result in removal of the participant from the learning laboratory.

484 Section 9. Section **63N-22-305** is renumbered and amended to read:

486 ~~[13-72-305]~~. **Program extension.**

- 488 (1) An initial regulatory mitigation agreement shall be in force for no longer than 12 months.
- 490 (2) A participant may request a single 12-month extension for participation in the learning laboratory period no later than 30 days before the end of the initial 12-month period.
- 492 (3) The office shall grant or deny an extension request before expiration of the initial demonstration period.

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

### 495 **CHAPTER 22b. Companion Chatbot Safety Act**

#### 496 **Part 1. General Provisions**

##### 497 **63N-22b-101. Definitions.**

- 498 (1)
- (a) "Affirmative consent" means a clear act signifying a user's freely given, specific, informed, and unambiguous authorization for an act or practice in response to a specific request from an operator, provided:
- 501 (i) the request is provided to the user in a clear and conspicuous standalone disclosure;

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- 502       (ii) the request includes a description, written in easy-to-understand language, of the act or practice  
503           for which the user's consent is sought;
- 504       (iii) the request is made in a manner reasonably accessible to and usable by a user with a disability;
- 505       (iv) the option to refuse to give consent is at least as prominent as the option to give consent, and  
506           the option to refuse to give consent takes the same number of steps or fewer as the option to  
507           give consent; and
- 508       (v) affirmative consent to an act or practice is not inferred from the inaction of the user or the user's  
509           continued use of a chatbot provided by the chatbot provider.
- 510       (b) "Affirmative consent" does not include:
- 511       (i) acceptance of a general or broad terms of use or similar document;
- 512       (ii) hovering over, muting, pausing, or closing a given piece of content;
- 513       (iii) an agreement obtained through the use of a false, fraudulent, or materially misleading statement or  
514           representation; or
- 515       (iv) an agreement obtained through the use of a dark pattern.
- 516       (2) "Artificial intelligence" means the same as that term is defined in Section 63N-22-101.
- 517       (3) "Companion chatbot" means an artificial intelligence system that uses a natural language interface  
518           that:
- 519       (a) uses personal data retained, stored, or retrieved from a prior interaction and generates an output that:
- 520       (i) simulates a relationship with the user; or
- 521       (ii) indicates the companion chatbot has emotions, feelings, memories, or personal opinions; and
- 522       (b) generates an output containing an affective or social inquiry that:
- 523       (i) is not logically required to resolve a user prompt or task-based command; or
- 524       (ii) prioritizes extension of the interaction over task resolution.
- 525       (4) "Core functioning" means features and services for which the collection or processing of the user's  
526           personal data is reasonably necessary to provide the companion chatbot service to the user.
- 527       (5) "Dark pattern" means a user interface designed or manipulated with the substantial effect of  
528           subverting or impairing user autonomy, decision-making, or choice, and includes any practice the  
529           Federal Trade Commission refers to as a "dark pattern."
- 530       (6) "Interaction" means a user input and a subsequent response by a companion chatbot.
- 531       (7) "Material harmful to minors" means the same as that term is defined in Section 76-5c-101.
- 532       (8) "Minor" means an individual under 18 years old that:
- 533
- 534
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- 537

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- 538 (a) has not been emancipated as that term is defined in Section 80-7-102; or  
539 (b) has not been married.  
540 (9) "Office" means the Governor's Office of Economic Opportunity created in Section 63N-1a-301.  
542 (10) "Operator" means a person who makes a companion chatbot available to a user in the state.  
544 (11) "Personal data" means the same as that term is defined in Section 13-61-101.  
545 (12) "Sensitive data" means the same as that term is defined in Section 13-61-101.  
546 (13) "Targeted advertising" means the same as that term is defined in Section 13-61-101.  
547 (14) "User" means an individual who:  
548 (a) interacts with a companion chatbot; and  
549 (b) is a Utah resident.

550 Section 11. Section 11 is enacted to read:

551

### Part 2. Safety Requirements

552 **63N-22b-201. Safety requirements for users.**

- 553 (1) An operator shall comply with the requirements of Chapter 61, Utah Consumer Privacy Act,  
including:  
555 (a) allowing a user to obtain a copy of the user's interactions with a 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  
558 (b) obtaining a user's affirmative consent before processing the user's sensitive data in accordance with  
Section 13-61-302.  
560 (2) An operator shall prevent the companion chatbot from engaging with a user unless:  
561 (a) the operator prevents the companion chatbot from generating responses that encourage suicidal  
ideation, suicide, self-harm, or harm to others; and  
563 (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:  
565 (i) crisis service providers;  
566 (ii) a suicide hotline; or  
567 (iii) a crisis text line.  
568 (3) An operator may not advertise a specific product or service to the user, unless the operator clearly  
and conspicuously, in the companion chatbot's interaction with the user:  
570 (a) identifies the advertisement as an advertisement; and

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571 (b) discloses to the user any sponsorship, business affiliation, or agreement that the operator has with a  
572 person to promote, advertise, or recommend the advertised product or service.

574 Section 12. Section 12 is enacted to read:

575 **63N-22b-202. Additional safety requirements for minor users.**

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

578 (a) provide a clear and conspicuous notice to the user at least every hour during a continuing chatbot  
579 interaction that:

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

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

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

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

585 (a) produce or provide material harmful to minors;

586 (b) direct a user to material harmful to minors;

587 (c) encourage the user to:

588 (i) use illegal substances;

589 (ii) consume alcohol;

590 (iii) use a tobacco or nicotine product;

591 (iv) engage in sexual conduct;

592 (v) engage in self-harm; or

593 (vi) engage in illegal conduct;

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

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

597 (f) sell a user's personal data; or

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

602 (3) The requirements of this section are in addition to the requirements of Section 63N-22b-201.

604 Section 13. Section 13 is enacted to read:

605 **Part 3. Rulemaking and Reporting**

606 **63N-22b-301. Office rulemaking.**

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

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office may make rules:

- 609 (1) establishing reasonable age assurance standards that an operator may meet to qualify for the safe  
harbor described in Section 63N-22b-402, including standards for:
- 611 (a) third-party age assurance services;
- 612 (b) protecting user privacy and data security;
- 613 (c) verifying the reliability and accuracy of age assurance methods; and
- 614 (d) retaining, protecting, and securely disposing of any information obtained as a result of age  
assurance;
- 616 (2) establishing the form of the report required in Section 63N-22b-302; and
- 617 (3) establishing standards an operator may meet to qualify for the safe harbor described in Section  
63N-22b-402, including:
- 619 (a) design features that prevent a companion chatbot from engaging in or reciprocating user attempts to  
establish a relationship;
- 621 (b) measures or methods to limit a user's emotional and social attachment to a companion chatbot;
- 623 (c) measures and processes to reduce mental and physical risk to a user; and
- 624 (d) disclosure, transparency, and reporting requirements relevant to Subsections (3)(a)-(c).

626 Section 14. Section 14 is enacted to read:

### 627 **63N-22b-302. Reporting requirements.**

- 628 (1) An operator shall annually report to the office:
- 629 (a) the number of times the operator has issued a crisis service provider referral notification in  
accordance with Section 63N-22b-202 in the preceding calendar year;
- 631 (b) methods the operator has implemented to detect, remove, and respond to expressions of suicidal  
ideation, suicide, or self-harm by users; and
- 633 (c) methods the operator has implemented to prevent a companion chatbot response about suicidal  
ideation or actions with the user.
- 635 (2) The report required by this section may not include a user's personal data.

636 Section 15. Section 15 is enacted to read:

## 637 **Part 4. Enforcement and Safe Harbor**

### 638 **63N-22b-401. Enforcement.**

- 639 (1) The office shall administer this chapter and monitor operator compliance with the provisions of this  
chapter.

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- 641 (2) The office may investigate potential violations of this chapter, including by:  
642 (a) reviewing reports submitted under Section 63N-22b-302;  
643 (b) auditing an operator's compliance with the requirements of this chapter; and  
644 (c) issuing a determination of violation to an operator that the office finds to be in noncompliance with  
this chapter.
- 646 (3) Upon issuing a determination of violation under Subsection (2)(c), the office shall refer the matter to  
the attorney general for civil enforcement.
- 648 (4) The attorney general may bring a civil action in a court of competent jurisdiction to enforce a  
provision of this chapter. In such an action, the court may:
- 650 (a) declare that an act or practice violates a provision of this chapter;  
651 (b) issue an injunction for a violation of this chapter;  
652 (c) order disgorgement of money received in violation of this chapter;  
653 (d) order payment of disgorged money to an injured user or consumer;  
654 (e) impose a civil penalty of up to \$2,500 for each violation of this chapter; or  
655 (f) award other relief that the court determines reasonable and necessary.
- 656 (5) 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.
- 658 (6) A civil penalty authorized under this section shall be paid to the Division of Finance for deposit into  
the General Fund.
- 660 (7) If a court awards judgment or injunctive relief to the attorney general under this section, the court  
shall award reasonable attorney fees and court costs.
- 662 (8) Nothing in this chapter displaces any other available remedies or rights authorized under the laws of  
this state or the United States.

664 Section 16. Section 16 is enacted to read:

665 **63N-22b-402. Safe harbor.**

- 666 (1) An operator bears the burden of demonstrating by clear and convincing evidence that the operator  
qualifies for a safe harbor described in this section.
- 668 (2) An operator is not liable for a violation of Section 63N-22b-202 if the operator uses an age  
assurance method that meets the standards established by rule made in accordance with Section  
63N-22b-301.

671

## HB0438S03 compared with HB0438S04

(3) An operator is not liable for a violation of this chapter if the operator meets the standards established by office rule made in accordance with Subsection 63N-22b-301(3).

674 Section 17. Section **17** is enacted to read:

675

### **Part 5. Severability**

676

#### **63N-22b-501. Severability.**

677

(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.

681

(2) The provisions of this chapter are severable.

682

Section 18. **Effective date.**

Effective Date.

This bill takes effect on August 1, 2026.

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