



## SB0073S01 compared with SB0073S03

- 19           ▶ grants the Division of Consumer Protection authority to investigate and enforce age verification requirements;
- 21           ▶ provides administrative fines and civil penalties for violations of age verification requirements;
- 23           ▶ creates the Minor Online Safety Restricted Account (account) within the General Fund and provides for deposits from tax revenue and from fines and civil penalties;
- 25           ▶ directs money in the account to the Division of Consumer Protection to be used for enforcement of age verification requirements and online safety for minors;
- 27           ▶ provides rulemaking authority to the Division of Consumer Protection to establish standards for substantial portion determinations and age verification methods;
- 29           ▶ provides safe harbor for approved age verification methods;
- 30           ▶ provides a severability clause; and
- 31           ▶ makes technical and conforming changes.

### 32 **Money Appropriated in this Bill:**

- 33           ▶ This bill appropriates \$4,000,000 in operating and capital budgets for fiscal year 2027, all of which is from the various sources as detailed in this bill.
- 34
- 35           ▶ This bill appropriates \$4,000,000 in restricted fund and account transfers for fiscal year 2027, all of which is from the various sources as detailed in this bill.
- 36

### 37 **Other Special Clauses:**

38           This bill provides a special effective date.

### 39 **Utah Code Sections Affected:**

40 AMENDS:

41           **13-2-1 (Effective 05/06/26) (Superseded 07/01/26)**, as last amended by Laws of Utah 2025, Chapters 51, 181, 237, and 269

43           **13-2-1 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 468

44           **13-2-5 (Effective 05/06/26)**, as last amended by Laws of Utah 2008, Chapter 382

45           **13-2-6 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 442

46           **13-2-7 (Effective 05/06/26)**, as last amended by Laws of Utah 1994, Chapter 177

47           **13-2-8 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 375

48           ~~**13-76-301 (Effective 05/06/26), as enacted by Laws of Utah 2025, Chapter 446**~~

48           **59-1-403 (Effective 10/01/26) (Partially Repealed 07/01/29)**, as last amended by Laws of Utah 2025, Chapters 182, 323, 400, and 498

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50 **78B-3-1001 (Effective 05/06/26)**, as enacted by Laws of Utah 2023, Chapter 262

51 **78B-3-1002 (Effective 05/06/26)**, as enacted by Laws of Utah 2023, Chapter 262

52 **78B-3-1003 (Effective 05/06/26)**, as enacted by Laws of Utah 2024, Chapter 75

53 ENACTS:

54 **59-35-101 (Effective 10/01/26)**, Utah Code Annotated 1953

55 **59-35-102 (Effective 10/01/26)**, Utah Code Annotated 1953

56 **59-35-103 (Effective 10/01/26)**, Utah Code Annotated 1953

57 **59-35-104 (Effective 10/01/26)**, Utah Code Annotated 1953

58 **59-35-105 (Effective 10/01/26)**, Utah Code Annotated 1953

59 **78B-3-1004 (Effective 05/06/26)**, Utah Code Annotated 1953

60 **78B-3-1005 (Effective 05/06/26)**, Utah Code Annotated 1953

61 **78B-3-1006 (Effective 05/06/26)**, Utah Code Annotated 1953

62 **78B-3-1007 (Effective 05/06/26)**, Utah Code Annotated 1953

63 **78B-3-1008 (Effective 05/06/26)**, Utah Code Annotated 1953

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

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

67 **13-2-1. Consumer protection division established -- Functions.**

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

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

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

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

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

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

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

78 (f) Chapter 22, Charitable Solicitations Act;

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

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

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

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

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- (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter Transaction Information Act;
- 85 (l) Chapter 34, Utah Postsecondary School and State Authorization Act;
- 86 (m) Chapter 41, Price Controls During Emergencies Act;
- 87 (n) Chapter 42, Uniform Debt-Management Services Act;
- 88 (o) Chapter 49, Immigration Consultants Registration Act;
- 89 (p) Chapter 51, Transportation Network Company Registration Act;
- 90 (q) Chapter 52, Residential Solar Energy Consumer Protection Act;
- 91 (r) Chapter 53, Residential, Vocational ~~[or]~~ and Life Skills Program Act;
- 92 (s) Chapter 54, Ticket Website Sales Act;
- 93 (t) Chapter 56, Ticket Transferability Act;
- 94 (u) Chapter 57, Maintenance Funding Practices Act;
- 95 (v) Chapter 61, Utah Consumer Privacy Act;
- 96 (w) Chapter 64, Vehicle Value Protection Agreement Act;
- 97 (x) Chapter 65, Utah Commercial Email Act;
- 98 (y) Chapter 67, Online Dating Safety Act;
- 99 (z) Chapter 68, Lawyer Referral Consultants Registration Act;
- 100 (aa) Chapter 70, Automatic Renewal Contracts Act;
- 101 (bb) Chapter 71, Utah Minor Protection in Social Media Act;
- 102 (cc) Chapter 72a, Artificial Intelligence Applications Relating to Mental Health; ~~[and]~~
- 103 (dd) Chapter 78, Earned Wage Access Services Act~~[-]~~ ; and
- 104 (ee) Title 78B, Chapter 3, Part 10, Liability for Publishers and Distributors of Material Harmful to  
Minors.
- 106 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may  
make rules to establish:
- 108 (a) a public list that identifies a person that:
- 109 (i) violates a chapter or section described in Subsection (2);
- 110 (ii) without proper legal justification, fails to comply with an order, subpoena, judgment, or other legal  
process issued by:
- 112 (A) the division; or
- 113 (B) a court of competent jurisdiction; or

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

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

118 **13-2-1. Consumer protection division established -- Functions.**

- 121 (1) There is established within the Department of Commerce the Division of Consumer Protection.
- 123 (2) The division shall administer and enforce the following:
- 124 (a) Chapter 10a, Music Licensing Practices Act;
- 125 (b) Chapter 11, Utah Consumer Sales Practices Act;
- 126 (c) Chapter 15, Business Opportunity Disclosure Act;
- 127 (d) Chapter 20, New Motor Vehicle Warranties Act;
- 128 (e) Chapter 21, Credit Services Organizations Act;
- 129 (f) Chapter 22, Charitable Solicitations Act;
- 130 (g) Chapter 23, Health Spa Services Protection Act;
- 131 (h) Chapter 25a, Telephone and Facsimile Solicitation Act;
- 132 (i) Chapter 26, Telephone Fraud Prevention Act;
- 133 (j) Chapter 28, Prize Notices Regulation Act;
- 134 (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter Transaction Information  
Act;
- 136 (l) Chapter 34, Utah Postsecondary School and State Authorization Act;
- 137 (m) Chapter 41, Price Controls During Emergencies Act;
- 138 (n) Chapter 42, Uniform Debt-Management Services Act;
- 139 (o) Chapter 49, Immigration Consultants Registration Act;
- 140 (p) Chapter 51, Transportation Network Company Registration Act;
- 141 (q) Chapter 52, Residential Solar Energy Consumer Protection Act;
- 142 (r) Chapter 53, Residential, Vocational [øŕ] and Life Skills Program Act;
- 143 (s) Chapter 54, Ticket Website Sales Act;
- 144 (t) Chapter 56, Ticket Transferability Act;
- 145 (u) Chapter 57, Maintenance Funding Practices Act;
- 146 (v) Chapter 61, Utah Consumer Privacy Act;

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- 147 (w) Chapter 64, Vehicle Value Protection Agreement Act;
- 148 (x) Chapter 65, Utah Commercial Email Act;
- 149 (y) Chapter 67, Online Dating Safety Act;
- 150 (z) Chapter 68, Lawyer Referral Consultants Registration Act;
- 151 (aa) Chapter 70, Automatic Renewal Contracts Act;
- 152 (bb) Chapter 71, Utah Minor Protection in Social Media Act;
- 153 (cc) Chapter 72a, Artificial Intelligence Applications Relating to Mental Health;
- 154 (dd) Chapter 78, Earned Wage Access Services Act; [and]
- 155 (ee) Chapter 81, Utah Digital Choice Act[-] ; and
- 156 (ff) Title 78B, Chapter 3, Part 10, Liability for Publishers and Distributors of Material Harmful to  
Minors.
- 158 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may  
make rules to establish:
- 160 (a) a public list that identifies a person that:
- 161 (i) violates a chapter or section described in Subsection (2);
- 162 (ii) without proper legal justification, fails to comply with an order, subpoena, judgment, or other legal  
process issued by:
- 164 (A) the division; or
- 165 (B) a court of competent jurisdiction; or
- 166 (iii) breaches a settlement agreement, stipulation, assurance of voluntary compliance, or similar  
instrument signed by the person and the division; and
- 168 (b) a process by which a person may be removed from the list the division establishes as described in  
Subsection (3)(a).
- 169 Section 3. Section **13-2-5** is amended to read:
- 170 **13-2-5. Powers of director.**
- The director has authority to:
- 173 (1) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, issue rules to  
administer and enforce [~~the chapters~~] a chapter or section listed in Section 13-2-1;
- 175 (2) investigate the activities of any business governed by the laws administered and enforced by the  
division;

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- (3) take administrative and judicial action against persons in violation of the division rules and the laws administered and enforced by it, including the issuance of cease and desist orders;
- 180 (4) coordinate, cooperate, and assist with business and industry desiring or attempting to correct unfair business practices between competitors;
- 182 (5) provide consumer information and education to the public and assist any organization providing such services; and
- 184 (6) coordinate with, assist, and utilize the assistance of federal, state, and local agencies in the performance of the director's duties and the protection of the public.

185 Section 4. Section **13-2-6** is amended to read:

### 186 **13-2-6. Enforcement powers.**

- 188 (1) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, the division shall have authority to convene administrative hearings, issue cease and desist orders, and impose fines under all the chapters[-] or sections identified in Section 13-2-1.
- 191 (2) A person who intentionally violates a final cease and desist order entered by the division of which the person has notice is guilty of a third degree felony.
- 193 (3) If the division has reasonable cause to believe that a person has violated or is violating any chapter or section listed in Section 13-2-1, the division may promptly issue the alleged violator a citation signed by the division's director or the director's designee.
- 196 (a) Each citation shall be in writing and shall:
- 197 (i) set forth with particularity the nature of the violation, including a reference to the statutory or administrative rule provision violated;
- 199 (ii) state that a request for review of the citation shall be made in writing and be received by the division no more than 20 calendar days after the day on which the division issues the citation;
- 202 (iii) state the consequences of failing to make a timely request for review; and
- 203 (iv) state all other information required by Subsection 63G-4-201(2).
- 204 (b) In computing a time period under this section, the following days may not be included:
- 206 (i) the day on which the division issues a citation; and
- 207 (ii) the day on which the division receives a request for review of a citation.
- 208 (c)
- (i) Except as provided in Subsection (3)(c)(iii), if the presiding officer finds that there is not substantial evidence that the recipient violated a chapter or section listed in Section 13-2-1:

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- 211 (A) the citation may not become final; and
- 212 (B) the division shall immediately vacate the citation and promptly notify the recipient in writing.
- 214 (ii) Except as provided in Subsection (3)(c)(iv), if the presiding officer finds that there is substantial evidence that the recipient violated a chapter or section listed in Section 13-2-1:
- 217 (A) the citation shall become final; and
- 218 (B) the division may enter a cease and desist order against the recipient.
- 219 (iii) For a citation issued for a violation of Chapter 41, Price Controls During Emergencies Act, if the presiding officer finds that there is not clear and convincing evidence that the recipient violated the chapter:
- 222 (A) the citation may not become final; and
- 223 (B) the division shall immediately vacate the citation and promptly notify the recipient in writing.
- 225 (iv) For a citation issued for a violation of Chapter 41, Price Controls During Emergencies Act, if the presiding officer finds that there is clear and convincing evidence that the recipient violated the chapter:
- 228 (A) the citation shall become final; and
- 229 (B) the division may enter a cease and desist order against the recipient.
- 230 (d)
- (i) A citation issued under this chapter may be personally served upon a person upon whom a summons may be served in accordance with the Utah Rules of Civil Procedure.
- 233 (ii) A citation also may be served by first-class mail, postage prepaid.
- 234 (e)
- (i) If the recipient fails to make a request for review within 20 calendar days after the day on which the division issues the citation, the citation shall become the final order of the division.
- 237 (ii) The period to contest the citation may be extended by the director for good cause shown.
- 239 (f) If the chapter or section violated allows for an administrative fine, after a citation becomes final, the director may impose the administrative fine.
- 241 (4)
- (a) A person who[-] has violated, is violating, or has attempted[-] to violate a chapter or section identified in Section 13-2-1 is subject to the division's jurisdiction if:
- 243 (i) the violation or attempted violation is committed wholly or partly within the state;
- 244

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- (ii) conduct committed outside the state constitutes an attempt to commit a violation within the state; or
- 246 (iii) transactional resources located within the state are used by the offender to directly or indirectly facilitate a violation or attempted violation.
- 248 (b) As used in this section, "transactional resources" means:
- 249 (i) a mail drop or mail box, regardless of whether the mail drop or mail box is located on the premises of a United States Post Office;
- 251 (ii) a telephone or facsimile transmission device;
- 252 (iii) an [~~Internet~~] internet connection by a resident or inhabitant of this state with a resident- or nonresident-maintained [~~Internet~~] internet site;
- 254 (iv) a business office or private residence used for a business-related purpose;
- 255 (v) an account with or services of a financial institution;
- 256 (vi) the services of a common or private carrier; or
- 257 (vii) the use of a city, county, or state asset or facility, including a road or highway.
- 258 (5) The director or the director's designee, for the purposes outlined in a chapter administered by the division, may administer oaths, issue subpoenas, compel the attendance of witnesses, conduct audits, compel sworn responses to written questions, or compel the production of papers, books, accounts, documents, or evidence.
- 262 (6)
- (a) An administrative action filed under this chapter or a chapter or section listed in Section 13-2-1 shall be commenced no later than 10 years after the day on which the alleged violation occurs.
- 265 (b) A civil action filed under this chapter or a chapter or section listed in Section 13-2-1 shall be commenced no later than five years after the day on which the alleged violation occurs.
- 268 (c) The provisions of this Subsection (6) control over the provisions of Title 78B, Chapter 2, Statutes of Limitations.
- 270 (7) When granting a judgment in the division's favor in connection with the division's exercise of any authority described in Section 13-2-5 or 13-2-6, a court shall award:
- 272 (a) reasonable attorney fees;
- 273 (b) court costs;
- 274 (c) costs of investigation; and
- 275 (d) any other relief the court deems appropriate.

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275 Section 5. Section 13-2-7 is amended to read:

276 **13-2-7. Violation of restraining or injunctive order -- Civil penalty.**

If any restraining order, any chapter or section administered by the division, or injunction granted under this chapter is violated, the division may submit a motion for, or the court on its own motion, may impose a civil penalty of not more than \$2,000 for each day a temporary restraining order, preliminary injunction or permanent injunction issued under this chapter is violated, if the party has received notice of the restraining or injunctive order.

283 Section 6. Section 13-2-8 is amended to read:

284 **13-2-8. Consumer Protection Education and Training Fund.**

286 (1) There is created an expendable special revenue fund known as the "Consumer Protection Education and Training Fund."

288 (2)

(a) Unless otherwise provided by a chapter or section listed in Section 13-2-1, all money not distributed as consumer restitution that is received by the division from administrative fines and settlements, from criminal restitution, or from civil damages, forfeitures, penalties, and settlements when the division receives the money on its own behalf and not in a representative capacity, shall be deposited into the fund.

293 (b) Any portion of the fund may be maintained in an interest-bearing account.

294 (c) All interest earned on fund money shall be deposited into the fund.

295 (3) Notwithstanding Title 63J, Chapter 1, Budgetary Procedures Act, the division may use the fund with the approval of the executive director of the Department of Commerce in a manner consistent with the duties of the division under this chapter for:

298 (a) consumer protection education for members of the public;

299 (b) equipment for and training of division personnel;

300 (c) publication of consumer protection brochures, laws, policy statements, or other material relevant to the division's enforcement efforts; and

302 (d) investigation and litigation undertaken by the division.

303 (4) If the balance in the fund exceeds \$1,000,000 at the close of any fiscal year, the excess shall be transferred to the General Fund.

305 ~~{Section 7. Section 13-76-301 is amended to read: }~~

306 **13-76-301. Division rulemaking.**

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

shall make rules establishing [~~processes and means by which an app store provider may verify whether an account holder is a minor in accordance with Subsection 13-75-201(1)(a)(ii).]~~  
reasonable age verification standards that commercial entities may meet when determining whether an account holder is a minor, including standards for:

- 312 (1) third-party age verification services;  
313 (2) protecting user privacy and data security;  
314 (3) verifying the reliability and accuracy of age verification methods; and  
315 (4) retaining, protecting, and securely disposing of any information obtained as a result of performing age verification.

304 Section 7. Section **59-1-403** is amended to read:

305 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

320 (1) As used in this section:

321 (a) "Distributed tax, fee, or charge" means a tax, fee, or charge:

322 (i) the commission administers under:

323 (A) this title, other than a tax under Chapter 12, Part 2, Local Sales and Use Tax Act;

325 (B) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;

326 (C) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;

327 (D) Section 19-6-805;

328 (E) Section 63H-1-205; or

329 (F) Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges; and

331 (ii) with respect to which the commission distributes the revenue collected from the tax, fee, or charge to a qualifying jurisdiction.

333 (b) "GOEO" means the Governor's Office of Economic Opportunity created in Section 63N-1a-301.

335 (c) "Qualifying jurisdiction" means:

336 (i) a county, city, or town;

337 (ii) the military installation development authority created in Section 63H-1-201;

338 (iii) the Utah Inland Port Authority created in Section 11-58-201; or

339 (iv) the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201.

341 (2)

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- (a) Any of the following may not divulge or make known in any manner any information gained by that person from any return filed with the commission:
- 343 (i) a tax commissioner;
- 344 (ii) an agent, clerk, or other officer or employee of the commission; or
- 345 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or town.
- 347 (b) An official charged with the custody of a return filed with the commission is not required to produce the return or evidence of anything contained in the return in any action or proceeding in any court, except:
- 350 (i) in accordance with judicial order;
- 351 (ii) on behalf of the commission in any action or proceeding under:
- 352 (A) this title; or
- 353 (B) other law under which persons are required to file returns with the commission;
- 355 (iii) on behalf of the commission in any action or proceeding to which the commission is a party; or
- 357 (iv) on behalf of any party to any action or proceeding under this title if the report or facts shown by the return are directly involved in the action or proceeding.
- 359 (c) Notwithstanding Subsection (2)(b), a court may require the production of, and may admit in evidence, any portion of a return or of the facts shown by the return, as are specifically pertinent to the action or proceeding.
- 362 (d) Notwithstanding any other provision of state law, a person described in Subsection (2)(a) may not divulge or make known in any manner any information gained by that person from any return filed with the commission to the extent that the disclosure is prohibited under federal law.
- 366 (3) This section does not prohibit:
- 367 (a) a person or that person's duly authorized representative from receiving a copy of any return or report filed in connection with that person's own tax;
- 369 (b) the publication of statistics as long as the statistics are classified to prevent the identification of particular reports or returns; and
- 371 (c) the inspection by the attorney general or other legal representative of the state of the report or return of any taxpayer:
- 373 (i) who brings action to set aside or review a tax based on the report or return;
- 374 (ii) against whom an action or proceeding is contemplated or has been instituted under this title; or
- 376 (iii) against whom the state has an unsatisfied money judgment.

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- 377 (4)
- (a) Notwithstanding Subsection (2) and for purposes of administration, the commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for a reciprocal exchange of information with:
- 381 (i) the United States Internal Revenue Service; or
- 382 (ii) the revenue service of any other state.
- 383 (b) Notwithstanding Subsection (2) and for all taxes except individual income tax and corporate franchise tax, the commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and other written statements with the federal government, any other state, any of the political subdivisions of another state, or any political subdivision of this state, except as limited by Sections 59-12-209 and 59-12-210, if the political subdivision, other state, or the federal government grant substantially similar privileges to this state.
- 391 (c) Notwithstanding Subsection (2) and for all taxes except individual income tax and corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for the issuance of information concerning the identity and other information of taxpayers who have failed to file tax returns or to pay any tax due.
- 396 (d) Notwithstanding Subsection (2), the commission shall provide to the director of the Division of Environmental Response and Remediation, as defined in Section 19-6-402, as requested by the director of the Division of Environmental Response and Remediation, any records, returns, or other information filed with the commission under Chapter 13, Motor and Special Fuel Tax Act, or Section 19-6-410.5 regarding the environmental assurance program participation fee.
- 402 (e) Notwithstanding Subsection (2), at the request of any person the commission shall provide that person sales and purchase volume data reported to the commission on a report, return, or other information filed with the commission under:
- 405 (i) Chapter 13, Part 2, Motor Fuel; or
- 406 (ii) Chapter 13, Part 4, Aviation Fuel.
- 407 (f) Notwithstanding Subsection (2), upon request from a tobacco product manufacturer, as defined in Section 59-22-202, the commission shall report to the manufacturer:
- 409 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the manufacturer and reported to the commission for the previous calendar year under Section 59-14-407; and

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- 412 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the manufacturer for which  
a tax refund was granted during the previous calendar year under Section 59-14-401 and reported to  
the commission under Subsection 59-14-401(1)(a)(v).
- 416 (g) Notwithstanding Subsection (2), the commission shall notify manufacturers, distributors,  
wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited from selling  
cigarettes to consumers within the state under Subsection 59-14-210(2).
- 420 (h) Notwithstanding Subsection (2), the commission may:
- 421 (i) provide to the Division of Consumer Protection within the Department of Commerce and the  
attorney general data:
- 423 (A) reported to the commission under Section 59-14-212; or
- 424 (B) related to a violation under Section 59-14-211; and
- 425 (ii) upon request, provide to any person data reported to the commission under Subsections  
59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).
- 427 (i) Notwithstanding Subsection (2), the commission shall, at the request of a committee of the  
Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of Planning  
and Budget, provide to the committee or office the total amount of revenue collected by the  
commission under Chapter 24, Radioactive Waste Facility Tax Act, for the time period specified by  
the committee or office.
- 432 (j) Notwithstanding Subsection (2), the commission shall make the directory required by Section  
59-14-603 available for public inspection.
- 434 (k) Notwithstanding Subsection (2), the commission may share information with federal, state, or local  
agencies as provided in Subsection 59-14-606(3).
- 436 (l)
- (i) Notwithstanding Subsection (2), the commission shall provide the Office of Recovery Services  
within the Department of Health and Human Services any relevant information obtained from a  
return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer who has become  
obligated to the Office of Recovery Services.
- 441 (ii) The information described in Subsection (4)(l)(i) may be provided by the Office of Recovery  
Services to any other state's child support collection agency involved in enforcing that support  
obligation.
- 444 (m)

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- (i) Notwithstanding Subsection (2), upon request from the state court administrator, the commission shall provide to the state court administrator, the name, address, telephone number, county of residence, and social security number on resident returns filed under Chapter 10, Individual Income Tax Act.
- 448 (ii) The state court administrator may use the information described in Subsection (4)(m)(i) only as a source list for the master jury list described in Section 78B-1-106.
- 451 (n)
- (i) As used in this Subsection (4)(n):
- 452 (A) "Income tax information" means information gained by the commission that is required to be attached to or included in a return filed with the commission under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.
- 456 (B) "Other tax information" means information gained by the commission that is required to be attached to or included in a return filed with the commission except for a return filed under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.
- 460 (C) "Tax information" means income tax information or other tax information.
- 461 (ii)
- (A) Notwithstanding Subsection (2) and except as provided in Subsection (4)(n)(ii)(B) or (C), the commission shall at the request of GOEO provide to GOEO all income tax information.
- 464 (B) For purposes of a request for income tax information made under Subsection (4)(n)(ii)(A), GOEO may not request and the commission may not provide to GOEO a person's address, name, social security number, or taxpayer identification number.
- 468 (C) In providing income tax information to GOEO, the commission shall in all instances protect the privacy of a person as required by Subsection (4)(n)(ii)(B).
- 470 (iii)
- (A) Notwithstanding Subsection (2) and except as provided in Subsection (4)(n)(iii)(B), the commission shall at the request of GOEO provide to GOEO other tax information.
- 473 (B) Before providing other tax information to GOEO, the commission shall redact or remove any name, address, social security number, or taxpayer identification number.
- 476 (iv) GOEO may provide tax information received from the commission in accordance with this Subsection (4)(n) only:
- 478 (A) as a fiscal estimate, fiscal note information, or statistical information; and

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- 479 (B) if the tax information is classified to prevent the identification of a particular return.  
481 (v)
- (A) A person may not request tax information from GOEO under Title 63G, Chapter 2, Government Records Access and Management Act, or this section, if GOEO received the tax information from the commission in accordance with this Subsection (4)(n).
- 485 (B) GOEO may not provide to a person that requests tax information in accordance with Subsection (4)(n)(v)(A) any tax information other than the tax information GOEO provides in accordance with Subsection (4)(n)(iv).
- 488 (o) Notwithstanding Subsection (2), the commission may provide to the governing board of the agreement or a taxing official of another state, the District of Columbia, the United States, or a territory of the United States:
- 491 (i) the following relating to an agreement sales and use tax:
- 492 (A) information contained in a return filed with the commission;
- 493 (B) information contained in a report filed with the commission;
- 494 (C) a schedule related to Subsection (4)(o)(i)(A) or (B); or
- 495 (D) a document filed with the commission; or
- 496 (ii) a report of an audit or investigation made with respect to an agreement sales and use tax.
- 498 (p) Notwithstanding Subsection (2), the commission may provide information concerning a taxpayer's state income tax return or state income tax withholding information to the Driver License Division if the Driver License Division:
- 501 (i) requests the information; and
- 502 (ii) provides the commission with a signed release form from the taxpayer allowing the Driver License Division access to the information.
- 504 (q) Notwithstanding Subsection (2), the commission shall provide to the Utah Communications Authority, or a division of the Utah Communications Authority, the information requested by the authority under Sections 63H-7a-302, 63H-7a-402, and 63H-7a-502.
- 508 (r) Notwithstanding Subsection (2), the commission shall provide to the Utah Educational Savings Plan information related to a resident or nonresident individual's contribution to a Utah Educational Savings Plan account as designated on the resident or nonresident's individual income tax return as provided under Section 59-10-1313.

513

## SB0073S01 compared with SB0073S03

- (s) Notwithstanding Subsection (2), for the purpose of verifying eligibility under Sections 26B-3-106 and 26B-3-903, the commission shall provide an eligibility worker with the Department of Health and Human Services or its designee with the adjusted gross income of an individual if:
- 517 (i) an eligibility worker with the Department of Health and Human Services or its designee requests the information from the commission; and
- 519 (ii) the eligibility worker has complied with the identity verification and consent provisions of Sections 26B-3-106 and 26B-3-903.
- 521 (t) Notwithstanding Subsection (2), the commission may provide to a county, as determined by the commission, information declared on an individual income tax return in accordance with Section 59-10-103.1 that relates to eligibility to claim a residential exemption authorized under Section 59-2-103.
- 525 (u) Notwithstanding Subsection (2), the commission shall provide a report regarding any access line provider that is over 90 days delinquent in payment to the commission of amounts the access line provider owes under Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges, to[-] the board of the Utah Communications Authority created in Section 63H-7a-201.
- 530 (v) Notwithstanding Subsection (2), the commission shall provide the Department of Environmental Quality a report on the amount of tax paid by a radioactive waste facility for the previous calendar year under Section 59-24-103.5.
- 533 (w) Notwithstanding Subsection (2), the commission may, upon request, provide to the Department of Workforce Services any information received under Chapter 10, Part 4, Withholding of Tax, that is relevant to the duties of the Department of Workforce Services.
- 537 (x) Notwithstanding Subsection (2), the commission may provide the Public Service Commission or the Division of Public Utilities information related to a seller that collects and remits to the commission a charge described in Subsection 69-2-405(2), including the seller's identity and the number of charges described in Subsection 69-2-405(2) that the seller collects.
- 542 (y)
- (i) Notwithstanding Subsection (2), the commission shall provide to each qualifying jurisdiction the collection data necessary to verify the revenue collected by the commission for a distributed tax, fee, or charge collected within the qualifying jurisdiction.

546

## SB0073S01 compared with SB0073S03

- (ii) In addition to the information provided under Subsection (4)(y)(i), the commission shall provide a qualifying jurisdiction with copies of returns and other information relating to a distributed tax, fee, or charge collected within the qualifying jurisdiction.
- 550 (iii)
- (A) To obtain the information described in Subsection (4)(y)(ii), the chief executive officer or the chief executive officer's designee of the qualifying jurisdiction shall submit a written request to the commission that states the specific information sought and how the qualifying jurisdiction intends to use the information.
- 555 (B) The information described in Subsection (4)(y)(ii) is available only in official matters of the qualifying jurisdiction.
- 557 (iv) Information that a qualifying jurisdiction receives in response to a request under this subsection is:
- 559 (A) classified as a private record under Title 63G, Chapter 2, Government Records Access and Management Act; and
- 561 (B) subject to the confidentiality requirements of this section.
- 562 (z) Notwithstanding Subsection (2), the commission shall provide the Alcoholic Beverage Services Commission, upon request, with taxpayer status information related to state tax obligations necessary to comply with the requirements described in Section 32B-1-203.
- 566 (aa) Notwithstanding Subsection (2), the commission shall inform the Department of Workforce Services, as soon as practicable, whether an individual claimed and is entitled to claim a federal earned income tax credit for the year requested by the Department of Workforce Services if:
- 570 (i) the Department of Workforce Services requests this information; and
- 571 (ii) the commission has received the information release described in Section 35A-9-604.
- 573 (bb)
- (i) As used in this Subsection (4)(bb), "unclaimed property administrator" means the administrator or the administrator's agent, as those terms are defined in Section 67-4a-102.
- 576 (ii)
- (A) Notwithstanding Subsection (2), upon request from the unclaimed property administrator and to the extent allowed under federal law, the commission shall provide the unclaimed property administrator the name, address, telephone number, county of residence, and social security number or federal employer identification number on any return filed under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.

## SB0073S01 compared with SB0073S03

- 582 (B) The unclaimed property administrator may use the information described in Subsection (4)(bb)(ii)  
583 (A) only for the purpose of returning unclaimed property to the property's owner in accordance with  
584 Title 67, Chapter 4a, Revised Uniform Unclaimed Property Act.
- 585 (iii) The unclaimed property administrator is subject to the confidentiality provisions of this section  
586 with respect to any information the unclaimed property administrator receives under this Subsection  
587 (4)(bb).
- 588 (cc) Notwithstanding Subsection (2), the commission may, upon request, disclose a taxpayer's state  
589 individual income tax information to a program manager of the Utah Fits All Scholarship Program  
590 under Section 53F-6-402 if:
- 591 (i) the taxpayer consents in writing to the disclosure;
- 592 (ii) the taxpayer's written consent includes the taxpayer's name, social security number, and any other  
593 information the commission requests that is necessary to verify the identity of the taxpayer; and
- 594 (iii) the program manager provides the taxpayer's written consent to the commission.
- 595 (dd) Notwithstanding Subsection (2), the commission may provide to the Division of Finance within the  
596 Department of Government Operations any information necessary to facilitate a payment from the  
597 commission to a taxpayer, including:
- 598 (i) the name of the taxpayer entitled to the payment or any other person legally authorized to receive the  
599 payment;
- 600 (ii) the taxpayer identification number of the taxpayer entitled to the payment;
- 601 (iii) the payment identification number and amount of the payment;
- 602 (iv) the tax year to which the payment applies and date on which the payment is due;
- 603 (v) a mailing address to which the payment may be directed; and
- 604 (vi) information regarding an account at a depository institution to which the payment may be directed,  
605 including the name of the depository institution, the type of account, the account number, and the  
606 routing number for the account.
- 607 (ee) Notwithstanding Subsection (2), the commission shall provide the total amount of revenue  
608 collected by the commission under Subsection 59-5-202(5):
- 609 (i) at the request of a committee of the Legislature, the Office of the Legislative Fiscal Analyst, or the  
610 Governor's Office of Planning and Budget, to the committee or office for the time period specified  
611 by the committee or office; and
- 612
- 613
- 614

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- (ii) to the Division of Finance for purposes of the Division of Finance administering Subsection 59-5-202(5).
- 616 (ff) Notwithstanding Subsection (2), the commission may provide the Department of Agriculture and Food with information from a return filed in accordance with Chapter 31, Cannabinoid Licensing and Tax Act.
- 619 (gg) Notwithstanding Subsection (2), the commission shall provide the Department of Workforce Services with the information described in Section 35A-3-105.
- 621 (hh) Notwithstanding Subsection (2), the commission may provide aggregated information to the Utah Population Committee, created in Section 63C-20-103, if the Utah Population Committee requests the information in accordance with Section 63C-20-105.
- 625 (ii) Notwithstanding Subsection (2), the commission shall provide the Division of Consumer Protection the name and identifying information of a covered entity, as defined in Section 59-35-102, that collects and remits to the commission a tax described in Section 59-35-103.
- 629 (5)
- (a) Each report and return shall be preserved for at least three years.
- 630 (b) After the three-year period provided in Subsection (5)(a) the commission may destroy a report or return.
- 632 (6)
- (a) Any individual who violates this section is guilty of a class A misdemeanor.
- 633 (b) If the individual described in Subsection (6)(a) is an officer or employee of the state, the individual shall be dismissed from office and be disqualified from holding public office in this state for a period of five years thereafter.
- 636 (c) Notwithstanding Subsection (6)(a) or (b), GOEO, when requesting information in accordance with Subsection (4)(n)(iii), or an individual who requests information in accordance with Subsection (4)(n)(v):
- 639 (i) is not guilty of a class A misdemeanor; and
- 640 (ii) is not subject to:
- 641 (A) dismissal from office in accordance with Subsection (6)(b); or
- 642 (B) disqualification from holding public office in accordance with Subsection (6)(b).
- 644

## SB0073S01 compared with SB0073S03

(d) Notwithstanding Subsection (6)(a) or (b), for a disclosure of information to the Office of the Legislative Auditor General in accordance with Title 36, Chapter 12, Legislative Organization, an individual described in Subsection (2):

- 647 (i) is not guilty of a class A misdemeanor; and  
648 (ii) is not subject to:  
649 (A) dismissal from office in accordance with Subsection (6)(b); or  
650 (B) disqualification from holding public office in accordance with Subsection (6)(b).  
652 (7) Except as provided in Section 59-1-404, this part does not apply to the property tax.

640 Section 8. Section 8 is enacted to read:

643 **59-35-101. Legislative findings.**

35. Covered Entity Excise Tax

1. General Provisions

The Legislature finds that:

- 658 (1) minors in the state face an unprecedented mental health crisis, with rising rates of anxiety, depression, and self-harm;  
660 (2) research demonstrates a correlation between minor access to material harmful to minors and negative mental health outcomes;  
662 (3) existing state efforts to address minor access to material harmful to minors and to provide mental health services for minors have been inadequate due to limited resources;  
664 (4) commercial entities that publish or distribute material harmful to minors have not voluntarily implemented effective age verification measures to prevent minor access;  
666 (5) the state has a substantial and compelling interest in protecting minors from material harmful to minors;  
668 (6) age verification requirements are an effective and minimally restrictive means of preventing minor access to material harmful to minors;  
670 (7) additional funding is necessary to support mental health services for minors and to enforce age verification requirements; and  
672 (8) entities required to implement age verification systems create regulatory costs and societal harms that warrant an excise tax to fund prevention and enforcement efforts.

661 Section 9. Section 9 is enacted to read:

662 **59-35-102. Definitions.**

## SB0073S01 compared with SB0073S03

As used in this chapter:

- 677 (1) "Covered entity" means a commercial entity that is required to perform age verification under  
Section 78B-3-1002.
- 679 (2) "Covered transaction" means amounts paid to or charged by a covered entity for access to digital  
images, digital audio-visual works, digital audio works, digital books, or gaming services, including  
the streaming of or subscription for access to digital images, digital audio-visual works, digital audio  
works, digital books, or gaming services regardless of:
- 684 (a) the delivery method; or
- 685 (b) whether the amount paid or charged for access provides a right to:
- 686 (i) single-use access to the digital images, digital audio-visual works, digital audio works, digital books,  
or gaming services; or
- 688 (ii) access to the digital images, digital audio-visual works, digital audio works, digital books, or  
gaming services through a subscription, including a right that terminates upon the occurrence of a  
condition.
- 691 (3) "Division" means the Division of Consumer Protection created in Section 13-2-1.
- 679 Section 10. Section 10 is enacted to read:
- 680 **59-35-103. Tax levy -- Rate -- Scope.**
- 694 (1) An excise tax is imposed on a covered entity in an amount equal to 2% of the sales price of covered  
transactions.
- 696 (2) A covered entity shall pay the tax imposed under this section to the commission.
- 684 Section 11. Section 11 is enacted to read:
- 685 **59-35-104. Collection and administration of tax.**
- 699 (1) The commission shall administer, collect, and enforce the tax under this chapter in accordance with:
- 701 (a) Chapter 1, General Taxation Policies; and
- 702 (b) the same procedures used to administer, collect, and enforce the tax under Chapter 12, Part 1, Tax  
Collection.
- 704 (2)
- (a) A covered entity that collects the tax imposed on covered transactions shall remit to the commission,  
in an electronic format approved by the commission:
- 706 (i) the tax due in the previous quarter; and
- 707 (ii) the tax return.

## SB0073S01 compared with SB0073S03

- 708 (b) Notwithstanding Subsection (2)(a), if a covered entity is required to file a sales and use tax return, the covered entity shall file the tax return and remit the tax imposed under this chapter in an electronic format the commission approves on the same schedule as the covered entity's sales and use tax filing.
- 712 (3) A covered entity shall maintain records of covered transactions to determine the amount of tax due under this part for a period of three years.
- 714 (4) The commission may make an assessment in accordance with Section 59-1-1405 for a deficiency of a tax, fee, or charge required to be paid under this chapter.
- 716 (5) In addition to the tax required by this part, a person shall pay a penalty as provided in Section 59-1-401, plus interest at the rate and in the manner provided in Section 59-1-402, if a person subject to this section fails to:
- 719 (a) pay the tax imposed by this part;
- 720 (b) pay the tax on time; or
- 721 (c) file a return or statement required by this part.
- 722 (6) An overpayment of a tax imposed by this part shall accrue interest at the rate and in the manner provided in Section 59-1-402.
- 723a ~~(7)~~ { ~~§~~ → { } { ~~(7)~~ } } **The commission shall administer the tax imposed under this chapter based on referrals of covered entities from the division in accordance with Section 78B-3-1004.**
- 713 Section 12. Section 12 is enacted to read:
- 714 **59-35-105. Minor Mental Health Restricted Account -- Creation -- Deposits into account -- Distribution.**
- 727 (1) There is created within the General Fund a restricted account known as the "Minor Mental Health Restricted Account."
- 729 (2) The account consists of:
- 730 (a) revenue collected from the tax imposed by Section 59-35-103;
- 731 (b) appropriations made to the account by the Legislature;
- 732 (c) interest and earnings on account money;
- 733 (d) donations or grants from public or private entities; and
- 734 (e) transfers from the Minor Online Safety Restricted Account as provided in Section 78B-3-1007.
- 736 (3) The Division of Finance shall:
- 737 (a) deposit 90% of the revenue described in Subsection (2)(a) into the account; and

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- 738 (b) deposit 10% of the revenue described in Subsection (2)(a) into the Minor Online Safety Restricted  
Account created in Section 78B-3-1007.
- 740 (4) Upon appropriation by the Legislature, money in the account shall be distributed to the Department  
of Health and Human Services for:
- 742 (a) mental health treatment programs for minors affected by material harmful to minors;
- 743 (b) educational programs for parents, guardians, educators, and minors on the mental health risks  
associated with material harmful to minors;
- 745 (c) early prevention and intervention programs for minors at risk of mental health harm from material  
harmful to minors; and
- 747 (d) research and public awareness campaigns addressing mental health harm to minors caused by  
material harmful to minors.

738 Section 13. Section **78B-3-1001** is amended to read:

739 **78B-3-1001. Definitions.**

As used in this chapter:

- 752 (1) "Commercial entity" includes corporations, limited liability companies, partnerships, limited  
partnerships, sole proprietorships, or other legally recognized entities.
- 753a ~~(2)~~ { ~~§~~ → { } { ~~(2)~~ } } "**Commission**" means the State Tax Commission described in Section 59-1-201.
- 754 { ~~(2)~~ } { ~~(3)~~ } ← ~~§~~ } "Commission" means the State Tax Commission described in Section 59-1-201.
- 744 ~~(2)~~ (3) "Digitized identification card" means a data file available on any mobile device which has  
connectivity to the [~~Internet~~] internet through a state-approved application that allows the mobile  
device to download the data file from a state agency or an authorized agent of a state agency that  
contains all of the data elements visible on the face and back of a license or identification card and  
displays the current status of the license or identification card.
- 760 { ~~§~~ → { } [ ~~(3)~~ ] { ~~(4)~~ } } ← ~~§~~ } ] (4) "Distribute" means to issue, sell, give, provide, deliver, transfer,  
transmute, circulate, or disseminate by any means.
- 762 ~~(5)~~ { ~~§~~ → { } { ~~(4)~~ } { ~~(5)~~ } } ← ~~§~~ } "Division" means the Division of Consumer Protection  
created in Section 13-2-1.
- 763 [ ~~(4)~~ ] ~~(6)~~ { ~~§~~ → { } { ~~(5)~~ } { ~~(6)~~ } } ← ~~§~~ } "Internet" means the international computer network of  
both federal and non-federal interoperable packet switched data networks.
- 765 [ ~~(5)~~ ] ~~(7)~~ { ~~§~~ → { } { ~~(6)~~ } { ~~(7)~~ } } ← ~~§~~ } "Material harmful to minors" [is defined as all of the  
following] means:

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- 766 (a) any material that the average person, applying contemporary community standards, would find,  
taking the material as a whole and with respect to minors, is designed to appeal to, or is designed to  
pander to, the prurient interest;
- 769 (b) material that exploits, is devoted to, or principally consists of descriptions of actual, simulated, or  
animated display or depiction of any of the following, in a manner patently offensive with respect to  
minors:
- 772 (i) pubic hair, anus, vulva, genitals, or nipple of the female breast;
- 773 (ii) touching, caressing, or fondling of nipples, breasts, buttocks, anuses, or genitals; or
- 775 (iii) sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, excretory  
functions, exhibitions, or any other sexual act; and
- 777 (c) the material taken as a whole lacks serious literary, artistic, political, or scientific value for minors.
- 779 [(6)] (8) { ~~§~~ → { } { (7) } { } { (8) } { } ← ~~§~~ } "Minor" means any person under 18 years old.
- 780 [(7)] (9) { ~~§~~ → { } { (8) } { } { (9) } { } ← ~~§~~ } "News-gathering organization" means any of the following:
- 781 (a) an employee of a newspaper, news publication, or news source, printed or on an online or mobile  
platform, of current news and public interest, while operating as an employee as provided in  
this subsection, who can provide documentation of such employment with the newspaper, news  
publication, or news source; or
- 785 (b) an employee of a radio broadcast station, television broadcast station, cable television operator,  
or wire service while operating as an employee as provided in this subsection, who can provide  
documentation of such employment.
- 788 [(8)] (10) { ~~§~~ → { } { (9) } { } { (10) } { } ← ~~§~~ } "Publish" means to communicate or make information  
available to another person or entity on a publicly available [~~Internet~~] internet website.
- 790 [(9)] (11) { ~~§~~ → { } { (10) } { } { (11) } { } ← ~~§~~ } "Reasonable age verification methods" means the  
processes or means used by a commercial entity to [~~verify~~] verify that the person seeking to  
access the material is 18 years old or older [~~by using any of the following methods~~] including by:
- 793 (a) use of a digitized [~~information~~] identification card as defined in this section;
- 794 (b) verification through an independent, third-party age verification service that compares the personal  
information entered by the individual who is seeking access to the material that is available from a  
commercially available database, or aggregate of databases, that is regularly used by government  
agencies and businesses for the purpose of age and identity verification; [~~or~~]

799

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(c) any commercially reasonable method that relies on public or private transactional data to verify the age of the person attempting to access the material[-] ; or

801 (d) any process or means established by the division by rule under Section 78B-3-1005.

802 [(10)] (12) { ~~§~~ → { } { ~~(11)~~ } { } { ~~(12)~~ } { } } ← ~~§~~ } "Substantial portion" means more than 33-1/3% of total material on a website, which meets the definition of "material harmful to minors" as defined in this section.

804 [(11)] (13) { ~~§~~ → { } { ~~(12)~~ } { } { ~~(13)~~ } { } } ← ~~§~~ }

(a) "Transactional data" means a sequence of information that documents an exchange, agreement, or transfer between an individual, commercial entity, or third party used for the purpose of satisfying a request or event.

807 (b) "Transactional data" includes records from mortgage, education, and employment entities.

799 Section 14. Section **78B-3-1002** is amended to read:

800 **78B-3-1002. Age verification requirement -- Retention of data -- Exceptions.**

812 (1)

(a) A commercial entity that knowingly and intentionally publishes or distributes material harmful to minors on the [~~Internet~~] internet from a website that contains a substantial portion of material harmful to minors[~~such material~~] shall [~~be held liable if the entity fails to~~] perform reasonable age verification methods to verify the age of an individual attempting to access the material.

817 (b) There is a rebuttable presumption that a website contains a substantial portion of material harmful to minors if the commercial entity:

819 (i) markets or brands the website as primarily providing material harmful to minors;

820 (ii) uses a website name, domain name, or subdomain that indicates the website primarily provides material harmful to minors; or

822 (iii) advertises or promotes material harmful to minors as a primary feature of the website.

824 (2) A commercial entity or third party that performs the required age verification shall not retain any identifying information of the individual after access has been granted to the material.

827 (3) [~~A commercial entity that is found to have violated this section shall be liable to an individual for damages resulting from a minor's accessing the material, including court costs and reasonable attorney fees as ordered by the court.~~] An individual is considered to be accessing the website from this state if the individual is actually located in the state, regardless of whether the individual is using a virtual private network, proxy server, or other means to disguise or misrepresent the

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individual's geographic location to make it appear that the individual is accessing a website from a location outside this state.

- 835 (4) A commercial entity that operates a website that contains a substantial portion of material harmful  
to minors may not facilitate or encourage the use of a virtual private network, proxy server, or other  
839 means to circumvent age verification requirements, including by providing:  
841 (a) instructions on how to use a virtual private network or proxy server to access the website; or  
(b) means for individuals in this state to circumvent geofencing or blocking.
- 842 [~~(4) A commercial entity that is found to have knowingly retained identifying information of the  
individual after access has been granted to the individual shall be liable to the individual for  
damages resulting from retaining the identifying information, including court costs and reasonable  
attorney fees as ordered by the court.]~~
- 846 (5) This section shall not apply to any bona fide news or public interest broadcast, website video, report,  
or event and shall not be construed to affect the rights of a news-gathering organization.
- 849 (6) No [~~Internet~~] internet service provider, affiliate or subsidiary of an [~~Internet~~] internet service  
provider, search engine, or cloud service provider shall be held to have violated the provisions of  
this section solely for providing access or connection to or from a website or other information or  
content on the [~~Internet~~] internet, or a facility, system, or network not under that provider's control,  
including transmission, downloading, storing, or providing access, to the extent that such provider  
is not responsible for the creation of the content of the communication that constitutes material  
harmful to minors.

846 Section 15. Section **78B-3-1003** is amended to read:

847 **78B-3-1003. Liability for publishers and distributors -- Liability of a parent or guardian for  
repeated offenses by a minor on school grounds.**

- 859 (1) A commercial entity that is found to have violated Section 78B-3-1002 shall be liable to an  
individual for damages resulting from a minor's accessing the material, including court costs and  
reasonable attorney fees as ordered by the court.
- 862 (2) A commercial entity that is found to have knowingly retained identifying information of the  
individual after access has been granted to the individual shall be liable to the individual for  
damages resulting from retaining the identifying information, including court costs and reasonable  
attorney fees as ordered by the court.
- 866 (3)

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- (a) Except as provided in Subsection ~~[(6)]~~ (3)(f), if a person suffers damages from a minor committing the same offense repeatedly on school grounds for an offense in Title 76, Utah Criminal Code, or Title 80, Utah Juvenile Code, the person may bring a cause of action against a parent or guardian with legal custody of the minor to recover costs and damages caused by the repeated offense.
- 871 ~~[(2)]~~ (b) The parent or guardian is not liable for costs or damages under Subsection ~~[(4)]~~ (3)(a) if the parent or guardian made a reasonable effort to supervise and direct the minor.
- 874 ~~[(3)]~~ (c) If a parent or guardian is found liable under this section, the court may waive part or all of the parent's or guardian's liability for costs or damages if the court finds:
- 876 ~~[(a)]~~ (i) good cause; or
- 877 ~~[(b)]~~ (ii) that the parent or guardian reported the minor's wrongful conduct to law enforcement after the parent or guardian knew of the minor's wrongful conduct.
- 879 ~~[(4)]~~ (d) A report is not required under Subsection ~~[(3)(b)(ii)]~~ (3)(c)(ii) from a parent or guardian if the minor was arrested or apprehended by law enforcement.
- 881 ~~[(5)]~~ (e) An adjudication or a conviction of a minor for a repeated offense under Title 76, Utah Criminal Code, or Title 80, Utah Juvenile Code, is not required for a civil action to be brought under this section.
- 884 ~~[(6)]~~ (f) A person may not bring a cause of action against the state, an agency of the state, or a contracted provider of an agency of the state, under this ~~[section]~~ Subsection (3).
- 876 Section 16. Section **16** is enacted to read:
- 877 **78B-3-1004. Enforcement powers of the division.**
- 888 (1) The division shall administer and enforce the provisions of this chapter, in accordance with Title 13, Chapter 2, Division of Consumer Protection.
- 890 (2) The division may coordinate with the Office of the Attorney General and the Internet Crimes Against Children Task Force in conducting investigations under this section.
- 892 (3)
- (a) In addition to the division's enforcement powers under Title 13, Chapter 2, Division of Consumer Protection:
- 894 (i) the division director may impose an administrative fine of up to \$2,500 for each violation of this chapter; and
- 896 (ii) the division may bring an action in court to enforce a provision of this chapter.
- 897 (b) In a court action by the division to enforce a provision of this chapter, the court may:

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- 898 (i) declare that the act or practice violates a provision of this chapter;  
899 (ii) enjoin actions that violate this chapter;  
900 (iii) order disgorgement of any money received in violation of this chapter;  
901 (iv) order payment of disgorged money to an injured purchaser or consumer;  
902 (v) impose a civil penalty of up to \$2,500 for each violation of this chapter;  
903 (vi) award actual damages to an injured purchaser or consumer; and  
904 (vii) award any other relief that the court deems reasonable and necessary.  
905 (c) If a court grants judgment or injunctive relief to the division, the court shall award the division:  
907 (i) reasonable attorney fees;  
908 (ii) court costs; and  
909 (iii) investigative fees.  
910 (4)  
(a) A person who violates an administrative or court order issued for a violation of this chapter is subject to a civil penalty of no more than \$5,000 for each violation.  
912 (b) A civil penalty authorized under this section may be imposed in a civil action.  
913 (5) Money received for the payment of a fine or civil penalty imposed under this section shall be deposited into the Minor Online Safety Restricted Account created in Section 78B-3-1007.  
916 (6) Nothing in this chapter shall displace any other available remedies or rights authorized under the laws of this state or the United States.  
918 (7) The division shall notify the commission in writing of any commercial entity that the division determines is required to perform age verification under Section 78B-3-1002.  
910 Section 17. Section **17** is enacted to read:  
911 **78B-3-1005. Rulemaking authority.**  
In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules:  
924 (1) establishing standards and processes for determining whether a website contains a substantial portion of material harmful to minors, including methodologies for calculating the percentage of material harmful to minors on a website; and  
927 (2) establishing reasonable age verification standards that commercial entities may meet to comply with Section 78B-3-1002, including standards for:  
929 (a) third-party age verification services;

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- 930 (b) protecting user privacy and data security;  
931 (c) verifying the reliability and accuracy of age verification methods; and  
932 (d) retaining, protecting, and securely disposing of any information obtained as a result of age  
verification.

924 Section 18. Section **18** is enacted to read:

925 **78B-3-1006. Safe harbor.**

A commercial entity is deemed in compliance with the age verification requirements of  
Section 78B-3-1002 if the commercial entity uses an age verification method that meets the  
standards established by the division by rule under Section 78B-3-1005.

929 Section 19. Section **19** is enacted to read:

930 **78B-3-1007. Minor Online Safety Restricted Account --Creation -- Deposits into account --**  
**Distribution.**

- 942 (1) There is created within the General Fund a restricted account known as the "Minor Online Safety  
Restricted Account."
- 944 (2) The account consists of:
- 945 (a) deposits from the tax imposed under Title 59, Chapter 35, Covered Entity Excise Tax, as provided in  
Section 59-35-105;
- 947 (b) finances and civil penalties collected under Section 78B-3-1004;
- 948 (c) appropriations made to the account by the Legislature; and
- 949 (d) interest and earnings on account money.
- 950 (3) The Division of Finance shall deposit fines and civil penalties described in Subsection (2)(b) into  
the account.
- 952 (4) Upon appropriation by the Legislature, money in the account shall be distributed to the Division of  
Consumer Protection for:
- 954 (a) enforcement of age verification requirements described in Section 78B-3-1002;
- 955 (b) investigations and audits of commercial entities for compliance with age verification requirements;
- 957 (c) specialized equipment and facilities necessary for enforcement activities; and
- 958 (d) coordination with the Office of the Attorney General and the Internet Crimes Against Children Task  
Force.

960

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(5) The Division of Consumer Protection shall use money distributed under Subsection (4) with the approval of the executive director of the Department of Commerce in a manner consistent with the duties of the division under this part.

963 (6) If the balance in the account exceeds \$4,000,000 at the close of any fiscal year, the excess shall be transferred to the Minor Mental Health Restricted Account created in Section 59-35-105.

956 Section 20. Section **20** is enacted to read:

957 **78B-3-1008. Severability.**

968 (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.

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

963 Section 21. **FY 2027 Appropriations.**

964 The following sums of money are appropriated for the fiscal year beginning July 1,  
965 2026, and ending June 30, 2027. These are additions to amounts previously appropriated for  
966 fiscal year 2027.

967 Subsection 21(a). **Operating and Capital Budgets**

968 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the  
969 Legislature appropriates the following sums of money from the funds or accounts indicated for  
970 the use and support of the government of the state of Utah.

971 ITEM 1 To Department of Commerce - Commerce General Regulation

972 From Minor Online Safety Restricted Account, One-time 4,000,000

973 Schedule of Programs:

974 Consumer Protection 4,000,000

975 Subsection 21(b). **Restricted Fund and Account Transfers**

976 The Legislature authorizes the State Division of Finance to transfer the following  
977 amounts between the following funds or accounts as indicated. Expenditures and outlays from  
978 the funds to which the money is transferred must be authorized by an appropriation.

979 ITEM 2 To Minor Online Safety Restricted Account

980 From Consumer Protection Education , One-time 4,000,000

981 Schedule of Programs:

982 Minor Online Safety Restricted Account 4,000,000

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983 Section 22. **Effective date.**

Effective Date.

994 (1) Except as provided in Subsections (2) and (3), this bill takes effect May 6, 2026.

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

996 (3) The actions affecting the following sections take effect on October 1, 2026:

997 (a) Section 59-1-403(Effective 10/01/26)(Partially Repealed 07/01/29);

998 (b) Section 59-35-101(Effective 10/01/26);

999 (c) Section 59-35-102(Effective 10/01/26);

1000 (d) Section 59-35-103(Effective 10/01/26);

1001 (e) Section 59-35-104(Effective 10/01/26); and

1002 (f) Section 59-35-105(Effective 10/01/26).

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