

Doug Fiefia proposes the following substitute bill:

Artificial Intelligence Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Doug Fiefia

Senate Sponsor: Kirk A. Cullimore

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- defines terms;
- requires operators of companion chatbots to comply with the Utah Consumer Privacy Act;
- establishes disclosure and data protection requirements for operators;
- establishes additional safety requirements for operators serving minor users;
- authorizes rulemaking for age assurance and safe harbor standards;
- requires annual reporting by operators to the Office of Artificial Intelligence Policy;
- grants enforcement authority to the Division of Consumer Protection;
- provides for administrative fines and civil penalties;
- establishes safe harbor provisions for operators; and
- provides a severability clause.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

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

29 **13-61-102 (Effective 08/01/26)**, as last amended by Laws of Utah 2024, Chapter 381

30 ENACTS:

31 **13-72b-101 (Effective 08/01/26)**, Utah Code Annotated 1953

32 **13-72b-201 (Effective 08/01/26)**, Utah Code Annotated 1953

33 **13-72b-202 (Effective 08/01/26)**, Utah Code Annotated 1953

34 **13-72b-301 (Effective 08/01/26)**, Utah Code Annotated 1953

35 **13-72b-302 (Effective 08/01/26)**, Utah Code Annotated 1953

36 **13-72b-303 (Effective 08/01/26)**, Utah Code Annotated 1953

37 **13-72b-401 (Effective 08/01/26)**, Utah Code Annotated 1953

38 **13-72b-402 (Effective 08/01/26)**, Utah Code Annotated 1953

39 **13-72b-501 (Effective 08/01/26)**, Utah Code Annotated 1953

40

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

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

43 **13-2-1 [~~(Effective 07/01/26)~~] (Effective 08/01/26). Consumer protection division**
 44 **established -- Functions.**

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

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

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

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

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

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

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

53 (f) Chapter 22, Charitable Solicitations Act;

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

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

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

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

58 (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter

59 Transaction Information Act;

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

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

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

- 63 (o) Chapter 49, Immigration Consultants Registration Act;
- 64 (p) Chapter 51, Transportation Network Company Registration Act;
- 65 (q) Chapter 52, Residential Solar Energy Consumer Protection Act;
- 66 (r) Chapter 53, Residential Vocational or Life Skills Program Act;
- 67 (s) Chapter 54, Ticket Website Sales Act;
- 68 (t) Chapter 56, Ticket Transferability Act;
- 69 (u) Chapter 57, Maintenance Funding Practices Act;
- 70 (v) Chapter 61, Utah Consumer Privacy Act;
- 71 (w) Chapter 64, Vehicle Value Protection Agreement Act;
- 72 (x) Chapter 65, Utah Commercial Email Act;
- 73 (y) Chapter 67, Online Dating Safety Act;
- 74 (z) Chapter 68, Lawyer Referral Consultants Registration Act;
- 75 (aa) Chapter 70, Automatic Renewal Contracts Act;
- 76 (bb) Chapter 71, Utah Minor Protection in Social Media Act;
- 77 (cc) Chapter 72a, Artificial Intelligence Applications Relating to Mental Health;
- 78 (dd) Chapter 72b, Companion Chatbot Safety Act;
- 79 [~~(dd)~~] (ee) Chapter 78, Earned Wage Access Services Act; and
- 80 [~~(ee)~~] (ff) Chapter 81, Utah Digital Choice Act.
- 81 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 82 division may make rules to establish:
- 83 (a) a public list that identifies a person that:
- 84 (i) violates a chapter described in Subsection (2);
- 85 (ii) without proper legal justification, fails to comply with an order, subpoena,
- 86 judgment, or other legal process issued by:
- 87 (A) the division; or
- 88 (B) a court of competent jurisdiction; or
- 89 (iii) breaches a settlement agreement, stipulation, assurance of voluntary compliance,
- 90 or similar instrument signed by the person and the division; and
- 91 (b) a process by which a person may be removed from the list the division establishes as
- 92 described in Subsection (3)(a).

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

94 **13-61-101 (Effective 08/01/26). Definitions.**

95 As used in this chapter:

- 96 (1) "Account" means the Consumer Privacy Restricted Account established in Section

97 13-61-403.

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

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

100 (b) shares common branding with another entity.

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

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

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

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

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

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

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

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

115 (i) a physical or digital photograph;

116 (ii) a video or audio recording;

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

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

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

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

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

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

125 [(9)] (10) "Consent" means an affirmative act by a consumer that unambiguously indicates
126 the consumer's voluntary and informed agreement to allow a person to process personal
127 data related to the consumer.

128 [(10)] (11)(a) "Consumer" means an individual who is a resident of the state acting in an
129 individual or household context.

130 (b) "Consumer" does not include an individual acting in an employment or commercial

131 context.

132 [(11)] (12) "Control" or "controlled" as used in Subsection (2) means:

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

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

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

138 [(12)] (13) "Controller" means a person doing business in the state who determines the
139 purposes for which and the means by which personal data are processed, regardless of
140 whether the person makes the determination alone or with others.

141 [(13)] (14) "Covered entity" means the same as that term is defined in 45 C.F.R. Sec.
142 160.103.

143 [(14)] (15)(a) "Deidentified data" means data that:

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

146 (ii) are possessed by a controller who:

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

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

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

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

155 [(15)] (16) "Director" means the director of the Division of Consumer Protection.

156 [(16)] (17) "Division" means the Division of Consumer Protection created in Section 13-2-1.

157 [(17)] (18) "Governmental entity" means the same as that term is defined in Section
158 63G-2-103.

159 [(18)] (19) "Health care facility" means the same as that term is defined in Section
160 26B-2-201.

161 [(19)] (20) "Health care provider" means the same as that term is defined in Section
162 78B-3-403.

163 [(20)] (21) "Identifiable individual" means an individual who can be readily identified,
164 directly or indirectly.

- 165 ~~[(21)]~~ (22) "Institution of higher education" means a public or private institution of higher
166 education.
- 167 ~~[(22)]~~ (23) "Local political subdivision" means the same as that term is defined in Section
168 11-14-102.
- 169 ~~[(23)]~~ (24) "Nonprofit corporation" means:
- 170 (a) the same as that term is defined in Section 16-6a-102; or
- 171 (b) a foreign nonprofit corporation as defined in Section 16-6a-102.
- 172 ~~[(24)]~~ (25)(a) "Personal data" means information that is linked or reasonably linkable to
173 an identified individual or an identifiable individual.
- 174 (b) "Personal data" does not include deidentified data, aggregated data, or publicly
175 available information.
- 176 ~~[(25)]~~ (26) "Process" means an operation or set of operations performed on personal data,
177 including collection, use, storage, disclosure, analysis, deletion, or modification of
178 personal data.
- 179 ~~[(26)]~~ (27) "Processor" means a person who processes personal data on behalf of a
180 controller.
- 181 ~~[(27)]~~ (28) "Protected health information" means the same as that term is defined in 45
182 C.F.R. Sec. 160.103.
- 183 ~~[(28)]~~ (29) "Pseudonymous data" means personal data that cannot be attributed to a specific
184 individual without the use of additional information, if the additional information is:
- 185 (a) kept separate from the consumer's personal data; and
- 186 (b) subject to appropriate technical and organizational measures to ensure that the
187 personal data are not attributable to an identified individual or an identifiable
188 individual.
- 189 ~~[(29)]~~ (30) "Publicly available information" means information that a person:
- 190 (a) lawfully obtains from a record of a governmental entity;
- 191 (b) reasonably believes a consumer or widely distributed media has lawfully made
192 available to the general public; or
- 193 (c) if the consumer has not restricted the information to a specific audience, obtains from
194 a person to whom the consumer disclosed the information.
- 195 ~~[(30)]~~ (31) "Right" means a consumer right described in Section 13-61-201.
- 196 ~~[(31)]~~ (32)(a) "Sale," "sell," or "sold" means the exchange of personal data for monetary
197 consideration by a controller to a third party.
- 198 (b) "Sale," "sell," or "sold" does not include:

- 199 (i) a controller's disclosure of personal data to a processor who processes the personal
200 data on behalf of the controller;
- 201 (ii) a controller's disclosure of personal data to an affiliate of the controller;
- 202 (iii) considering the context in which the consumer provided the personal data to the
203 controller, a controller's disclosure of personal data to a third party if the purpose
204 is consistent with a consumer's reasonable expectations;
- 205 (iv) the disclosure or transfer of personal data when a consumer directs a controller to:
206 (A) disclose the personal data; or
207 (B) interact with one or more third parties;
- 208 (v) a consumer's disclosure of personal data to a third party for the purpose of
209 providing a product or service requested by the consumer or a parent or legal
210 guardian of a child;
- 211 (vi) the disclosure of information that the consumer:
212 (A) intentionally makes available to the general public via a channel of mass
213 media; and
214 (B) does not restrict to a specific audience; or
- 215 (vii) a controller's transfer of personal data to a third party as an asset that is part of a
216 proposed or actual merger, an acquisition, or a bankruptcy in which the third party
217 assumes control of all or part of the controller's assets.
- 218 [~~(32)~~] (33)(a) "Sensitive data" means:
- 219 (i) personal data that reveals:
220 (A) an individual's racial or ethnic origin;
221 (B) an individual's religious beliefs;
222 (C) an individual's sexual orientation;
223 (D) an individual's citizenship or immigration status; or
224 (E) information regarding an individual's medical history, mental or physical
225 health condition, or medical treatment or diagnosis by a health care
226 professional;
- 227 (ii) the processing of genetic personal data or biometric data, if the processing is for
228 the purpose of identifying a specific individual; or
- 229 (iii) specific geolocation data.
- 230 (b) "Sensitive data" does not include personal data that reveals an individual's:
231 (i) racial or ethnic origin, if the personal data are processed by a video
232 communication service; or

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

238 ~~[(33)]~~ (34)(a) "Specific geolocation data" means information derived from technology,
239 including global position system level latitude and longitude coordinates, that directly
240 identifies an individual's specific location, accurate within a radius of 1,750 feet or
241 less.

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

243 (i) the content of a communication; or

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

246 ~~[(34)]~~ (35) "Synthetic data" means data that has been generated by computer algorithms or
247 statistical models and does not contain personal data.

248 ~~[(35)]~~ (36)(a) "Targeted advertising" means displaying an advertisement to a consumer
249 where the advertisement is selected based on personal data obtained from the
250 consumer's activities over time and across nonaffiliated websites or online
251 applications to predict the consumer's preferences or interests.

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

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

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

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

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

260 (A) performance;

261 (B) reach; or

262 (C) frequency.

263 ~~[(36)]~~ (37) "Third party" means a person other than:

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

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

266 ~~[(37)]~~ (38) "Trade secret" means information, including a formula, pattern, compilation,

267 program, device, method, technique, or process, that:

- 268 (a) derives independent economic value, actual or potential, from not being generally
269 known to, and not being readily ascertainable by proper means by, other persons who
270 can obtain economic value from the information's disclosure or use; and
271 (b) is the subject of efforts that are reasonable under the circumstances to maintain the
272 information's secrecy.

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

274 **13-61-102 (Effective 08/01/26). Applicability.**

275 (1) This chapter applies to:

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

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

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

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

281 [(e)] (iii) satisfies one or more of the following thresholds:

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

284 [(†)] (B) derives over 50% of the entity's gross revenue from the sale of personal
285 data and controls or processes personal data of 25,000 or more consumers~~[-]~~ ; or

286 (b) a companion chatbot operator.

287 (2) This chapter does not apply to:

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

290 (b) a tribe;

291 (c) an institution of higher education;

292 (d) a nonprofit corporation;

293 (e) a covered entity;

294 (f) a business associate;

295 (g) information that meets the definition of:

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

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

300 (iii) identifiable private information for purposes of the Federal Policy for the

- 301 Protection of Human Subjects, 45 C.F.R. Part 46;
- 302 (iv) identifiable private information or personal data collected as part of human
303 subjects research [~~pursuant to~~] in accordance with or under the same standards as:
- 304 (A) the good clinical practice guidelines issued by the International Council for
305 Harmonisation; or
- 306 (B) the Protection of Human Subjects under 21 C.F.R. Part 50 and Institutional
307 Review Boards under 21 C.F.R. Part 56;
- 308 (v) personal data used or shared in research conducted in accordance with one or
309 more of the requirements described in Subsection (2)(g)(iv);
- 310 (vi) information and documents created specifically for, and collected and maintained
311 by, a committee but not a board or council listed in Section 26B-1-204;
- 312 (vii) information and documents created for purposes of the federal Health Care
313 Quality Improvement Act of 1986, 42 U.S.C. Sec. 11101 et seq., and related
314 regulations;
- 315 (viii) patient safety work product for purposes of 42 C.F.R. Part 3; or
- 316 (ix) information that is:
- 317 (A) deidentified in accordance with the requirements for deidentification set forth
318 in 45 C.F.R. Part 164; and
- 319 (B) derived from any of the health care-related information listed in this
320 Subsection (2)(g);
- 321 (h) information originating from, and intermingled to be indistinguishable with,
322 information under Subsection (2)(g) that is maintained by:
- 323 (i) a health care facility or health care provider; or
- 324 (ii) a program or a qualified service organization as defined in 42 C.F.R. Sec. 2.11;
- 325 (i) information used only for public health activities and purposes as described in 45
326 C.F.R. Sec. 164.512;
- 327 (j)(i) an activity by:
- 328 (A) a consumer reporting agency, as defined in 15 U.S.C. Sec. 1681a;
- 329 (B) a furnisher of information, as set forth in 15 U.S.C. Sec. 1681s-2, who
330 provides information for use in a consumer report, as defined in 15 U.S.C. Sec.
331 1681a; or
- 332 (C) a user of a consumer report, as set forth in 15 U.S.C. Sec. 1681b;
- 333 (ii) subject to regulation under the federal Fair Credit Reporting Act, 15 U.S.C. Sec.
334 1681 et seq.; and

- 335 (iii) involving the collection, maintenance, disclosure, sale, communication, or use of
336 any personal data bearing on a consumer's:
- 337 (A) credit worthiness;
 - 338 (B) credit standing;
 - 339 (C) credit capacity;
 - 340 (D) character;
 - 341 (E) general reputation;
 - 342 (F) personal characteristics; or
 - 343 (G) mode of living;
- 344 (k) a financial institution or an affiliate of a financial institution governed by, or personal
345 data collected, processed, sold, or disclosed in accordance with, Title V of the
346 Gramm-Leach-Bliley Act, 15 U.S.C. Sec. 6801 et seq., and related regulations;
- 347 (l) personal data collected, processed, sold, or disclosed in accordance with the federal
348 Driver's Privacy Protection Act of 1994, 18 U.S.C. Sec. 2721 et seq.;
- 349 (m) personal data regulated by the federal Family Education Rights and Privacy Act, 20
350 U.S.C. Sec. 1232g, and related regulations;
- 351 (n) personal data collected, processed, sold, or disclosed in accordance with the federal
352 Farm Credit Act of 1971, 12 U.S.C. Sec. 2001 et seq.;
- 353 (o) data that are processed or maintained:
- 354 (i) in the course of an individual applying to, being employed by, or acting as an
355 agent or independent contractor of a controller, processor, or third party, to the
356 extent the collection and use of the data are related to the individual's role;
 - 357 (ii) as the emergency contact information of an individual described in Subsection
358 (2)(o)(i) and used for emergency contact purposes; or
 - 359 (iii) to administer benefits for another individual relating to an individual described in
360 Subsection (2)(o)(i) and used for the purpose of administering the benefits;
- 361 (p) an individual's processing of personal data for purely personal or household
362 purposes; or
- 363 (q) an air carrier.
- 364 (3) A controller is in compliance with any obligation to obtain parental consent under this
365 chapter if the controller complies with the verifiable parental consent mechanisms under
366 the Children's Online Privacy Protection Act, 15 U.S.C. Sec. 6501 et seq., and the act's
367 implementing regulations and exemptions.
- 368 (4) This chapter does not require a person to take any action in conflict with the federal

369 Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. Sec. 1320d et
370 seq., or related regulations.

371 Section 4. Section **13-72b-101** is enacted to read:

372 **CHAPTER 72b. Companion Chatbot Safety Act**

373 **Part 1. General Provisions**

374 **13-72b-101 (Effective 08/01/26). Definitions.**

375 (1)(a) "Affirmative consent" means a clear act signifying a user's freely given, specific,
376 informed, and unambiguous authorization for an act or practice in response to a
377 specific request from an operator, provided:

378 (i) the request is provided to the user in a clear and conspicuous standalone disclosure;

379 (ii) the request includes a description, written in easy-to-understand language, of the
380 act or practice for which the user's consent is sought;

381 (iii) the request is made in a manner reasonably accessible to and usable by a user
382 with a disability;

383 (iv) the option to refuse to give consent is at least as prominent as the option to give
384 consent, and the option to refuse to give consent takes the same number of steps or
385 fewer as the option to give consent; and

386 (v) affirmative consent to an act or practice is not inferred from the inaction of the
387 user or the user's continued use of a chatbot provided by the chatbot provider.

388 (b) "Affirmative consent" does not include:

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

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

391 (iii) an agreement obtained through the use of a false, fraudulent, or materially
392 misleading statement or representation; or

393 (iv) an agreement obtained through the use of a dark pattern.

394 (2) "Artificial intelligence" means the same as that term is defined in Section 13-72-101.

395 (3) "Companion chatbot" means an artificial intelligence system that uses a natural
396 language interface that:

397 (a) uses personal data retained, stored, or retrieved from a prior interaction and generates
398 an output that:

399 (i) simulates a relationship with the user; or

400 (ii) indicates the companion chatbot has emotions, feelings, memories, or personal
401 opinions; and

- 402 (b) generates an output containing an affective or social inquiry that:
 403 (i) is not logically required to resolve a user prompt or task-based command; or
 404 (ii) prioritizes extension of the interaction over task resolution.
- 405 (4) "Core functioning" means features and services for which the collection or processing
 406 of the user's personal data is reasonably necessary to provide the companion chatbot
 407 service to the user.
- 408 (5) "Dark pattern" means a user interface designed or manipulated with the substantial
 409 effect of subverting or impairing user autonomy, decision-making, or choice, and
 410 includes any practice the Federal Trade Commission refers to as a "dark pattern."
- 411 (6) "Division" means the Division of Consumer Protection created in Section 13-2-1.
- 412 (7) "Interaction" means a user input and a subsequent response by a companion chatbot.
- 413 (8) "Material harmful to minors" means the same as that term is defined in Section
 414 76-5c-101.
- 415 (9) "Minor" means an individual under 18 years old that:
 416 (a) has not been emancipated as that term is defined in Section 80-7-102; or
 417 (b) has not been married.
- 418 (10) "Office" means the Office of Artificial Intelligence Policy created in Section 13-72-201.
- 419 (11) "Operator" means a person who makes a companion chatbot available to a user in the
 420 state.
- 421 (12) "Personal data" means the same as that term is defined in Section 13-61-101.
- 422 (13) "Sensitive data" means the same as that term is defined in Section 13-61-101.
- 423 (14) "Targeted advertising" means the same as that term is defined in Section 13-61-101.
- 424 (15) "User" means an individual who:
 425 (a) interacts with a companion chatbot; and
 426 (b) is a Utah resident.

427 Section 5. Section **13-72b-201** is enacted to read:

428 **Part 2. Safety Requirements**

429 **13-72b-201 (Effective 08/01/26). Safety requirements for users.**

- 430 (1) An operator shall comply with the requirements of Chapter 61, Utah Consumer Privacy
 431 Act, including:
- 432 (a) allowing a user to obtain a copy of the user's interactions with a companion chatbot
 433 that are retained by the operator in a format that is portable and readily usable in
 434 accordance with Section 13-61-201; and
- 435 (b) obtaining a user's affirmative consent before processing the user's sensitive data in

- 436 accordance with Section 13-61-302.
- 437 (2) An operator shall prevent the companion chatbot from engaging with a user unless:
- 438 (a) the operator prevents the companion chatbot from generating responses that
- 439 encourage suicidal ideation, suicide, self-harm, or harm to others; and
- 440 (b) if the user expresses suicidal ideation, self-harm, or harm to others, the companion
- 441 chatbot provides to the user resources including a referral to:
- 442 (i) crisis service providers;
- 443 (ii) a suicide hotline; or
- 444 (iii) a crisis text line.
- 445 (3) An operator may not advertise a specific product or service to the user, unless the
- 446 operator clearly and conspicuously, in the companion chatbot's interaction with the user:
- 447 (a) identifies the advertisement as an advertisement; and
- 448 (b) discloses to the user any sponsorship, business affiliation, or agreement that the
- 449 operator has with a person to promote, advertise, or recommend the advertised
- 450 product or service.

451 Section 6. Section **13-72b-202** is enacted to read:

452 **13-72b-202 (Effective 08/01/26). Additional safety requirements for minor users.**

- 453 (1) An operator shall, for a user who is a minor:
- 454 (a) provide a clear and conspicuous notice to the user at least every hour during a
- 455 continuing chatbot interaction that:
- 456 (i) reminds the user to take a break from interacting with the companion chatbot; and
- 457 (ii) states that the user is interacting with an artificial intelligence system, not a
- 458 human; and
- 459 (b) opt out, by default, the user from targeted advertising.
- 460 (2) An operator may not, for a user who is a minor:
- 461 (a) produce or provide material harmful to minors;
- 462 (b) direct a user to material harmful to minors;
- 463 (c) encourage the user to:
- 464 (i) use illegal substances;
- 465 (ii) consume alcohol;
- 466 (iii) use a tobacco or nicotine product;
- 467 (iv) engage in sexual conduct;
- 468 (v) engage in self-harm; or
- 469 (vi) engage in illegal conduct;

- 470 (d) direct targeted advertising to the user unless a parent or legal guardian of the user has
471 provided affirmative consent;
- 472 (e) collect data from the user that is not required for core functioning of the companion
473 chatbot;
- 474 (f) sell a user's personal data; or
- 475 (g) otherwise convey a user's personal data unless a parent or legal guardian of the user
476 has provided affirmative consent, except as required for core functioning of the
477 companion chatbot.

478 (3) The requirements of this section are in addition to the requirements of Section
479 13-72b-201.

480 Section 7. Section **13-72b-301** is enacted to read:

481 **Part 3. Rulemaking and Reporting**

482 **13-72b-301 (Effective 08/01/26). Division rulemaking.**

483 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
484 division may make rules establishing reasonable age assurance standards that an operator may
485 meet to qualify for the safe harbor described in Section 13-72b-402, including standards for:

- 486 (1) third-party age assurance services;
- 487 (2) protecting user privacy and data security;
- 488 (3) verifying the reliability and accuracy of age assurance methods; and
- 489 (4) retaining, protecting, and securely disposing of any information obtained as a result of
490 age assurance.

491 Section 8. Section **13-72b-302** is enacted to read:

492 **13-72b-302 (Effective 08/01/26). Office rulemaking.**

493 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
494 office may make rules:

- 495 (1) establishing the form of the report required in Section 13-72b-303; and
- 496 (2) establishing standards an operator may meet to qualify for the safe harbor described in
497 Section 13-72b-402, including:
- 498 (a) design features that prevent a companion chatbot from engaging in or reciprocating
499 user attempts to establish a relationship;
- 500 (b) measures or methods to limit a user's emotional and social attachment to a
501 companion chatbot;
- 502 (c) measures and processes to reduce mental and physical risk to a user; and
- 503 (d) disclosure, transparency, and reporting requirements relevant to Subsections (2)(a)

504 -(c).

505 Section 9. Section **13-72b-303** is enacted to read:

506 **13-72b-303 (Effective 08/01/26). Reporting requirements.**

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

508 (a) the number of times the operator has issued a crisis service provider referral
509 notification in accordance with Section 13-72b-202 in the preceding calendar year;

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

512 (c) methods the operator has implemented to prevent a companion chatbot response
513 about suicidal ideation or actions with the user.

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

515 Section 10. Section **13-72b-401** is enacted to read:

516 **Part 4. Enforcement and Safe Harbor**

517 **13-72b-401 (Effective 08/01/26). Enforcement.**

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

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

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

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

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

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

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

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

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

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

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

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

535 (5) If a court awards judgment or injunctive relief to the division, the court shall award the
536 division:

537 (a) reasonable attorney fees;

