

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 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 a safe harbor provision for operators;
- requires the Office of Artificial Intelligence Policy to study and report on companion chatbot safety standards; 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,

29 Chapter 468
 30 **13-61-101 (Effective 08/01/26)**, as last amended by Laws of Utah 2024, Chapter 186
 31 **13-61-102 (Effective 08/01/26)**, as last amended by Laws of Utah 2024, Chapter 381
 32 ENACTS:
 33 **13-72b-101 (Effective 08/01/26)**, Utah Code Annotated 1953
 34 **13-72b-201 (Effective 08/01/26)**, Utah Code Annotated 1953
 35 **13-72b-202 (Effective 08/01/26)**, Utah Code Annotated 1953
 36 **13-72b-301 (Effective 08/01/26)**, Utah Code Annotated 1953
 37 **13-72b-302 (Effective 08/01/26)**, Utah Code Annotated 1953
 38 **13-72b-303 (Effective 08/01/26)**, Utah Code Annotated 1953
 39 **13-72b-401 (Effective 08/01/26)**, Utah Code Annotated 1953
 40 **13-72b-402 (Effective 08/01/26)**, Utah Code Annotated 1953
 41 **13-72b-501 (Effective 08/01/26)**, Utah Code Annotated 1953

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

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

45 **13-2-1 [~~(Effective 07/01/26)~~] (Effective 08/01/26). Consumer protection division**
 46 **established -- Functions.**

- 47 (1) There is established within the Department of Commerce the Division of Consumer
 48 Protection.
- 49 (2) The division shall administer and enforce the following:
- 50 (a) Chapter 10a, Music Licensing Practices Act;
 - 51 (b) Chapter 11, Utah Consumer Sales Practices Act;
 - 52 (c) Chapter 15, Business Opportunity Disclosure Act;
 - 53 (d) Chapter 20, New Motor Vehicle Warranties Act;
 - 54 (e) Chapter 21, Credit Services Organizations Act;
 - 55 (f) Chapter 22, Charitable Solicitations Act;
 - 56 (g) Chapter 23, Health Spa Services Protection Act;
 - 57 (h) Chapter 25a, Telephone and Facsimile Solicitation Act;
 - 58 (i) Chapter 26, Telephone Fraud Prevention Act;
 - 59 (j) Chapter 28, Prize Notices Regulation Act;
 - 60 (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter
 61 Transaction Information Act;
 - 62 (l) Chapter 34, Utah Postsecondary School and State Authorization Act;

- 63 (m) Chapter 41, Price Controls During Emergencies Act;
- 64 (n) Chapter 42, Uniform Debt-Management Services Act;
- 65 (o) Chapter 49, Immigration Consultants Registration Act;
- 66 (p) Chapter 51, Transportation Network Company Registration Act;
- 67 (q) Chapter 52, Residential Solar Energy Consumer Protection Act;
- 68 (r) Chapter 53, Residential, Vocational [or] and Life Skills Program Act;
- 69 (s) Chapter 54, Ticket Website Sales Act;
- 70 (t) Chapter 56, Ticket Transferability Act;
- 71 (u) Chapter 57, Maintenance Funding Practices Act;
- 72 (v) Chapter 61, Utah Consumer Privacy Act;
- 73 (w) Chapter 64, Vehicle Value Protection Agreement Act;
- 74 (x) Chapter 65, Utah Commercial Email Act;
- 75 (y) Chapter 67, Online Dating Safety Act;
- 76 (z) Chapter 68, Lawyer Referral Consultants Registration Act;
- 77 (aa) Chapter 70, Automatic Renewal Contracts Act;
- 78 (bb) Chapter 71, Utah Minor Protection in Social Media Act;
- 79 (cc) Chapter 72a, Artificial Intelligence Applications Relating to Mental Health;
- 80 (dd) Chapter 72b, Companion Chatbot Safety Act;
- 81 [~~dd~~] (ee) Chapter 78, Earned Wage Access Services Act; and
- 82 [~~ee~~] (ff) Chapter 81, Utah Digital Choice Act.
- 83 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 84 division may make rules to establish:
- 85 (a) a public list that identifies a person that:
- 86 (i) violates a chapter described in Subsection (2);
- 87 (ii) without proper legal justification, fails to comply with an order, subpoena,
- 88 judgment, or other legal process issued by:
- 89 (A) the division; or
- 90 (B) a court of competent jurisdiction; or
- 91 (iii) breaches a settlement agreement, stipulation, assurance of voluntary compliance,
- 92 or similar instrument signed by the person and the division; and
- 93 (b) a process by which a person may be removed from the list the division establishes as
- 94 described in Subsection (3)(a).

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

96 **13-61-101 (Effective 08/01/26). Definitions.**

97 As used in this chapter:

- 98 (1) "Account" means the Consumer Privacy Restricted Account established in Section
99 13-61-403.
- 100 (2) "Affiliate" means an entity that:
101 (a) controls, is controlled by, or is under common control with another entity; or
102 (b) shares common branding with another entity.
- 103 (3) "Aggregated data" means information that relates to a group or category of consumers:
104 (a) from which individual consumer identities have been removed; and
105 (b) that is not linked or reasonably linkable to any consumer.
- 106 (4) "Air carrier" means the same as that term is defined in 49 U.S.C. Sec. 40102.
- 107 (5) "Authenticate" means to use reasonable means to determine that a consumer's request to
108 exercise the rights described in Section 13-61-201 is made by the consumer who is
109 entitled to exercise those rights.
- 110 (6)(a) "Biometric data" means data generated by automatic measurements of an
111 individual's unique biological characteristics.
- 112 (b) "Biometric data" includes data described in Subsection (6)(a) that are generated by
113 automatic measurements of an individual's fingerprint, voiceprint, eye retinas, irises,
114 or any other unique biological pattern or characteristic that is used to identify a
115 specific individual.
- 116 (c) "Biometric data" does not include:
117 (i) a physical or digital photograph;
118 (ii) a video or audio recording;
119 (iii) data generated from an item described in Subsection (6)(c)(i) or (ii);
120 (iv) information captured from a patient in a health care setting; or
121 (v) information collected, used, or stored for treatment, payment, or health care
122 operations as those terms are defined in 45 C.F.R. Parts 160, 162, and 164.
- 123 (7) "Business associate" means the same as that term is defined in 45 C.F.R. Sec. 160.103.
- 124 (8) "Child" means an individual younger than 13 years old.
- 125 (9) "Companion chatbot operator" means the same as the term "operator" is defined in
126 Section 13-72b-101.
- 127 ~~(9)~~ (10) "Consent" means an affirmative act by a consumer that unambiguously indicates
128 the consumer's voluntary and informed agreement to allow a person to process personal
129 data related to the consumer.
- 130 ~~(10)~~ (11)(a) "Consumer" means an individual who is a resident of the state acting in an

- 131 individual or household context.
- 132 (b) "Consumer" does not include an individual acting in an employment or commercial
133 context.
- 134 ~~[(11)]~~ (12) "Control" or "controlled" as used in Subsection (2) means:
- 135 (a) ownership of, or the power to vote, more than 50% of the outstanding shares of any
136 class of voting securities of an entity;
- 137 (b) control in any manner over the election of a majority of the directors or of the
138 individuals exercising similar functions; or
- 139 (c) the power to exercise controlling influence of the management of an entity.
- 140 ~~[(12)]~~ (13) "Controller" means a person doing business in the state who determines the
141 purposes for which and the means by which personal data are processed, regardless of
142 whether the person makes the determination alone or with others.
- 143 ~~[(13)]~~ (14) "Covered entity" means the same as that term is defined in 45 C.F.R. Sec.
144 160.103.
- 145 ~~[(14)]~~ (15)(a) "Deidentified data" means data that:
- 146 (i) cannot reasonably be linked to an identified individual or an identifiable
147 individual; and
- 148 (ii) are possessed by a controller who:
- 149 (A) takes reasonable measures to ensure that a person cannot associate the data
150 with an individual;
- 151 (B) publicly commits to maintain and use the data only in deidentified form and
152 not attempt to reidentify the data; and
- 153 (C) contractually obligates any recipients of the data to comply with the
154 requirements described in ~~[Subsections (14)(b)(i) and (ii)]~~ this Subsection
155 (15)(a).
- 156 (b) "Deidentified data" includes synthetic data.
- 157 ~~[(15)]~~ (16) "Director" means the director of the Division of Consumer Protection.
- 158 ~~[(16)]~~ (17) "Division" means the Division of Consumer Protection created in Section 13-2-1.
- 159 ~~[(17)]~~ (18) "Governmental entity" means the same as that term is defined in Section
160 63G-2-103.
- 161 ~~[(18)]~~ (19) "Health care facility" means the same as that term is defined in Section
162 26B-2-201.
- 163 ~~[(19)]~~ (20) "Health care provider" means the same as that term is defined in Section
164 78B-3-403.

- 165 [~~(20)~~] (21) "Identifiable individual" means an individual who can be readily identified,
166 directly or indirectly.
- 167 [~~(21)~~] (22) "Institution of higher education" means a public or private institution of higher
168 education.
- 169 [~~(22)~~] (23) "Local political subdivision" means the same as that term is defined in Section
170 11-14-102.
- 171 [~~(23)~~] (24) "Nonprofit corporation" means:
172 (a) the same as that term is defined in Section 16-6a-102; or
173 (b) a foreign nonprofit corporation as defined in Section 16-6a-102.
- 174 [~~(24)~~] (25)(a) "Personal data" means information that is linked or reasonably linkable to
175 an identified individual or an identifiable individual.
176 (b) "Personal data" does not include deidentified data, aggregated data, or publicly
177 available information.
- 178 [~~(25)~~] (26) "Process" means an operation or set of operations performed on personal data,
179 including collection, use, storage, disclosure, analysis, deletion, or modification of
180 personal data.
- 181 [~~(26)~~] (27) "Processor" means a person who processes personal data on behalf of a
182 controller.
- 183 [~~(27)~~] (28) "Protected health information" means the same as that term is defined in 45
184 C.F.R. Sec. 160.103.
- 185 [~~(28)~~] (29) "Pseudonymous data" means personal data that cannot be attributed to a specific
186 individual without the use of additional information, if the additional information is:
187 (a) kept separate from the consumer's personal data; and
188 (b) subject to appropriate technical and organizational measures to ensure that the
189 personal data are not attributable to an identified individual or an identifiable
190 individual.
- 191 [~~(29)~~] (30) "Publicly available information" means information that a person:
192 (a) lawfully obtains from a record of a governmental entity;
193 (b) reasonably believes a consumer or widely distributed media has lawfully made
194 available to the general public; or
195 (c) if the consumer has not restricted the information to a specific audience, obtains from
196 a person to whom the consumer disclosed the information.
- 197 [~~(30)~~] (31) "Right" means a consumer right described in Section 13-61-201.
- 198 [~~(31)~~] (32)(a) "Sale," "sell," or "sold" means the exchange of personal data for monetary

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

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

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

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

- 245 (i) the content of a communication; or
- 246 (ii) any data generated by or connected to advanced utility metering infrastructure
247 systems or equipment for use by a utility.

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

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

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

- 255 (i) based on a consumer's activities within a controller's website or online application
256 or any affiliated website or online application;
- 257 (ii) based on the context of a consumer's current search query or visit to a website or
258 online application;
- 259 (iii) directed to a consumer in response to the consumer's request for information,
260 product, a service, or feedback; or
- 261 (iv) processing personal data solely to measure or report advertising:
- 262 (A) performance;
- 263 (B) reach; or
- 264 (C) frequency.

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

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

- 267 (b) an affiliate or contractor of the controller or the processor.
- 268 [(37)] (38) "Trade secret" means information, including a formula, pattern, compilation,
 269 program, device, method, technique, or process, that:
- 270 (a) derives independent economic value, actual or potential, from not being generally
 271 known to, and not being readily ascertainable by proper means by, other persons who
 272 can obtain economic value from the information's disclosure or use; and
- 273 (b) is the subject of efforts that are reasonable under the circumstances to maintain the
 274 information's secrecy.

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

276 **13-61-102 (Effective 08/01/26). Applicability.**

277 (1) This chapter applies to:

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

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

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

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

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

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

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

288 (b) a companion chatbot operator.

289 (2) This chapter does not apply to:

290 (a) a governmental entity or a third party under contract with a governmental entity

291 when the third party is acting on behalf of the governmental entity;

292 (b) a tribe;

293 (c) an institution of higher education;

294 (d) a nonprofit corporation;

295 (e) a covered entity;

296 (f) a business associate;

297 (g) information that meets the definition of:

298 (i) protected health information for purposes of the federal Health Insurance

299 Portability and Accountability Act of 1996, 42 U.S.C. Sec. 1320d et seq., and

300 related regulations;

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

- 335 (ii) subject to regulation under the federal Fair Credit Reporting Act, 15 U.S.C. Sec.
336 1681 et seq.; and
- 337 (iii) involving the collection, maintenance, disclosure, sale, communication, or use of
338 any personal data bearing on a consumer's:
- 339 (A) credit worthiness;
 - 340 (B) credit standing;
 - 341 (C) credit capacity;
 - 342 (D) character;
 - 343 (E) general reputation;
 - 344 (F) personal characteristics; or
 - 345 (G) mode of living;
- 346 (k) a financial institution or an affiliate of a financial institution governed by, or personal
347 data collected, processed, sold, or disclosed in accordance with, Title V of the
348 Gramm-Leach-Bliley Act, 15 U.S.C. Sec. 6801 et seq., and related regulations;
- 349 (l) personal data collected, processed, sold, or disclosed in accordance with the federal
350 Driver's Privacy Protection Act of 1994, 18 U.S.C. Sec. 2721 et seq.;
- 351 (m) personal data regulated by the federal Family Education Rights and Privacy Act, 20
352 U.S.C. Sec. 1232g, and related regulations;
- 353 (n) personal data collected, processed, sold, or disclosed in accordance with the federal
354 Farm Credit Act of 1971, 12 U.S.C. Sec. 2001 et seq.;
- 355 (o) data that are processed or maintained:
- 356 (i) in the course of an individual applying to, being employed by, or acting as an
357 agent or independent contractor of a controller, processor, or third party, to the
358 extent the collection and use of the data are related to the individual's role;
 - 359 (ii) as the emergency contact information of an individual described in Subsection
360 (2)(o)(i) and used for emergency contact purposes; or
 - 361 (iii) to administer benefits for another individual relating to an individual described in
362 Subsection (2)(o)(i) and used for the purpose of administering the benefits;
- 363 (p) an individual's processing of personal data for purely personal or household
364 purposes; or
- 365 (q) an air carrier.
- 366 (3) A controller is in compliance with any obligation to obtain parental consent under this
367 chapter if the controller complies with the verifiable parental consent mechanisms under
368 the Children's Online Privacy Protection Act, 15 U.S.C. Sec. 6501 et seq., and the act's

369 implementing regulations and exemptions.

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

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

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

375 **Part 1. General Provisions**

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

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

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

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

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

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

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

389 (iii) affirmative consent to an act or practice is not inferred from the inaction of the
390 user or the user's continued use of a companion chatbot.

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

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

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

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

396 (3) "Application programming interface" means a set of protocols, tools, or specifications
397 that allows software systems to communicate with one another and through which a
398 third party may access, integrate, or build upon an artificial intelligence system's
399 underlying capabilities.

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

401 (5)(a) "Companion chatbot" means an artificial intelligence system that uses a natural

- 402 language interface that:
- 403 (i) is designed to use personal data retained, stored, or retrieved from a prior
- 404 interaction and generate an output that:
- 405 (A) simulates an ongoing relationship with the user; or
- 406 (B) indicates the companion chatbot has emotions, feelings, memories, or personal
- 407 opinions;
- 408 (ii) is designed to generate an output containing an affective or social inquiry that:
- 409 (A) is not logically required to resolve a user prompt or task-based command; or
- 410 (B) prioritizes extension of the interaction over task resolution; and
- 411 (iii) holds itself out as primarily useful for providing companionship or an ongoing
- 412 social or emotional relationship with the user.
- 413 (b) "Companion chatbot" does not include an artificial intelligence system that:
- 414 (i) is deployed by a business, employer, or institution exclusively for internal
- 415 operational purposes; or
- 416 (ii) is marketed or offered exclusively to businesses, employers, or institutions or
- 417 through an application programming interface.
- 418 (6) "Core functioning" means features and services for which the collection or processing
- 419 of the user's personal data is reasonably necessary to provide the companion chatbot
- 420 service to the user.
- 421 (7) "Division" means the Division of Consumer Protection created in Section 13-2-1.
- 422 (8) "Interaction" means a user input and a subsequent response by a companion chatbot.
- 423 (9) "Material harmful to minors" means the same as that term is defined in Section
- 424 76-5c-101.
- 425 (10) "Minor" means an individual under 18 years old who:
- 426 (a) has not been emancipated as that term is defined in Section 80-7-102; or
- 427 (b) has not been married.
- 428 (11) "Office" means the Office of Artificial Intelligence Policy created in Section 13-72-201.
- 429 (12)(a) "Operator" means a person who:
- 430 (i) makes a companion chatbot available to a user in the state; and
- 431 (ii) exerts substantial control over the design, features, or content moderation policies
- 432 of the companion chatbot.
- 433 (b) "Operator" does not include a person who merely provides:
- 434 (i) hosting or infrastructure services;
- 435 (ii) cloud computing services; or

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

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

439 (14) "Sensitive data" means the same as that term is defined in Section 13-61-101.

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

441 (16) "User" means an individual who:

442 (a) interacts with a companion chatbot; and

443 (b) is a Utah resident.

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

445 **Part 2. Safety Requirements**

446 **13-72b-201 (Effective 08/01/26). Safety requirements for users.**

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

449 (a) allowing a user to obtain a copy of the prompts provided to a companion chatbot that
450 are retained by the operator in a format that is portable and readily usable in
451 accordance with Section 13-61-201; and

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

454 (2) An operator shall prevent the companion chatbot from engaging with a user unless:

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

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

459 (i) crisis service providers;

460 (ii) a suicide hotline; or

461 (iii) a crisis text line.

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

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

465 **13-72b-202 (Effective 08/01/26). Additional safety requirements for minor users.**

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

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

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

- 470 (ii) states that the user is interacting with an artificial intelligence system, not a
471 human; and
- 472 (b) opt out, by default, the user from targeted advertising.
- 473 (2) An operator may not, for a user who is a minor:
- 474 (a) produce, provide, or direct a user to material harmful to minors;
- 475 (b) collect data from the user that is not required for core functioning of the companion
476 chatbot;
- 477 (c) sell a user's personal data;
- 478 (d) direct targeted advertising to the user unless a parent or legal guardian of the user has
479 provided affirmative consent; or
- 480 (e) otherwise convey a user's personal data unless a parent or legal guardian of the user
481 has provided affirmative consent, except as required for core functioning of the
482 companion chatbot.
- 483 (3) An operator shall take reasonable and proportionate steps to prevent a companion
484 chatbot from encouraging a user who is a minor to:
- 485 (a) use illegal substances, alcohol, or a tobacco or nicotine product;
- 486 (b) engage in sexual conduct;
- 487 (c) engage in self-harm;
- 488 (d) engage in illegal conduct;
- 489 (e) engage in behaviors that promote eating disorders, disordered eating behaviors, or
490 extreme weight-loss practices; or
- 491 (f) engage in activities that are lawful for adults but pose a material risk of serious harm
492 to a minor, including age-restricted challenges, stunts, or risky behaviors.
- 493 (4) An operator that makes a companion chatbot available to a user who is a minor shall:
- 494 (a) offer a parent or legal guardian of the user accessible tools to:
- 495 (i) control whether the companion chatbot retains data from prior interactions with
496 the user;
- 497 (ii) control whether the user's personal data is used to train the companion chatbot;
- 498 (iii) set time limits on the user's interactions with the companion chatbot; and
- 499 (iv) disable the user's access to the companion chatbot;
- 500 (b) take reasonable steps to ensure that a parent or legal guardian of the user is aware of
501 the tools described in Subsection (4)(a), including through direct communications
502 reasonably calculated to reach a parent or legal guardian; and
- 503 (c) provide timely notice to a parent or legal guardian of the user if the user modifies or

504 disables a setting previously configured by the parent or legal guardian under
505 Subsection (4)(a).

506 (5) The requirements of this section are in addition to the requirements of Section
507 13-72b-201.

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

509 **Part 3. Rulemaking and Reporting**

510 **13-72b-301 (Effective 08/01/26). Division rulemaking.**

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

514 (1) third-party age assurance services;

515 (2) protecting user privacy and data security;

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

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

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

520 **13-72b-302 (Effective 08/01/26). Office rulemaking and reporting.**

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

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

525 (a) design features that prevent a companion chatbot from engaging in or reciprocating
526 user attempts to establish a relationship;

527 (b) measures or methods to limit a user's emotional and social attachment to a
528 companion chatbot; and

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

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

531 **13-72b-303 (Effective 08/01/26). Reporting requirements.**

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

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

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

537 (c) methods the operator has implemented to prevent a companion chatbot from

538 generating responses that encourage suicidal ideation, suicide, or self-harm.

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

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

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

542 **13-72b-401 (Effective 08/01/26). Enforcement.**

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

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

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

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

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

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

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

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

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

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

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

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

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

562 (a) reasonable attorney fees;

563 (b) court costs; and

564 (c) investigative fees.

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

567 (7) A civil penalty authorized under this section may be imposed in a civil action.

568 (8) The division shall deposit all fines and civil penalties collected under this section into
569 the Consumer Protection Education and Training Fund created in Section 13-2-8.

570 (9) Nothing in this chapter displaces any other available remedy or right authorized under
571 the laws of this state or the United States.

572 Section 11. Section **13-72b-402** is enacted to read:

573 **13-72b-402** (Effective 08/01/26). **Safe harbor.**

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

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

579 Section 12. Section **13-72b-501** is enacted to read:

580 **Part 5. Severability**

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

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

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

587 Section 13. **Effective Date.**

588 This bill takes effect on August 1, 2026.