

Calvin R. Musselman proposes the following substitute bill:

Online Age Verification Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Calvin R. Musselman

House Sponsor: Steve Eliason

LONG TITLE

General Description:

This bill enacts provisions related to online providers of content harmful to minors.

Highlighted Provisions:

This bill:

- defines terms;
 - provides legislative findings;
 - imposes an excise tax on certain entities that provide content harmful to minors;
 - provides for administration and collection of the excise tax by the State Tax Commission based on referrals from the Division of Consumer Protection;
 - creates the Minor Mental Health Restricted Account within the General Fund;
 - directs tax revenues to the Department of Health and Human Services and the Division of Consumer Protection to be used for mental health programs and enforcement of age verification requirements;
 - provides for liability for publishers and distributors of material harmful to minors who fail to perform age verification;
 - grants the Division of Consumer Protection authority to investigate and enforce age verification requirements;
 - provides administrative fines and civil penalties for violations of age verification requirements;
 - 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;
 - 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;
 - 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
34 of which is from the various sources as detailed in this bill.

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

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41 **13-2-1 (Effective 05/06/26) (Superseded 07/01/26)**, as last amended by Laws of Utah
42 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

49 **59-1-403 (Effective 10/01/26) (Partially Repealed 07/01/29)**, as last amended by Laws of
50 Utah 2025, Chapters 182, 323, 400, and 498

51 **78B-3-1001 (Effective 05/06/26)**, as enacted by Laws of Utah 2023, Chapter 262

52 **78B-3-1002 (Effective 05/06/26)**, as enacted by Laws of Utah 2023, Chapter 262

53 **78B-3-1003 (Effective 05/06/26)**, as enacted by Laws of Utah 2024, Chapter 75

54 ENACTS:

55 **59-35-101 (Effective 10/01/26)**, Utah Code Annotated 1953

56 **59-35-102 (Effective 10/01/26)**, Utah Code Annotated 1953

57 **59-35-103 (Effective 10/01/26)**, Utah Code Annotated 1953

58 **59-35-104 (Effective 10/01/26)**, Utah Code Annotated 1953

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

60 **78B-3-1004 (Effective 05/06/26)**, Utah Code Annotated 1953

61 **78B-3-1005 (Effective 05/06/26)**, Utah Code Annotated 1953

62 **78B-3-1006 (Effective 05/06/26)**, Utah Code Annotated 1953

63 **78B-3-1007 (Effective 05/06/26)**, Utah Code Annotated 1953

64 **78B-3-1008 (Effective 05/06/26)**, Utah Code Annotated 1953

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

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

68 **13-2-1 (Effective 05/06/26) (Superseded 07/01/26). Consumer protection division**
69 **established -- Functions.**

70 (1) There is established within the Department of Commerce the Division of Consumer
71 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;

83 (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter
84 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
105 Harmful to Minors.

- 106 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
107 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,
111 judgment, or other legal process issued by:
112 (A) the division; or
113 (B) a court of competent jurisdiction; or
114 (iii) breaches a settlement agreement, stipulation, assurance of voluntary compliance,
115 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
117 described in Subsection (3)(a).

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

119 **13-2-1 (Effective 07/01/26). Consumer protection division established --**

120 **Functions.**

- 121 (1) There is established within the Department of Commerce the Division of Consumer
122 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
135 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 [or] 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;
- 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
157 Harmful to Minors.
- 158 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
159 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,
163 judgment, or other legal process issued by:
- 164 (A) the division; or

(B) a court of competent jurisdiction; or

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

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

Section 3. Section **13-2-5** is amended to read:

13-2-5 (Effective 05/06/26). Powers of director.

The director has authority to:

(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;

(2) investigate the activities of any business governed by the laws administered and enforced by the division;

(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;

(4) coordinate, cooperate, and assist with business and industry desiring or attempting to correct unfair business practices between competitors;

(5) provide consumer information and education to the public and assist any organization providing such services; and

(6) coordinate with, assist, and utilize the assistance of federal, state, and local agencies to enhance the performance of the director's duties and the protection of the public.

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

13-2-6 (Effective 05/06/26). Enforcement powers.

(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.

(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.

(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.

(a) Each citation shall be in writing and shall:

(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
200 received by the division no more than 20 calendar days after the day on which the
201 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
205 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
209 there is not substantial evidence that the recipient violated a chapter or section
210 listed in Section 13-2-1:
211 (A) the citation may not become final; and
212 (B) the division shall immediately vacate the citation and promptly notify the
213 recipient in writing.
- 214 (ii) Except as provided in Subsection (3)(c)(iv), if the presiding officer finds that
215 there is substantial evidence that the recipient violated a chapter or section listed
216 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
220 Emergencies Act, if the presiding officer finds that there is not clear and
221 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
224 recipient in writing.
- 225 (iv) For a citation issued for a violation of Chapter 41, Price Controls During
226 Emergencies Act, if the presiding officer finds that there is clear and convincing
227 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
231 upon whom a summons may be served in accordance with the Utah Rules of Civil
232 Procedure.

- (ii) A citation also may be served by first-class mail, postage prepaid.
 - (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.
 - (ii) The period to contest the citation may be extended by the director for good cause shown.
 - (f) If the chapter or section violated allows for an administrative fine, after a citation becomes final, the director may impose the administrative fine.
 - (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:
 - (i) the violation or attempted violation is committed wholly or partly within the state;
 - (ii) conduct committed outside the state constitutes an attempt to commit a violation within the state; or
 - (iii) transactional resources located within the state are used by the offender to directly or indirectly facilitate a violation or attempted violation.
 - (b) As used in this section, "transactional resources" means:
 - (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;
 - (ii) a telephone or facsimile transmission device;
 - (iii) an [Internet] internet connection by a resident or inhabitant of this state with a resident- or nonresident-maintained [Internet] internet site;
 - (iv) a business office or private residence used for a business-related purpose;
 - (v) an account with or services of a financial institution;
 - (vi) the services of a common or private carrier; or
 - (vii) the use of a city, county, or state asset or facility, including a road or highway.
 - 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.
 - (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.
 - (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

- 267 violation occurs.
- 268 (c) The provisions of this Subsection (6) control over the provisions of Title 78B,
- 269 Chapter 2, Statutes of Limitations.
- 270 (7) When granting a judgment in the division's favor in connection with the division's
- 271 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.

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

277 **13-2-7 (Effective 05/06/26). Violation of restraining or injunctive order -- Civil**

278 **penalty.**

279 If any restraining order, any chapter or section administered by the division, or

280 injunction granted under this chapter is violated, the division may submit a motion for, or the

281 court on its own motion, may impose a civil penalty of not more than \$2,000 for each day a

282 temporary restraining order, preliminary injunction or permanent injunction issued under this

283 chapter is violated, if the party has received notice of the restraining or injunctive order.

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

285 **13-2-8 (Effective 05/06/26). Consumer Protection Education and Training Fund.**

- 286 (1) There is created an expendable special revenue fund known as the "Consumer
- 287 Protection Education and Training Fund."
- 288 (2)(a) Unless otherwise provided by a chapter or section listed in Section 13-2-1, all
- 289 money not distributed as consumer restitution that is received by the division from
- 290 administrative fines and settlements, from criminal restitution, or from civil damages,
- 291 forfeitures, penalties, and settlements when the division receives the money on its
- 292 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
- 296 the fund with the approval of the executive director of the Department of Commerce in a
- 297 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

301 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
304 shall be transferred to the General Fund.

305 Section 7. Section **13-76-301** is amended to read:

306 **13-76-301 (Effective 05/06/26). Division rulemaking.**

307 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division
308 shall make rules establishing [processes and means by which an app store provider may verify
309 whether an account holder is a minor in accordance with Subsection 13-75-201(1)(a)(ii).]
310 reasonable age verification standards that commercial entities may meet when determining
311 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
316 performing age verification.

317 Section 8. Section **59-1-403** is amended to read:

318 **59-1-403 (Effective 10/01/26) (Partially Repealed 07/01/29). Confidentiality --**
319 **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
324 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
330 Charges; and
331 (ii) with respect to which the commission distributes the revenue collected from the
332 tax, fee, or charge to a qualifying jurisdiction.
333 (b) "GOEO" means the Governor's Office of Economic Opportunity created in Section
334 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
- 340 11-70-201.
- 341 (2)(a) Any of the following may not divulge or make known in any manner any
- 342 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
- 346 town.
- 347 (b) An official charged with the custody of a return filed with the commission is not
- 348 required to produce the return or evidence of anything contained in the return in any
- 349 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
- 354 commission;
- 355 (iii) on behalf of the commission in any action or proceeding to which the
- 356 commission is a party; or
- 357 (iv) on behalf of any party to any action or proceeding under this title if the report or
- 358 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
- 360 admit in evidence, any portion of a return or of the facts shown by the return, as are
- 361 specifically pertinent to the action or proceeding.
- 362 (d) Notwithstanding any other provision of state law, a person described in Subsection
- 363 (2)(a) may not divulge or make known in any manner any information gained by that
- 364 person from any return filed with the commission to the extent that the disclosure is
- 365 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
- 368 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
370 identification of particular reports or returns; and
371 (c) the inspection by the attorney general or other legal representative of the state of the
372 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
375 under this title; or
376 (iii) against whom the state has an unsatisfied money judgment.
- 377 (4)(a) Notwithstanding Subsection (2) and for purposes of administration, the
378 commission may by rule, made in accordance with Title 63G, Chapter 3, Utah
379 Administrative Rulemaking Act, provide for a reciprocal exchange of information
380 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
384 corporate franchise tax, the commission may by rule, made in accordance with Title
385 63G, Chapter 3, Utah Administrative Rulemaking Act, share information gathered
386 from returns and other written statements with the federal government, any other
387 state, any of the political subdivisions of another state, or any political subdivision of
388 this state, except as limited by Sections 59-12-209 and 59-12-210, if the political
389 subdivision, other state, or the federal government grant substantially similar
390 privileges to this state.
391 (c) Notwithstanding Subsection (2) and for all taxes except individual income tax and
392 corporate franchise tax, the commission may by rule, in accordance with Title 63G,
393 Chapter 3, Utah Administrative Rulemaking Act, provide for the issuance of
394 information concerning the identity and other information of taxpayers who have
395 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
397 Division of Environmental Response and Remediation, as defined in Section
398 19-6-402, as requested by the director of the Division of Environmental Response
399 and Remediation, any records, returns, or other information filed with the
400 commission under Chapter 13, Motor and Special Fuel Tax Act, or Section
401 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

- 403 provide that person sales and purchase volume data reported to the commission on a
404 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,
408 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
410 manufacturer and reported to the commission for the previous calendar year under
411 Section 59-14-407; and
412 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
413 manufacturer for which a tax refund was granted during the previous calendar
414 year under Section 59-14-401 and reported to the commission under Subsection
415 59-14-401(1)(a)(v).
- 416 (g) Notwithstanding Subsection (2), the commission shall notify manufacturers,
417 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is
418 prohibited from selling cigarettes to consumers within the state under Subsection
419 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
422 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
426 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
428 of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's
429 Office of Planning and Budget, provide to the committee or office the total amount of
430 revenue collected by the commission under Chapter 24, Radioactive Waste Facility
431 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
433 Section 59-14-603 available for public inspection.
- 434 (k) Notwithstanding Subsection (2), the commission may share information with federal,
435 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

437 Recovery Services within the Department of Health and Human Services any
438 relevant information obtained from a return filed under Chapter 10, Individual
439 Income Tax Act, regarding a taxpayer who has become obligated to the Office of
440 Recovery Services.

441 (ii) The information described in Subsection (4)(l)(i) may be provided by the Office
442 of Recovery Services to any other state's child support collection agency involved
443 in enforcing that support obligation.

444 (m)(i) Notwithstanding Subsection (2), upon request from the state court
445 administrator, the commission shall provide to the state court administrator, the
446 name, address, telephone number, county of residence, and social security number
447 on resident returns filed under Chapter 10, Individual Income Tax Act.

448 (ii) The state court administrator may use the information described in Subsection
449 (4)(m)(i) only as a source list for the master jury list described in Section
450 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
453 required to be attached to or included in a return filed with the commission
454 under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10,
455 Individual Income Tax Act.

456 (B) "Other tax information" means information gained by the commission that is
457 required to be attached to or included in a return filed with the commission
458 except for a return filed under Chapter 7, Corporate Franchise and Income
459 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
462 (4)(n)(ii)(B) or (C), the commission shall at the request of GOEO provide to
463 GOEO all income tax information.

464 (B) For purposes of a request for income tax information made under Subsection
465 (4)(n)(ii)(A), GOEO may not request and the commission may not provide to
466 GOEO a person's address, name, social security number, or taxpayer
467 identification number.

468 (C) In providing income tax information to GOEO, the commission shall in all
469 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

471 (4)(n)(iii)(B), the commission shall at the request of GOEO provide to GOEO
472 other tax information.

473 (B) Before providing other tax information to GOEO, the commission shall redact
474 or remove any name, address, social security number, or taxpayer identification
475 number.

476 (iv) GOEO may provide tax information received from the commission in accordance
477 with this Subsection (4)(n) only:

478 (A) as a fiscal estimate, fiscal note information, or statistical information; and
479 (B) if the tax information is classified to prevent the identification of a particular
480 return.

481 (v)(A) A person may not request tax information from GOEO under Title 63G,
482 Chapter 2, Government Records Access and Management Act, or this section,
483 if GOEO received the tax information from the commission in accordance with
484 this Subsection (4)(n).

485 (B) GOEO may not provide to a person that requests tax information in
486 accordance with Subsection (4)(n)(v)(A) any tax information other than the tax
487 information GOEO provides in accordance with Subsection (4)(n)(iv).

488 (o) Notwithstanding Subsection (2), the commission may provide to the governing board
489 of the agreement or a taxing official of another state, the District of Columbia, the
490 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
497 use tax.

498 (p) Notwithstanding Subsection (2), the commission may provide information
499 concerning a taxpayer's state income tax return or state income tax withholding
500 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
503 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.

- (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.
 - (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:
 - (i) an eligibility worker with the Department of Health and Human Services or its designee requests the information from the commission; and
 - (ii) the eligibility worker has complied with the identity verification and consent provisions of Sections 26B-3-106 and 26B-3-903.
 - (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.
 - (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.
 - (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.
 - (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.
 - (x) Notwithstanding Subsection (2), the commission may provide the Public Service Commission or the Division of Public Utilities information related to a seller that

539 collects and remits to the commission a charge described in Subsection 69-2-405(2),
540 including the seller's identity and the number of charges described in Subsection
541 69-2-405(2) that the seller collects.

- 542 (y)(i) Notwithstanding Subsection (2), the commission shall provide to each
543 qualifying jurisdiction the collection data necessary to verify the revenue collected
544 by the commission for a distributed tax, fee, or charge collected within the
545 qualifying jurisdiction.
- 546 (ii) In addition to the information provided under Subsection (4)(y)(i), the
547 commission shall provide a qualifying jurisdiction with copies of returns and other
548 information relating to a distributed tax, fee, or charge collected within the
549 qualifying jurisdiction.
- 550 (iii)(A) To obtain the information described in Subsection (4)(y)(ii), the chief
551 executive officer or the chief executive officer's designee of the qualifying
552 jurisdiction shall submit a written request to the commission that states the
553 specific information sought and how the qualifying jurisdiction intends to use
554 the information.
- 555 (B) The information described in Subsection (4)(y)(ii) is available only in official
556 matters of the qualifying jurisdiction.
- 557 (iv) Information that a qualifying jurisdiction receives in response to a request under
558 this subsection is:
559 (A) classified as a private record under Title 63G, Chapter 2, Government Records
560 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
563 Beverage Services Commission, upon request, with taxpayer status information
564 related to state tax obligations necessary to comply with the requirements described
565 in Section 32B-1-203.
- 566 (aa) Notwithstanding Subsection (2), the commission shall inform the Department of
567 Workforce Services, as soon as practicable, whether an individual claimed and is
568 entitled to claim a federal earned income tax credit for the year requested by the
569 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
572 35A-9-604.

- 573 (bb)(i) As used in this Subsection (4)(bb), "unclaimed property administrator" means
574 the administrator or the administrator's agent, as those terms are defined in Section
575 67-4a-102.
- 576 (ii)(A) Notwithstanding Subsection (2), upon request from the unclaimed property
577 administrator and to the extent allowed under federal law, the commission shall
578 provide the unclaimed property administrator the name, address, telephone
579 number, county of residence, and social security number or federal employer
580 identification number on any return filed under Chapter 7, Corporate Franchise
581 and Income Taxes, or Chapter 10, Individual Income Tax Act.
- 582 (B) The unclaimed property administrator may use the information described in
583 Subsection (4)(bb)(ii)(A) only for the purpose of returning unclaimed property
584 to the property's owner in accordance with Title 67, Chapter 4a, Revised
585 Uniform Unclaimed Property Act.
- 586 (iii) The unclaimed property administrator is subject to the confidentiality provisions
587 of this section with respect to any information the unclaimed property
588 administrator receives under this Subsection (4)(bb).
- 589 (cc) Notwithstanding Subsection (2), the commission may, upon request, disclose a
590 taxpayer's state individual income tax information to a program manager of the Utah
591 Fits All Scholarship Program under Section 53F-6-402 if:
592 (i) the taxpayer consents in writing to the disclosure;
593 (ii) the taxpayer's written consent includes the taxpayer's name, social security
594 number, and any other information the commission requests that is necessary to
595 verify the identity of the taxpayer; and
596 (iii) the program manager provides the taxpayer's written consent to the commission.
- 597 (dd) Notwithstanding Subsection (2), the commission may provide to the Division of
598 Finance within the Department of Government Operations any information necessary
599 to facilitate a payment from the commission to a taxpayer, including:
600 (i) the name of the taxpayer entitled to the payment or any other person legally
601 authorized to receive the payment;
602 (ii) the taxpayer identification number of the taxpayer entitled to the payment;
603 (iii) the payment identification number and amount of the payment;
604 (iv) the tax year to which the payment applies and date on which the payment is due;
605 (v) a mailing address to which the payment may be directed; and
606 (vi) information regarding an account at a depository institution to which the

607 payment may be directed, including the name of the depository institution, the
608 type of account, the account number, and the routing number for the account.

- 609 (ee) Notwithstanding Subsection (2), the commission shall provide the total amount of
610 revenue collected by the commission under Subsection 59-5-202(5):
611 (i) at the request of a committee of the Legislature, the Office of the Legislative
612 Fiscal Analyst, or the Governor's Office of Planning and Budget, to the committee
613 or office for the time period specified by the committee or office; and
614 (ii) to the Division of Finance for purposes of the Division of Finance administering
615 Subsection 59-5-202(5).

- 616 (ff) Notwithstanding Subsection (2), the commission may provide the Department of
617 Agriculture and Food with information from a return filed in accordance with
618 Chapter 31, Cannabinoid Licensing and Tax Act.

- 619 (gg) Notwithstanding Subsection (2), the commission shall provide the Department of
620 Workforce Services with the information described in Section 35A-3-105.

- 621 (hh) Notwithstanding Subsection (2), the commission may provide aggregated
622 information to the Utah Population Committee, created in Section 63C-20-103, if the
623 Utah Population Committee requests the information in accordance with Section
624 63C-20-105.

- 625 (ii) Notwithstanding Subsection (2), the commission shall provide the Division of
626 Consumer Protection the name and identifying information of a covered entity, as
627 defined in Section 59-35-102, that collects and remits to the commission a tax
628 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
631 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,
634 the individual shall be dismissed from office and be disqualified from holding public
635 office in this state for a period of five years thereafter.

- 636 (c) Notwithstanding Subsection (6)(a) or (b), GOEO, when requesting information in
637 accordance with Subsection (4)(n)(iii), or an individual who requests information in
638 accordance with Subsection (4)(n)(v):

- 639 (i) is not guilty of a class A misdemeanor; and
640 (ii) is not subject to:

- (A) dismissal from office in accordance with Subsection (6)(b); or
 - (B) disqualification from holding public office in accordance with Subsection (6)(b).

(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):

 - (i) is not guilty of a class A misdemeanor; and
 - (ii) is not subject to:
 - (A) dismissal from office in accordance with Subsection (6)(b); or
 - (B) disqualification from holding public office in accordance with Subsection (6)(b).

(7) Except as provided in Section 59-1-404, this part does not apply to the property tax.

CHAPTER 35. Covered Entity Excise Tax

Part 1. General Provisions

59-35-101 (Effective 10/01/26). Legislative findings.

The Legislature finds that:

- (1) minors in the state face an unprecedented mental health crisis, with rising rates of anxiety, depression, and self-harm;
 - (2) research demonstrates a correlation between minor access to material harmful to minors and negative mental health outcomes;
 - (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;
 - (4) commercial entities that publish or distribute material harmful to minors have not voluntarily implemented effective age verification measures to prevent minor access;
 - (5) the state has a substantial and compelling interest in protecting minors from material harmful to minors;
 - (6) age verification requirements are an effective and minimally restrictive means of preventing minor access to material harmful to minors;
 - (7) additional funding is necessary to support mental health services for minors and to enforce age verification requirements; and
 - (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.

674 Section 10. Section **59-35-102** is enacted to read:

675 **59-35-102 (Effective 10/01/26). Definitions.**

676 As used in this chapter:

677 (1) "Covered entity" means a commercial entity that is required to perform age verification
678 under Section 78B-3-1002.

679 (2) "Covered transaction" means amounts paid to or charged by a covered entity for access
680 to digital images, digital audio-visual works, digital audio works, digital books, or
681 gaming services, including the streaming of or subscription for access to digital images,
682 digital audio-visual works, digital audio works, digital books, or gaming services
683 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
687 works, digital books, or gaming services; or

688 (ii) access to the digital images, digital audio-visual works, digital audio works,
689 digital books, or gaming services through a subscription, including a right that
690 terminates upon the occurrence of a condition.

691 (3) "Division" means the Division of Consumer Protection created in Section 13-2-1.

692 Section 11. Section **59-35-103** is enacted to read:

693 **59-35-103 (Effective 10/01/26). 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
695 of covered transactions.

696 (2) A covered entity shall pay the tax imposed under this section to the commission.

697 Section 12. Section **59-35-104** is enacted to read:

698 **59-35-104 (Effective 10/01/26). Collection and administration of tax.**

699 (1) The commission shall administer, collect, and enforce the tax under this chapter in
700 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
703 12, Part 1, Tax Collection.

704 (2)(a) A covered entity that collects the tax imposed on covered transactions shall remit
705 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.

708 (b) Notwithstanding Subsection (2)(a), if a covered entity is required to file a sales and
709 use tax return, the covered entity shall file the tax return and remit the tax imposed
710 under this chapter in an electronic format the commission approves on the same
711 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
713 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
715 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
717 Section 59-1-401, plus interest at the rate and in the manner provided in Section
718 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
723 manner provided in Section 59-1-402.

724 Section 13. Section **59-35-105** is enacted to read:

725 **59-35-105 (Effective 10/01/26). Minor Mental Health Restricted Account --**

726 **Creation -- Deposits into account -- Distribution.**

727 (1) There is created within the General Fund a restricted account known as the "Minor
728 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
735 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
- 738 (b) deposit 10% of the revenue described in Subsection (2)(a) into the Minor Online
739 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
741 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
744 health risks associated with material harmful to minors;
745 (c) early prevention and intervention programs for minors at risk of mental health harm
746 from material harmful to minors; and
747 (d) research and public awareness campaigns addressing mental health harm to minors
748 caused by material harmful to minors.

749 Section 14. Section **78B-3-1001** is amended to read:

750 **78B-3-1001 (Effective 05/06/26). Definitions.**

751 As used in this chapter:

- 752 (1) "Commercial entity" includes corporations, limited liability companies, partnerships, limited partnerships, sole proprietorships, or other legally recognized entities.
753 (2) "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.
754 (3) "Distribute" means to issue, sell, give, provide, deliver, transfer, transmute, circulate, or disseminate by any means.
755 (4) "Division" means the Division of Consumer Protection created in Section 13-2-1.
756 [(4)] (5) "Internet" means the international computer network of both federal and non-federal interoperable packet switched data networks.
757 [(5)] (6) "Material harmful to minors" [is defined as all of the following] means:
758 (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;
759 (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:
760 (i) pubic hair, anus, vulva, genitals, or nipple of the female breast;
761 (ii) touching, caressing, or fondling of nipples, breasts, buttocks, anuses, or genitals;
762 or
763 (iii) sexual intercourse, masturbation, sodomy, bestiality, oral copulation,

776 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
778 value for minors.

779 [(6)] (7) "Minor" means any person under 18 years old.

780 [(7)] (8) "News-gathering organization" means any of the following:

781 (a) an employee of a newspaper, news publication, or news source, printed or on an
782 online or mobile platform, of current news and public interest, while operating as an
783 employee as provided in this subsection, who can provide documentation of such
784 employment with the newspaper, news publication, or news source; or
785 (b) an employee of a radio broadcast station, television broadcast station, cable
786 television operator, or wire service while operating as an employee as provided in
787 this subsection, who can provide documentation of such employment.

788 [(8)] (9) "Publish" means to communicate or make information available to another person
789 or entity on a publicly available [Internet] internet website.

790 [(9)] (10) "Reasonable age verification methods" means the processes or means used by a
791 commercial entity to[verifying] verify that the person seeking to access the material is
792 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
795 compares the personal information entered by the individual who is seeking access to
796 the material that is available from a commercially available database, or aggregate of
797 databases, that is regularly used by government agencies and businesses for the
798 purpose of age and identity verification;[or]
799 (c) any commercially reasonable method that relies on public or private transactional
800 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)] (11) "Substantial portion" means more than 33-1/3% of total material on a website,
803 which meets the definition of "material harmful to minors" as defined in this section.

804 [(11)] (12)(a) "Transactional data" means a sequence of information that documents an
805 exchange, agreement, or transfer between an individual, commercial entity, or third
806 party used for the purpose of satisfying a request or event.

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

809 Section 15. Section **78B-3-1002** is amended to read:

810 **78B-3-1002 (Effective 05/06/26). Age verification requirement -- Retention of**
811 **data -- Exceptions.**

- 812 (1)(a) A commercial entity that knowingly and intentionally publishes or distributes
813 material harmful to minors on the [Internet] internet from a website that contains a
814 substantial portion of material harmful to minors[such material] shall [be held liable
815 if the entity fails to] perform reasonable age verification methods to verify the age of
816 an individual attempting to access the material.
- 817 (b) There is a rebuttable presumption that a website contains a substantial portion of
818 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
821 primarily provides material harmful to minors; or
822 (iii) advertises or promotes material harmful to minors as a primary feature of the
823 website.
- 824 (2) A commercial entity or third party that performs the required age verification shall not
825 retain any identifying information of the individual after access has been granted to the
826 material.
- 827 (3) [A commercial entity that is found to have violated this section shall be liable to an
828 individual for damages resulting from a minor's accessing the material, including court
829 costs and reasonable attorney fees as ordered by the court.] An individual is considered
830 to be accessing the website from this state if the individual is actually located in the
831 state, regardless of whether the individual is using a virtual private network, proxy
832 server, or other means to disguise or misrepresent the individual's geographic location to
833 make it appear that the individual is accessing a website from a location outside this
834 state.
- 835 (4) A commercial entity that operates a website that contains a substantial portion of
836 material harmful to minors may not facilitate or encourage the use of a virtual private
837 network, proxy server, or other means to circumvent age verification requirements,
838 including by providing:
- 839 (a) instructions on how to use a virtual private network or proxy server to access the
840 website; or
- 841 (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
843 of the individual after access has been granted to the individual shall be liable to the

844 individual for damages resulting from retaining the identifying information, including
845 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
847 video, report, or event and shall not be construed to affect the rights of a news-gathering
848 organization.

849 (6) No [Internet] internet service provider, affiliate or subsidiary of an [Internet] internet
850 service provider, search engine, or cloud service provider shall be held to have violated
851 the provisions of this section solely for providing access or connection to or from a
852 website or other information or content on the [Internet] internet, or a facility, system, or
853 network not under that provider's control, including transmission, downloading, storing,
854 or providing access, to the extent that such provider is not responsible for the creation of
855 the content of the communication that constitutes material harmful to minors.

856 Section 16. Section **78B-3-1003** is amended to read:

857 **78B-3-1003 (Effective 05/06/26). Liability for publishers and distributors --**

858 **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
860 an individual for damages resulting from a minor's accessing the material, including
861 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
863 the individual after access has been granted to the individual shall be liable to the
864 individual for damages resulting from retaining the identifying information, including
865 court costs and reasonable attorney fees as ordered by the court.

866 (3)(a) Except as provided in Subsection [(6)] (3)(f), if a person suffers damages from a
867 minor committing the same offense repeatedly on school grounds for an offense in
868 Title 76, Utah Criminal Code, or Title 80, Utah Juvenile Code, the person may bring
869 a cause of action against a parent or guardian with legal custody of the minor to
870 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 [(1)]
872 (3)(a) if the parent or guardian made a reasonable effort to supervise and direct the
873 minor.

874 [(3)] (c) If a parent or guardian is found liable under this section, the court may waive
875 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

878 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
880 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,
882 Utah Criminal Code, or Title 80, Utah Juvenile Code, is not required for a civil action
883 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,
885 or a contracted provider of an agency of the state, under this [seetion] Subsection (3).

886 Section 17. Section **78B-3-1004** is enacted to read:

887 **78B-3-1004 (Effective 05/06/26). Enforcement powers of the division.**

888 (1) The division shall administer and enforce the provisions of this chapter, in accordance
889 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
891 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,
893 Division of Consumer Protection:

894 (i) the division director may impose an administrative fine of up to \$2,500 for each
895 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:

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
906 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
911 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
914 shall be deposited into the Minor Online Safety Restricted Account created in Section
915 78B-3-1007.

916 (6) Nothing in this chapter shall displace any other available remedies or rights authorized
917 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
919 division determines is required to perform age verification under Section 78B-3-1002.

920 Section 18. Section **78B-3-1005** is enacted to read:

921 **78B-3-1005 (Effective 05/06/26). Rulemaking authority.**

922 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
923 division may make rules:

924 (1) establishing standards and processes for determining whether a website contains a
925 substantial portion of material harmful to minors, including methodologies for
926 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
928 comply with Section 78B-3-1002, including standards for:

929 (a) third-party age verification services;

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
933 of age verification.

934 Section 19. Section **78B-3-1006** is enacted to read:

935 **78B-3-1006 (Effective 05/06/26). Safe harbor.**

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

939 Section 20. Section **78B-3-1007** is enacted to read:

940 **78B-3-1007 (Effective 05/06/26). Minor Online Safety Restricted Account**

941 **--Creation -- Deposits into account -- Distribution.**

942 (1) There is created within the General Fund a restricted account known as the "Minor
943 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

- 946 Tax, as provided in Section 59-35-105;
947 (b) fines 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
951 (2)(b) into the account.
952 (4) Upon appropriation by the Legislature, money in the account shall be distributed to the
953 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
956 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
959 Children Task Force.
960 (5) The Division of Consumer Protection shall use money distributed under Subsection (4)
961 with the approval of the executive director of the Department of Commerce in a manner
962 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
964 excess shall be transferred to the Minor Mental Health Restricted Account created in
965 Section 59-35-105.

966 Section 21. Section **78B-3-1008** is enacted to read:

967 **78B-3-1008 (Effective 05/06/26). Severability.**

- 968 (1) If any provision of this chapter or the application of any provision to any person or
969 circumstance is held invalid by a final decision of a court of competent jurisdiction, the
970 remainder of this chapter shall be given effect without the invalid provision or
971 application.
- 972 (2) The provisions of this chapter are severable.

973 **Section 22. FY 2027 Appropriations.**

974 The following sums of money are appropriated for the fiscal year beginning July 1,
975 2026, and ending June 30, 2027. These are additions to amounts previously appropriated for
976 fiscal year 2027.

977 **Subsection 22(a). Operating and Capital Budgets**

978 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
979 Legislature appropriates the following sums of money from the funds or accounts indicated for

980 the use and support of the government of the state of Utah.

981 ITEM 1 To Department of Commerce - Commerce General Regulation
982 From Minor Online Safety Restricted Account, One-time 4,000,000
983 Schedule of Programs:
984 Consumer Protection 4,000,000
985 Subsection 22(b). **Restricted Fund and Account Transfers**
986 The Legislature authorizes the State Division of Finance to transfer the following
987 amounts between the following funds or accounts as indicated. Expenditures and outlays from
988 the funds to which the money is transferred must be authorized by an appropriation.
989 ITEM 2 To Minor Online Safety Restricted Account
990 From Consumer Protection Education , One-time 4,000,000
991 Schedule of Programs:
992 Minor Online Safety Restricted Account 4,000,000
993 Section 23. **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).