

Stephanie Pitcher proposes the following substitute bill:

1 **Product Pricing Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor: Tyler Clancy

2 **LONG TITLE**

3 **General Description:**

4 This bill enacts provisions relating to algorithmic pricing.

5 **Highlighted Provisions:**

6 This bill:

7 ▶ defines terms;

8 ▶ provides that a supplier shall display disclaimer language when a supplier sues
9 algorithmic pricing to set or display the price of a good or service;

10 ▶ provides that disclaimer language does not apply to a loyalty, rewards, or promotional
11 program;

12 ▶ provides that the Division of Consumer Protection shall enforce the provisions this bill
13 enacts; and

14 ▶ makes technical changes.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 This bill provides a special effective date.

19 **Utah Code Sections Affected:**

20 **AMENDS:**

21 **13-2-1 (Effective 05/06/26) (Superseded 07/01/26)**, as last amended by Laws of Utah
22 2025, Chapters 51, 181, 237, and 269

23 **13-2-1 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 468

24 **ENACTS:**

25 **13-82-101 (Effective 05/06/26)**, Utah Code Annotated 1953

26 **13-82-201 (Effective 05/06/26)**, Utah Code Annotated 1953

27 **13-82-301 (Effective 05/06/26)**, Utah Code Annotated 1953

29

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

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

31 **13-2-1 (Effective 05/06/26) (Superseded 07/01/26). Consumer protection division**
32 **established -- Functions.**

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

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

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

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

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

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

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

41 (f) Chapter 22, Charitable Solicitations Act;

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

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

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

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

46 (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter
47 Transaction Information Act;

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

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

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

51 (o) Chapter 49, Immigration Consultants Registration Act;

52 (p) Chapter 51, Transportation Network Company Registration Act;

53 (q) Chapter 52, Residential Solar Energy Consumer Protection Act;

54 (r) Chapter 53, Residential, Vocational or Life Skills Program Act;

55 (s) Chapter 54, Ticket Website Sales Act;

56 (t) Chapter 56, Ticket Transferability Act;

57 (u) Chapter 57, Maintenance Funding Practices Act;

58 (v) Chapter 61, Utah Consumer Privacy Act;

59 (w) Chapter 64, Vehicle Value Protection Agreement Act;

60 (x) Chapter 65, Utah Commercial Email Act;

61 (y) Chapter 67, Online Dating Safety Act;

- 63 (z) Chapter 68, Lawyer Referral Consultants Registration Act;
- 64 (aa) Chapter 70, Automatic Renewal Contracts Act;
- 65 (bb) Chapter 71, Utah Minor Protection in Social Media Act;
- 66 (cc) Chapter 72a, Artificial Intelligence Applications Relating to Mental Health;[~~and~~]
- 67 (dd) Chapter 78, Earned Wage Access Services Act~~[-]~~ ; and
- 68 (ee) Chapter 82, Algorithmic Pricing Act.

69 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
70 division may make rules to establish:

- 71 (a) a public list that identifies a person that:
 - 72 (i) violates a chapter described in Subsection (2);
 - 73 (ii) without proper legal justification, fails to comply with an order, subpoena,
74 judgment, or other legal process issued by:
 - 75 (A) the division; or
 - 76 (B) a court of competent jurisdiction; or
 - 77 (iii) breaches a settlement agreement, stipulation, assurance of voluntary compliance,
78 or similar instrument signed by the person and the division; and

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

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

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

Functions.

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

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

- 87 (a) Chapter 10a, Music Licensing Practices Act;
- 88 (b) Chapter 11, Utah Consumer Sales Practices Act;
- 89 (c) Chapter 15, Business Opportunity Disclosure Act;
- 90 (d) Chapter 20, New Motor Vehicle Warranties Act;
- 91 (e) Chapter 21, Credit Services Organizations Act;
- 92 (f) Chapter 22, Charitable Solicitations Act;
- 93 (g) Chapter 23, Health Spa Services Protection Act;
- 94 (h) Chapter 25a, Telephone and Facsimile Solicitation Act;
- 95 (i) Chapter 26, Telephone Fraud Prevention Act;
- 96 (j) Chapter 28, Prize Notices Regulation Act;

97 (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter
98 Transaction Information Act;

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

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

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

102 (o) Chapter 49, Immigration Consultants Registration Act;

103 (p) Chapter 51, Transportation Network Company Registration Act;

104 (q) Chapter 52, Residential Solar Energy Consumer Protection Act;

105 (r) Chapter 53, Residential, Vocational or Life Skills Program Act;

106 (s) Chapter 54, Ticket Website Sales Act;

107 (t) Chapter 56, Ticket Transferability Act;

108 (u) Chapter 57, Maintenance Funding Practices Act;

109 (v) Chapter 61, Utah Consumer Privacy Act;

110 (w) Chapter 64, Vehicle Value Protection Agreement Act;

111 (x) Chapter 65, Utah Commercial Email Act;

112 (y) Chapter 67, Online Dating Safety Act;

113 (z) Chapter 68, Lawyer Referral Consultants Registration Act;

114 (aa) Chapter 70, Automatic Renewal Contracts Act;

115 (bb) Chapter 71, Utah Minor Protection in Social Media Act;

116 (cc) Chapter 72a, Artificial Intelligence Applications Relating to Mental Health;

117 (dd) Chapter 78, Earned Wage Access Services Act;[~~and~~]

118 (ee) Chapter 81, Utah Digital Choice Act[.] ;and

119 (ff) Chapter 82, Algorithmic Pricing Act.

120 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
121 division may make rules to establish:

122 (a) a public list that identifies a person that:

123 (i) violates a chapter described in Subsection (2);

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

126 (A) the division; or

127 (B) a court of competent jurisdiction; or

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

130 (b) a process by which a person may be removed from the list the division establishes as

131 described in Subsection (3)(a).

132 Section 3. Section **13-82-101** is enacted to read:

133 **CHAPTER 82. Algorithmic Pricing Act**

134 **Part 1. General Provisions**

135 **13-82-101 (Effective 05/06/26). Definitions.**

136 As used in this chapter:

- 137 (1) "Algorithm" means an automated process that uses a set of rules to:
 - 138 (a) interpret or analyze input data; and
 - 139 (b) produce a result based on the interpretation or analysis of the input data.
- 140 (2) "Algorithmic pricing" means the process of an algorithm setting the price of a good or
 - 141 service that the algorithm changes or sets based on a consumer's personal data.
- 142 (3) "Consumer transaction" means the same as that term is defined in Section 13-11-3.
- 143 (4) "Division" means the Division of Consumer Protection established in Section 13-2-1.
- 144 (5) "Personal data" means any information that identifies or could reasonably be linked,
 - 145 directly or indirectly, to a specific consumer or consumer's electronic device.
- 146 (6) "Supplier" means the same as that term is defined in Section 13-11-3.

147 Section 4. Section **13-82-201** is enacted to read:

148 **Part 2. Disclosure Required**

149 **13-82-201 (Effective 05/06/26). Algorithmic pricing -- Disclosure required.**

- 150 (1) Subject to Subsection (2), if a supplier uses algorithmic pricing in a consumer
transaction, the supplier shall include with the display of the price of the service or good
a clear and conspicuous disclosure that states: "THIS PRICE WAS SET BY AN
ALGORITHM USING YOUR PERSONAL DATA."
- 154 (2) This section does not apply to a pricing practice resulting from a loyalty, rewards, or
promotional program that results in a discounted price, rebate, reward, or other financial
benefit to a consumer, relative to the price otherwise offered for the same good or
service.

158 Section 5. Section **13-82-301** is enacted to read:

159 **Part 3. Enforcement**

160 **13-82-301 (Effective 05/06/26). Enforcement powers of the division.**

- 161 (1) The division shall administer and enforce the provisions of this chapter in accordance
with Chapter 2, Division of Consumer Protection.
- 163 (2) In addition to the division's enforcement powers under Chapter 2, Division of Consumer

164 Protection, the division may:

165 (a) impose an administrative fine of up to \$2,500 for a violation of this chapter; and

166 (b) bring an action in a court with jurisdiction to enforce a provision of this chapter.

167 (3) In an action described in Subsection (2)(b), the court may:

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

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

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

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

172 (e) impose a fine of up to \$2,500 for a violation of this chapter; and

173 (f) award any other relief that the court deems reasonable and necessary.

174 (4) Nothing in this chapter displaces any other available remedy or right authorized under
175 the laws of this state or the United States.

176 Section 6. **Effective Date.**

177 (1) Except as provided in Subsection (2), this bill takes effect May 6, 2026.

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