

1 **Consumer Pricing Data Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Heidi Balderree

House Sponsor: Tyler Clancy

2
3 **LONG TITLE**

4 **General Description:**

5 This bill enacts provisions related to consumer pricing.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines terms;
- 9 ▶ enacts Title 13, Chapter 82, Consumer Pricing Act;
- 10 ▶ provides that the Division of Consumer Protection (division) shall administer and enforce
- 11 Title 13, Chapter 82, Consumer Pricing Act;
- 12 ▶ subject to certain exceptions, provides that a supplier may not use a consumer's data to set
- 13 the price of a good or a service;
- 14 ▶ provides that a supplier may use a consumer's data to operate a loyalty program or offer
- 15 discounts to the customer;
- 16 ▶ provides that if a supplier uses an automatic pricing system, the supplier shall retain the
- 17 data the automatic pricing system uses to set prices for at least three years;
- 18 ▶ provides the enforcement mechanisms the division may use; and
- 19 ▶ makes technical changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 This bill provides a special effective date.

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **13-2-1 (Effective 05/06/26) (Superseded 07/01/26)**, as last amended by Laws of Utah
27 2025, Chapters 51, 181, 237, and 269

28 **13-2-1 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 468

29 ENACTS:

30 **13-82-101 (Effective 05/06/26)**, Utah Code Annotated 1953

31 **13-82-201 (Effective 05/06/26)**, Utah Code Annotated 1953

32 **13-82-202 (Effective 05/06/26)**, Utah Code Annotated 1953

33 **13-82-301 (Effective 05/06/26)**, Utah Code Annotated 1953

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

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

37 **13-2-1 (Effective 05/06/26) (Superseded 07/01/26). Consumer protection division**
 38 **established -- Functions.**

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

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

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

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

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

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

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

47 (f) Chapter 22, Charitable Solicitations Act;

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

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

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

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

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

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

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

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

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

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

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

60 (r) Chapter 53, Residential, Vocational [œr] and Life Skills Program Act;

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

62 (t) Chapter 56, Ticket Transferability Act;

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

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

- 65 (w) Chapter 64, Vehicle Value Protection Agreement Act;
- 66 (x) Chapter 65, Utah Commercial Email Act;
- 67 (y) Chapter 67, Online Dating Safety Act;
- 68 (z) Chapter 68, Lawyer Referral Consultants Registration Act;
- 69 (aa) Chapter 70, Automatic Renewal Contracts Act;
- 70 (bb) Chapter 71, Utah Minor Protection in Social Media Act;
- 71 (cc) Chapter 72a, Artificial Intelligence Applications Relating to Mental Health;[-and]
- 72 (dd) Chapter 78, Earned Wage Access Services Act[-]; and
- 73 (ee) Chapter 82, Consumer Pricing Act.
- 74 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 75 division may make rules to establish:
- 76 (a) a public list that identifies a person that:
- 77 (i) violates a chapter described in Subsection (2);
- 78 (ii) without proper legal justification, fails to comply with an order, subpoena,
- 79 judgment, or other legal process issued by:
- 80 (A) the division; or
- 81 (B) a court [~~of competent~~] with jurisdiction; or
- 82 (iii) breaches a settlement agreement, stipulation, assurance of voluntary compliance,
- 83 or similar instrument signed by the person and the division; and
- 84 (b) a process by which a person may be removed from the list the division establishes as
- 85 described in Subsection (3)(a).

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

87 **13-2-1 (Effective 07/01/26). Consumer protection division established --**

88 **Functions.**

- 89 (1) There is established within the Department of Commerce the Division of Consumer
- 90 Protection.
- 91 (2) The division shall administer and enforce the following:
- 92 (a) Chapter 10a, Music Licensing Practices Act;
- 93 (b) Chapter 11, Utah Consumer Sales Practices Act;
- 94 (c) Chapter 15, Business Opportunity Disclosure Act;
- 95 (d) Chapter 20, New Motor Vehicle Warranties Act;
- 96 (e) Chapter 21, Credit Services Organizations Act;
- 97 (f) Chapter 22, Charitable Solicitations Act;
- 98 (g) Chapter 23, Health Spa Services Protection Act;

- 99 (h) Chapter 25a, Telephone and Facsimile Solicitation Act;
- 100 (i) Chapter 26, Telephone Fraud Prevention Act;
- 101 (j) Chapter 28, Prize Notices Regulation Act;
- 102 (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter
- 103 Transaction Information Act;
- 104 (l) Chapter 34, Utah Postsecondary School and State Authorization Act;
- 105 (m) Chapter 41, Price Controls During Emergencies Act;
- 106 (n) Chapter 42, Uniform Debt-Management Services Act;
- 107 (o) Chapter 49, Immigration Consultants Registration Act;
- 108 (p) Chapter 51, Transportation Network Company Registration Act;
- 109 (q) Chapter 52, Residential Solar Energy Consumer Protection Act;
- 110 (r) Chapter 53, Residential, Vocational ~~[or]~~ and Life Skills Program Act;
- 111 (s) Chapter 54, Ticket Website Sales Act;
- 112 (t) Chapter 56, Ticket Transferability Act;
- 113 (u) Chapter 57, Maintenance Funding Practices Act;
- 114 (v) Chapter 61, Utah Consumer Privacy Act;
- 115 (w) Chapter 64, Vehicle Value Protection Agreement Act;
- 116 (x) Chapter 65, Utah Commercial Email Act;
- 117 (y) Chapter 67, Online Dating Safety Act;
- 118 (z) Chapter 68, Lawyer Referral Consultants Registration Act;
- 119 (aa) Chapter 70, Automatic Renewal Contracts Act;
- 120 (bb) Chapter 71, Utah Minor Protection in Social Media Act;
- 121 (cc) Chapter 72a, Artificial Intelligence Applications Relating to Mental Health;
- 122 (dd) Chapter 78, Earned Wage Access Services Act;~~[-and]~~
- 123 (ee) Chapter 81, Utah Digital Choice Act~~[-]~~ ; and
- 124 (ff) Chapter 82, Consumer Pricing Act.
- 125 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 126 division may make rules to establish:
- 127 (a) a public list that identifies a person that:
- 128 (i) violates a chapter described in Subsection (2);
- 129 (ii) without proper legal justification, fails to comply with an order, subpoena,
- 130 judgment, or other legal process issued by:
- 131 (A) the division; or
- 132 (B) a court ~~[of competent]~~ with jurisdiction; or

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

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

138 **CHAPTER 82. Consumer Pricing Act**

139 **Part 1. General Provisions**

140 **13-82-101 (Effective 05/06/26). Definitions.**

141 As used in this chapter:

- 142 (1) "Automatic pricing system" means a system, software, or process that uses automated
 143 processes to:
 144 (a) interpret and analyze data; and
 145 (b) using the interpretation or analysis described in Subsection (1)(a):
 146 (i) assist a person in determining the price of a good or service; or
 147 (ii) set the price of a good or service.
 148 (2) "Biometric data" means the same as that term is defined in Section 13-61-101.
 149 (3) "Customer loyalty program" means a program where a supplier offers a reward or
 150 incentive to a consumer for the consumer's repeated purchases, participation, or other
 151 similar form of patronage with the supplier.
 152 (4) "Division" means the Division of Consumer Protection established in Section 13-2-1.
 153 (5)(a) "Personal data" means information that is connected to or could reasonably be
 154 connected to an individual or an individual's electronic device.
 155 (b) "Personal data" includes:
 156 (i) the geolocation of an individual's electronic device;
 157 (ii) real-time tracking of an individual's electronic device; and
 158 (iii) web browsing history.
 159 (6) "Purchase history" means information that is connected to an individual and the
 160 individual's previous purchase of a good or a service.
 161 (7) "Supplier" means the same as that term is defined in Section 13-11-3.

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

163 **Part 2. Consumer Pricing**

164 **13-82-201 (Effective 05/06/26). Supplier prohibited from using consumer data to**
 165 **set price.**

- 166 (1) Except as provided in Subsection (2), a supplier may not use any of the following to set
 167 the price that the supplier charges an individual consumer for a good or service:
 168 (a) the consumer's personal data;
 169 (b) the consumer's biometric data;
 170 (c) the consumer's purchase history; or
 171 (d) an inference about the consumer based on an attribute described in Subsections (1)(a)
 172 through (c).
- 173 (2) A supplier may use the information described in Subsections (1)(c) to:
 174 (a) operate a customer loyalty program; or
 175 (b) offer a discount to the consumer.

176 Section 5. Section **13-82-202** is enacted to read:

177 **13-82-202 (Effective 05/06/26). Automatic pricing system.**

178 If a supplier uses an automatic pricing system to set the price of a good or a service or to
 179 assist the supplier in setting the price of a good or a service, the supplier shall:

- 180 (1) store the price the supplier sets for a good or service and the data that the automatic
 181 pricing system uses to set the price of a good or service; and
 182 (2) retain the data described in Subsection (1) for at least three years after the day on which
 183 the supplier uses the data to set the price of a good or service.

184 Section 6. Section **13-82-301** is enacted to read:

185 **Part 3. Enforcement**

186 **13-82-301 (Effective 05/06/26). Enforcement powers of the division.**

- 187 (1) The division shall administer and enforce the provisions of this chapter in accordance
 188 with Chapter 2, Division of Consumer Protection.
- 189 (2) In addition to the division's enforcement powers under Chapter 2, Division of Consumer
 190 Protection, the division may:
- 191 (a) impose an administrative fine of up to \$2,500 for a violation of this chapter; and
 192 (b) bring an action in a court with jurisdiction to enforce a provision of this chapter.
- 193 (3) In an action described in Subsection (2)(b), the court may:
- 194 (a) declare that an act or practice violates a provision of this chapter;
 195 (b) issue an injunction for a violation of this chapter;
 196 (c) order disgorgement of any money received in violation of this chapter;
 197 (d) order payment of disgorged money to an injured purchaser or consumer;
 198 (e) impose a fine of up to \$2,500 for a violation of this chapter; and
 199 (f) award any other relief that the court deems reasonable and necessary.

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

202 Section 7. **Effective Date.**

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

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