

Heidi Balderree proposes the following substitute bill:

Consumer Pricing Data Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Heidi Balderree

House Sponsor: Tyler Clancy

LONG TITLE

General Description:

This bill enacts provisions related to consumer pricing.

Highlighted Provisions:

This bill:

- defines terms;
- enacts Title 13, Chapter 82, Consumer Pricing Act;
- provides that the Division of Consumer Protection (division) shall administer and enforce Title 13, Chapter 82, Consumer Pricing Act;
- subject to certain exceptions, provides that a supplier may not use a consumer's data to increase the price of a good or a service;
- provides the circumstances under which a supplier may use a consumer's personal data;
- provides that if a supplier uses an automatic pricing system, the supplier shall retain certain information for at least one year;
- provides the enforcement mechanisms the division may use; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

13-2-1 (Effective 05/06/26) (Superseded 07/01/26), as last amended by Laws of Utah 2025, Chapters 51, 181, 237, and 269

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

ENACTS:

- 29 **13-82-101 (Effective 05/06/26)**, Utah Code Annotated 1953
30 **13-82-201 (Effective 05/06/26)**, Utah Code Annotated 1953
31 **13-82-202 (Effective 05/06/26)**, Utah Code Annotated 1953
32 **13-82-301 (Effective 05/06/26)**, Utah Code Annotated 1953
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34 *Be it enacted by the Legislature of the state of Utah:*35 Section 1. Section **13-2-1** is amended to read:

36 **13-2-1 (Effective 05/06/26) (Superseded 07/01/26). Consumer protection division**
37 **established -- Functions.**

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

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

- 41 (a) Chapter 10a, Music Licensing Practices Act;
42 (b) Chapter 11, Utah Consumer Sales Practices Act;
43 (c) Chapter 15, Business Opportunity Disclosure Act;
44 (d) Chapter 20, New Motor Vehicle Warranties Act;
45 (e) Chapter 21, Credit Services Organizations Act;
46 (f) Chapter 22, Charitable Solicitations Act;
47 (g) Chapter 23, Health Spa Services Protection Act;
48 (h) Chapter 25a, Telephone and Facsimile Solicitation Act;
49 (i) Chapter 26, Telephone Fraud Prevention Act;
50 (j) Chapter 28, Prize Notices Regulation Act;
51 (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter
52 Transaction Information Act;
53 (l) Chapter 34, Utah Postsecondary School and State Authorization Act;
54 (m) Chapter 41, Price Controls During Emergencies Act;
55 (n) Chapter 42, Uniform Debt-Management Services Act;
56 (o) Chapter 49, Immigration Consultants Registration Act;
57 (p) Chapter 51, Transportation Network Company Registration Act;
58 (q) Chapter 52, Residential Solar Energy Consumer Protection Act;
59 (r) Chapter 53, Residential, Vocational [or] and Life Skills Program Act;
60 (s) Chapter 54, Ticket Website Sales Act;
61 (t) Chapter 56, Ticket Transferability Act;
62 (u) Chapter 57, Maintenance Funding Practices Act;

- 63 (v) Chapter 61, Utah Consumer Privacy Act;
- 64 (w) Chapter 64, Vehicle Value Protection Agreement Act;
- 65 (x) Chapter 65, Utah Commercial Email Act;
- 66 (y) Chapter 67, Online Dating Safety Act;
- 67 (z) Chapter 68, Lawyer Referral Consultants Registration Act;
- 68 (aa) Chapter 70, Automatic Renewal Contracts Act;
- 69 (bb) Chapter 71, Utah Minor Protection in Social Media Act;
- 70 (cc) Chapter 72a, Artificial Intelligence Applications Relating to Mental Health;[-and]
- 71 (dd) Chapter 78, Earned Wage Access Services Act[-] ; and
- 72 (ee) Chapter 82, Consumer Pricing Act.
- 73 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 74 division may make rules to establish:
- 75 (a) a public list that identifies a person that:
- 76 (i) violates a chapter described in Subsection (2);
- 77 (ii) without proper legal justification, fails to comply with an order, subpoena,
- 78 judgment, or other legal process issued by:
- 79 (A) the division; or
- 80 (B) a court [~~of competent~~] with jurisdiction; or
- 81 (iii) breaches a settlement agreement, stipulation, assurance of voluntary compliance,
- 82 or similar instrument signed by the person and the division; and
- 83 (b) a process by which a person may be removed from the list the division establishes as
- 84 described in Subsection (3)(a).

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

86 **13-2-1 (Effective 07/01/26). Consumer protection division established --**

87 **Functions.**

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

- 97 (g) Chapter 23, Health Spa Services Protection Act;
- 98 (h) Chapter 25a, Telephone and Facsimile Solicitation Act;
- 99 (i) Chapter 26, Telephone Fraud Prevention Act;
- 100 (j) Chapter 28, Prize Notices Regulation Act;
- 101 (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter
- 102 Transaction Information Act;
- 103 (l) Chapter 34, Utah Postsecondary School and State Authorization Act;
- 104 (m) Chapter 41, Price Controls During Emergencies Act;
- 105 (n) Chapter 42, Uniform Debt-Management Services Act;
- 106 (o) Chapter 49, Immigration Consultants Registration Act;
- 107 (p) Chapter 51, Transportation Network Company Registration Act;
- 108 (q) Chapter 52, Residential Solar Energy Consumer Protection Act;
- 109 (r) Chapter 53, Residential, Vocational [or] and Life Skills Program Act;
- 110 (s) Chapter 54, Ticket Website Sales Act;
- 111 (t) Chapter 56, Ticket Transferability Act;
- 112 (u) Chapter 57, Maintenance Funding Practices Act;
- 113 (v) Chapter 61, Utah Consumer Privacy Act;
- 114 (w) Chapter 64, Vehicle Value Protection Agreement Act;
- 115 (x) Chapter 65, Utah Commercial Email Act;
- 116 (y) Chapter 67, Online Dating Safety Act;
- 117 (z) Chapter 68, Lawyer Referral Consultants Registration Act;
- 118 (aa) Chapter 70, Automatic Renewal Contracts Act;
- 119 (bb) Chapter 71, Utah Minor Protection in Social Media Act;
- 120 (cc) Chapter 72a, Artificial Intelligence Applications Relating to Mental Health;
- 121 (dd) Chapter 78, Earned Wage Access Services Act;[and]
- 122 (ee) Chapter 81, Utah Digital Choice Act[-] ; and
- 123 (ff) Chapter 82, Consumer Pricing Act.
- 124 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 125 division may make rules to establish:
- 126 (a) a public list that identifies a person that:
- 127 (i) violates a chapter described in Subsection (2);
- 128 (ii) without proper legal justification, fails to comply with an order, subpoena,
- 129 judgment, or other legal process issued by:
- 130 (A) the division; or

- 131 (B) a court [~~of competent~~] with jurisdiction; or
 132 (iii) breaches a settlement agreement, stipulation, assurance of voluntary compliance,
 133 or similar instrument signed by the person and the division; and
 134 (b) a process by which a person may be removed from the list the division establishes as
 135 described in Subsection (3)(a).

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

137 **CHAPTER 82. Consumer Pricing Act**

138 **Part 1. General Provisions**

139 **13-82-101 (Effective 05/06/26). Definitions.**

140 As used in this chapter:

- 141 (1) "Automatic pricing system" means a system, software, or process that uses an
 142 automated process to:
 143 (a) interpret and analyze one or more categories of personal data or biometric data; and
 144 (b) using the interpretation or analysis described in Subsection (1)(a):
 145 (i) assist a person in determining the price of a good or service; or
 146 (ii) set the price of a good or service without human oversight or involvement.
 147 (2) "Biometric data" means the same as that term is defined in Section 13-61-101.
 148 (3) "Category of personal data" means a class, grouping, or other classification of
 149 individuals that is based on, or derived from an inference about, one or more
 150 characteristics of the personal data of more than one individual.
 151 (4) "Consumer" means the same as that term is defined in Section 13-61-101.
 152 (5) "Consumer transaction" means the same as that term is defined in Section 13-11-3.
 153 (6) "Customer loyalty program" means a program where a supplier offers a reward or
 154 incentive to a consumer for the consumer's repeated purchases, participation, or other
 155 similar form of patronage with the supplier.
 156 (7) "Division" means the Division of Consumer Protection established in Section 13-2-1.
 157 (8) "Personal data" means the same as that term is defined in Section 13-61-101.
 158 (9) "Purchase history" means information that is connected to an individual and the
 159 individual's previous purchase of a good or a service.
 160 (10)(a) "Supplier" means a seller, lessor, assignor, offeror, broker, or other person who
 161 regularly solicits, engages in, or enforces consumer transactions, whether or not the
 162 person deals directly with the consumer.
 163 (b) "Supplier" does not include a financial institution, or an affiliation of a financial

164 institution, that is subject to the data security and privacy requirements of Title V of
165 the Gramm-Leach-Bliley Act, 15 U.S.C. Sec. 6801 et seq.

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

167 **Part 2. Consumer Pricing**

168 **13-82-201 (Effective 05/06/26). Supplier prohibited from using consumer data to**
169 **increase the price of a good or service.**

170 (1) A supplier may not use any of the following to increase the price that the supplier
171 charges an individual consumer for a good or service:

172 (a) the consumer's personal data;

173 (b) the consumer's biometric data;

174 (c) the consumer's purchase history; or

175 (d) an inference about the consumer based on an attribute described in Subsections (1)(a)
176 through (c).

177 (2) A supplier may use the information described in Subsection (1) to:

178 (a) offer a price to a consumer who has an existing subscription-based agreement for a
179 good or service with a supplier that is lower than the price for the same good or
180 service that the supplier offers to a consumer that does not enter into a
181 subscription-based agreement with the supplier;

182 (b) operate a customer loyalty program;

183 (c) offer a discount, coupon, or promotion to the consumer; or

184 (d) use a consumer's location information, including a device's precise geolocation, to
185 generate a price based on:

186 (i) supply or demand conditions;

187 (ii) located-based operational costs; or

188 (iii) other aggregate market conditions not linked to a specific individual or device.

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

190 **13-82-202 (Effective 05/06/26). Automatic pricing system.**

191 (1) If a supplier uses an automatic pricing system to increase the price of a good or a
192 service, the supplier shall:

193 (a) store:

194 (i) the price the supplier charges a consumer for a good or service using the automatic
195 pricing system; and

196 (ii) each category of personal data that the automatic pricing system uses to increase
197 the price of a good or service; and

198 (b) subject to Subsection (2), retain the data described in Subsection (1)(a) for at least
199 one year after the day on which the supplier uses the automatic pricing system to
200 increase the price of a good or service.

201 (2) Subsection (1) does not require a supplier to retain the characteristics of personal data
202 used to create the categories of personal data that the automatic pricing system uses.

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

204 **Part 3. Enforcement**

205 **13-82-301 (Effective 05/06/26). Enforcement powers of the division.**

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

208 (2) In addition to the division's enforcement powers under Chapter 2, Division of Consumer
209 Protection, the division may:

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

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

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

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

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

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

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

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

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

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

221 Section 7. **Effective Date.**

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

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