

Effective 5/7/2025

Chapter 77
Generative Artificial Intelligence — Consumer Disclosures and Enforcement

Part 1
General Provisions

13-77-101 Definitions.

As used in this chapter:

- (1) "Artificial intelligence technology" means the same as that term is defined in Section 13-72-101.
- (2) "Consumer transaction" means the same as that term is defined in Section 13-11-3.
- (3) "Division" means the Division of Consumer Protection created in Section 13-2-102.
- (4) "Generative artificial intelligence" means an artificial intelligence technology system that:
 - (a) is trained on data;
 - (b) is designed to simulate human conversation with a consumer through one or more of the following:
 - (i) text;
 - (ii) audio; or
 - (iii) visual communication; and
 - (c) generates non-scripted outputs similar to outputs created by a human, with limited or no human oversight.
- (5) "High-risk artificial intelligence interaction" means an interaction with generative artificial intelligence that involves:
 - (a) the collection of sensitive personal information, including:
 - (i) health data;
 - (ii) financial data; or
 - (iii) biometric data;
 - (b) the provision of personalized recommendations, advice, or information that could reasonably be relied upon to make significant personal decisions, including the provision of:
 - (i) financial advice or services;
 - (ii) legal advice or services;
 - (iii) medical advice or services; or
 - (iv) mental health advice or services; or
 - (c) other applications as defined by division rule.
- (6) "License" means a state-granted authorization for an individual to engage in a specified occupation:
 - (a) based on the individual meeting personal qualifications established under state law; and
 - (b) that is required before the individual may lawfully engage in the occupation for compensation.
- (7) "Office" means the Office of Artificial Intelligence Policy created in Section 13-72-201.
- (8) "Regulated occupation" means an occupation that:
 - (a) is regulated by the Department of Commerce; and
 - (b) requires an individual to obtain a license or state certification to practice the occupation.
- (9) "State certification" means a state-granted authorization that:
 - (a) permits an individual to use the term "state certified" as part of a designated title related to a specified occupation:
 - (i) based on the individual meeting personal qualifications established under state law; and

- (ii) where state law prohibits a noncertified individual from using the term "state certified" as part of a designated title; and
 - (b) does not prohibit a noncertified individual from engaging in the occupation for compensation.
- (10) "Supplier" means the same as that term is defined in Section 13-11-3.

Amended by Chapter 95, 2026 General Session

13-77-102 Liability for violation of consumer protection law.

It is not a defense to the violation of any statute administered and enforced by the division under Section 13-2-102 that generative artificial intelligence:

- (1) made the violative statement;
- (2) undertook the violative act; or
- (3) was used in furtherance of the violation.

Amended by Chapter 95, 2026 General Session

13-77-103 Required disclosures.

- (1)
 - (a) A supplier that uses generative artificial intelligence to interact with an individual in connection with a consumer transaction shall disclose to the individual that the individual is interacting with generative artificial intelligence and not a human, if the individual asks or otherwise prompts the supplier about whether artificial intelligence is being used.
 - (b) The individual's prompt or question under Subsection (1)(a) must be a clear and unambiguous request to determine whether the interaction is with a human or with artificial intelligence.
- (2) An individual providing services in a regulated occupation shall:
 - (a) prominently disclose when an individual receiving services is interacting with generative artificial intelligence in the provision of regulated services if the use of generative artificial intelligence constitutes a high-risk artificial intelligence interaction; and
 - (b) comply with all requirements of the regulated occupation when providing services through generative artificial intelligence.
- (3) A disclosure required under Subsection (2) shall be provided:
 - (a) verbally at the start of a verbal interaction; and
 - (b) in writing before the start of a written interaction.

Enacted by Chapter 465, 2025 General Session

13-77-104 Safe harbor.

- (1) A person is not subject to an enforcement action for violating Section 13-77-103 if the person's generative artificial intelligence clearly and conspicuously discloses:
 - (a) at the outset of any interaction with an individual in connection with:
 - (i) a consumer transaction; or
 - (ii) the provision of regulated services; and
 - (b) throughout the interaction that it:
 - (i) is generative artificial intelligence;
 - (ii) is not human; or
 - (iii) is an artificial intelligence assistant.

- (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division in consultation with the office, may make rules specifying forms and methods of disclosure that:
- (a) satisfy the requirements of Subsection (1); or
 - (b) do not satisfy the requirements of Subsection (1).

Enacted by Chapter 465, 2025 General Session

13-77-105 Enforcement.

- (1) A violation of this chapter constitutes a violation of Subsection 13-11-4(1).
- (2) The division shall administer and enforce this chapter in accordance with Chapter 2, Division of Consumer Protection.
- (3) The attorney general shall:
- (a) give legal advice to the division regarding the division's responsibilities under this chapter; and
 - (b) act as counsel for the division in the exercise of the division's responsibilities under this chapter.
- (4) In addition to the division's enforcement powers under Chapter 2, Division of Consumer Protection:
- (a) the division director may impose an administrative fine of up to \$2,500 for each violation of this chapter; and
 - (b) the division may bring an action in court to enforce this chapter.
- (5) In an action brought by the division to enforce this chapter, the court may:
- (a) declare that an act or practice violates this chapter;
 - (b) issue an injunction for a violation of this chapter;
 - (c) order disgorgement of money received in violation of this chapter;
 - (d) order payment of disgorged money to an individual injured by a violation of this chapter;
 - (e) impose a fine of up to \$2,500 for each violation of this chapter; or
 - (f) award other reasonable and necessary relief.
- (6) If a court of competent jurisdiction grants judgment or injunctive relief to the division, the court shall award the division:
- (a) reasonable attorney fees;
 - (b) court costs; and
 - (c) investigative fees.
- (7)
- (a) A person who violates an administrative or court order issued for a violation of this chapter is subject to a civil penalty of up to \$5,000 for each violation.
 - (b) The attorney general may impose a civil penalty authorized under this section in any civil action brought on behalf of the division.

Enacted by Chapter 465, 2025 General Session

13-77-106 Scope.

This chapter does not displace any other remedy or right authorized under:

- (1) the laws of this state; or
- (2) federal law.

Enacted by Chapter 465, 2025 General Session

