

Effective 5/7/2025

Chapter 81 Utah Digital Choice Act

Effective 7/1/2026

Part 1 General Provisions

Effective 7/1/2026

Superseded 7/1/2027

13-81-101 Definitions.

As used in this chapter:

- (1) "Open protocol" means a publicly available technical standard that:
 - (a) enables interoperability and data exchange between social media services by providing a common data infrastructure where multiple social media services can access, contribute to, and synchronize a user's personal data;
 - (b) is free from:
 - (i) licensing fees; and
 - (ii) patent restrictions; and
 - (c) governs how social media services communicate and exchange data with each other.
- (2)
 - (a) "Personal data" means the same as that term is defined in Section 13-61-101.
 - (b) "Personal data" includes a user's social graph.
- (3)
 - (a) "Social graph" means data that represents a person's connections and interactions within a social media service.
 - (b) "Social graph" includes:
 - (i) the person's social connections with other users;
 - (ii) content created by the person;
 - (iii) the person's responses to other users' content, including comments, reactions, and shares;
 - (iv) other users' responses to the person's content; and
 - (v) metadata associated with the items described in Subsections (3)(b)(i) through (iv).
 - (c) "Social graph" does not include another user's or an entity's content and responses that have been designated private by those users and entities, including private messages.
- (4) "Social media company" means an entity that owns or operates a social media service.
- (5)
 - (a) "Social media service" means a public website or application that:
 - (i) displays content that is primarily generated by account holders and not by the social media company;
 - (ii) permits an individual to register as an account holder and create a profile that is made visible to the general public or a set of other users defined by the account holder;
 - (iii) connects account holders to allow users to interact socially with each other within the website or application; and
 - (iv) allows account holders to post content viewable by other users.
 - (b) "Social media service" does not include:
 - (i) email;
 - (ii) cloud storage; or

- (iii) document viewing, sharing, or collaboration services.
- (6) "User" means an individual located in the state who accesses or uses a social media service.

Enacted by Chapter 468, 2025 General Session

Effective 7/1/2027
13-81-101 Definitions.

As used in this chapter:

- (1) "Open protocol" means a publicly available technical standard that:
 - (a) enables interoperability and data exchange between social media services by providing a common data infrastructure where multiple social media services can access a user's personal data;
 - (b) is free from:
 - (i) licensing fees; and
 - (ii) patent restrictions; and
 - (c) governs how social media services communicate and exchange data with each other.
- (2)
 - (a) "Personal data" means the same as that term is defined in Section 13-61-101.
 - (b) "Personal data" includes a user's social graph.
- (3)
 - (a) "Social graph" means data, or a user-selected portion of data, that represents a person's connections and interactions within a social media service.
 - (b) "Social graph" includes:
 - (i) the person's social connections with other users;
 - (ii) content created by the person;
 - (iii) the person's responses to other users' content, including comments, reactions, mentions, reposts, shares, and other engagements;
 - (iv) metadata associated with the items described in Subsections (3)(b)(i) through (iii); and
 - (v) relational references sufficient to maintain the associations among data elements described in Subsections (3)(b)(i) through (iii).
 - (c) "Social graph" does not include another user's or an entity's content and responses that have been designated private by those users and entities, including private messages.
- (4) "Social media company" means an entity that owns or operates a social media service.
- (5)
 - (a) "Social media service" means a public website or application that:
 - (i) displays content that is primarily generated by account holders and not by the social media company;
 - (ii) permits an individual to register as an account holder and create a profile that is made visible to the general public or a set of other users defined by the account holder;
 - (iii) connects account holders to allow users to interact socially with each other within the website or application;
 - (iv) makes available to each account holder a list or lists of other account holders with whom the account holder shares a connection within the system; and
 - (v) allows account holders to post content viewable by other users.
 - (b) "Social media service" does not include:
 - (i) email;
 - (ii) cloud storage; or
 - (iii) document viewing, sharing, or collaboration services.

(6) "User" means an individual located in the state who accesses or uses a social media service.

Amended by Chapter 316, 2026 General Session

Effective 7/1/2026

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13-81-102 Legislative findings.

The Legislature finds that:

- (1) an individual has a right to control and move the individual's own personal data, including social interactions online;
- (2) companies have demonstrated a pattern of restricting the interoperability of content, preventing users from easily sharing posts and interactions across different platforms; and
- (3) the state should ensure that individuals have the right to access a complete personal data record from social media platforms.

Enacted by Chapter 468, 2025 General Session

Effective 7/1/2027

13-81-102 Legislative findings.

The Legislature finds that:

- (1) an individual has a right to control and move the individual's own personal data, including social interactions online;
- (2) companies have demonstrated a pattern of restricting the interoperability of content, preventing users from easily sharing posts and interactions across different platforms, reducing effective consumer choice, and stifling market competition; and
- (3) the state should ensure that individuals have the right to access a complete personal data record in a portable format from social media platforms.

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**Part 2
Data Rights and Requirements**

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13-81-201 Data portability requirements.

If a consumer requests a copy of the consumer's personal data under Section 13-61-201, a social media service shall provide the personal data, including the user's social graph, in a format that:

- (1) is portable, to the extent technically feasible;
- (2) is readily usable, to the extent practicable; and
- (3) allows the consumer to transmit the data to another controller without impediment if the controller processes the data by automated means.

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13-81-201 Data portability requirements.

If a consumer requests a copy of the consumer's personal data under Section 13-61-201, a social media service shall within five business days provide the personal data, including the user's social graph, in a format that:

- (1) is portable, to the extent technically feasible;
- (2) is readily usable, to the extent practicable; and
- (3) allows the consumer to transmit the data to another controller without impediment if the controller processes the data by automated means.

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13-81-202 Data interoperability requirements.

- (1) A social media company shall implement a transparent, third-party-accessible interoperability interface or interfaces to allow users to choose to:
 - (a) share a common set of the user's personal data between the social media services designated by the user; and
 - (b) enable third parties to access content created by the user and to be notified when new or updated content is available, with the user's permission.
- (2) A social media company shall reasonably secure all personal data obtained through an interoperability interface.
- (3) To achieve interoperability under Subsection (1), a social media company shall:
 - (a) utilize an open protocol;
 - (b) facilitate and maintain interoperability and synchronous data sharing with other social media services through an interoperability interface, based on reasonable terms that do not discriminate between social media services;
 - (c) establish reasonable and proportionate thresholds related to the frequency, nature, and volume of requests, beyond which the social media company may assess a reasonable fee for such access;
 - (d) offer to other social media companies a functionally equivalent version of any internal interfaces created by the social media company for the social media company's own social media services; and
 - (e) disclose to other social media companies complete, accurate, and regularly updated documentation describing access to the interoperability interface required under this section.
- (4) A social media company or third party shall safeguard the privacy and security of a user's personal data obtained from other social media services through the interoperability interface in accordance with the social media company's or third party's privacy notice and administrative, technical, and physical data security practices.
- (5) A social media company or third party may not share or receive a user's personal data through the interoperability interface except with the user's consent.
- (6) A social media company shall adopt an accessible, prominent, and persistent method for users to give consent for data sharing with other social media services or third parties through the interoperability interface.
- (7) A social media company is not required to:
 - (a) provide access to:

- (i) inferences, analyses, or derived data that the social media company has generated internally about a user; or
- (ii) proprietary algorithms, ranking systems, or other internal operating mechanisms; or
- (b) transmit personal data that:
 - (i) is stored or structured in a proprietary format; and
 - (ii) meets both of the following criteria:
 - (A) no open, industry-standard format is reasonably available; and
 - (B) transmitting the data would disclose information described in Subsection (7)(a).
- (8) This chapter does not apply to an entity that is:
 - (a) owned, controlled, operated, or maintained by a religious organization; and
 - (b) exempt from property taxation under state law.

Enacted by Chapter 468, 2025 General Session

Effective 7/1/2027

13-81-202 Data interoperability requirements.

- (1) A social media company shall implement a transparent, third-party-accessible interoperability interface or interfaces to allow users to choose to:
 - (a) share a common set of the user's personal data or a user-selected part of the user's personal data between the social media services designated by the user; and
 - (b) enable third parties to access personal data created by the user and to be notified when new or updated personal data is available, with the user's permission.
- (2) A social media company shall reasonably secure all personal data obtained through an interoperability interface.
- (3) To achieve interoperability under Subsection (1), a social media company shall:
 - (a) utilize an open protocol;
 - (b) facilitate and maintain interoperability and continuous, real-time data sharing with other social media services through an interoperability interface, based on reasonable terms that do not discriminate between social media services;
 - (c) establish reasonable and proportionate thresholds related to the frequency, nature, and volume of requests, beyond which the social media company may assess a reasonable fee for such access; and
 - (d) disclose to other social media companies complete, accurate, and regularly updated documentation describing access to the interoperability interface required under this section.
- (4) A social media company shall publicly disclose the open protocol that the social media company intends to use for purposes of Subsection (3)(a).
- (5) A social media company or third party shall safeguard the privacy and security of a user's personal data obtained from other social media services through the interoperability interface in accordance with the social media company's or third party's privacy notice and administrative, technical, and physical data security practices.
- (6) A social media company or third party may not share or receive a user's personal data through the interoperability interface except with the user's consent, including when a user's personal data is intended to be shared in response to another user's request to share a social graph.
- (7)
 - (a) A social media company shall adopt an accessible, prominent, and persistent method for users to give consent for data sharing with other social media services or third parties through the interoperability interface.
 - (b) The method described in Subsection (7)(a) shall allow users to provide consent:

- (i) when the user initiates a transfer of the user's own personal data; and
- (ii) before the user's personal data is shared as part of another user's social graph.
- (c) A social media company shall implement the user's consent decisions within five business days.
- (8) A social media company is not required to:
 - (a) provide access to:
 - (i) inferences, analyses, or derived data that the social media company has generated internally about a user; or
 - (ii) proprietary algorithms, ranking systems, or other internal operating mechanisms; or
 - (b) transmit personal data that:
 - (i) is stored or structured in a proprietary format; and
 - (ii) meets both of the following criteria:
 - (A) no open, industry-standard format is reasonably available; and
 - (B) transmitting the data would disclose information described in Subsection (8)(a).
- (9) This chapter does not apply to an entity that is:
 - (a) owned, controlled, operated, or maintained by a religious organization; and
 - (b) exempt from property taxation under state law.

Amended by Chapter 316, 2026 General Session

Part 3 Administrative Provisions

Superseded 7/1/2027

13-81-301 Rulemaking authority -- Rebuttable presumptions.

- (1) The division may identify open protocols that the division has determined, after an assessment, meet the requirements of Section 13-81-202.
- (2) If a social media company uses an open protocol that the division identifies under Subsection (1), the social media company shall be entitled to a rebuttable presumption of providing access on reasonable terms that do not discriminate between social media services.

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Effective 7/1/2027

13-81-301 Rulemaking authority -- Rebuttable presumption -- Safe harbor.

- (1) The division may identify open protocols that the division has determined, after an assessment, meet the requirements of Section 13-81-202.
- (2) If a social media company uses an open protocol that the division identifies under Subsection (1), the social media company shall be entitled to a rebuttable presumption of providing access on reasonable terms that do not discriminate between social media services.
- (3) A social media company does not violate Section 13-81-202 for a temporary loss of continuous real-time data sharing if the social media company demonstrates that:
 - (a) the social media company made good faith efforts to maintain continuous real-time data sharing; and
 - (b) the social media company took reasonable steps to restore data sharing as soon as practicable.

- (4) Nothing in this chapter shall be construed to require a social media company to receive data through an interoperability interface.

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13-81-302 Enforcement.

- (1) The division shall administer and enforce this chapter, within existing budget allocations, in accordance with Chapter 2, Division of Consumer Protection.
- (2) The attorney general, upon request, shall give legal advice to, and act as counsel for, the division in the exercise of the division's responsibilities under this chapter.
- (3)
- (a) In addition to the division's enforcement powers under Chapter 2, Division of Consumer Protection:
- (i) the division director may impose an administrative fine of up to \$2,500 for each violation of this chapter; and
- (ii) the division may bring an action in court to enforce a provision of this chapter.
- (b) In a court action by the division to enforce a provision of this chapter, the court may:
- (i) declare that the act or practice violates a provision of this chapter;
- (ii) enjoin actions that violate this chapter;
- (iii) order disgorgement of any money received in violation of this chapter;
- (iv) order payment of disgorged money to an injured purchaser or consumer;
- (v) impose a civil penalty of up to \$2,500 for each violation of this chapter;
- (vi) award actual damages to an injured purchaser or consumer; and
- (vii) award any other relief that the court deems reasonable and necessary.
- (c) If a court grants judgment or injunctive relief to the division, the court shall award the division:
- (i) reasonable attorney fees;
- (ii) court costs; and
- (iii) investigative fees.
- (d)
- (i) A person who violates an administrative or court order issued for a violation of this chapter is subject to a civil penalty of no more than \$5,000 for each violation.
- (ii) A civil penalty authorized under this section may be imposed in any civil action brought by the division, or by the attorney general on behalf of the division.

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**Part 4
Special Provisions**

Effective 7/1/2026

Superseded 7/1/2027

13-81-401 Severability.

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

Enacted by Chapter 468, 2025 General Session

Effective 7/1/2027

13-81-401 Severability.

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

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