

211 (S) academic or scholarly research; or

212 (T) genealogical research; or

213 (ii) where:

214 (A) the majority of the content that is posted or created is posted or created by the
215 provider of the online service, website, or application; and

216 (B) the ability to chat, comment, or interact with other users is directly related to the
217 provider's content;

218 (iii) that is a classified ad service that only permits the sale of goods and prohibits the
219 solicitation of personal services; or

220 (iv) that is used by and under the direction of an educational entity, including:

221 (A) a learning management system;

222 (B) a student engagement program; and

223 (C) a subject or skill-specific program.

224 (11) "User" means a person who has access to view all, or some of, the posts on a
225 social media platform, but is not an account holder.

226 (12) (a) "Utah account holder" means a person who is a Utah resident and an account
227 holder.

228 (b) "Utah account holder" includes a Utah minor account holder.

229 (13) "Utah minor account holder" means a Utah account holder who is a minor.

230 (14) "Utah resident" means an individual who currently resides in Utah.

231 Section 4. Section **13-63-201** is enacted to read:

232 **Part 2. Social Media Design Regulations**

233 **13-63-201. Social media platform design regulations -- Enforcement and auditing**
234 **authority -- Penalties.**

235 (1) ~~§~~ **Beginning March 1, 2024:** ~~§~~

235a (a) ~~§~~ ~~[The] the~~ ~~§~~ division shall administer and enforce the provisions of this section

235b ~~§~~ ~~[.] ; and~~ ~~§~~

236 (b) ~~§~~ ~~[The] the~~ ~~§~~ division may audit the records of a social media company in order to
236a determine

237 compliance with the requirements of this section or to investigate a complaint, including a
238 random sample of a social media company's records and other audit methods.

239 (2) ~~§~~ ~~[A] **Beginning March 1, 2024,** a~~ ~~§~~ social media company shall not use a practice,
239a design, or feature on the

240 company's social media platform that the social media company knows, or which by the
241 exercise of reasonable care should know, causes a Utah minor account holder to have an

304 the violation or violations.

305 (4) If a Utah minor account holder seeking recovery of damages under this section is
306 under the age of 16, there shall be a rebuttable presumption that the harm actually occurred and
307 that the harm was a caused as a consequence of using or having an account on the social media
308 company's social media platform.

309 Section 6. Section **13-63-401** is enacted to read:

310 **Part 4. Waiver Prohibited**

311 **13-63-401. Waiver prohibited.**

312 A waiver or limitation, or a purported waiver or limitation, of any of the following is
313 void as unlawful, is against public policy, and a court or arbitrator may not enforce or give
314 effect to the waiver, notwithstanding any contract or choice-of-law provision in a contract:

315 (1) a protection or requirement provided under this chapter;

316 (2) the right to cooperate with the division or to file a complaint with the division; ~~§~~ → [or]

316a ←~~§~~

317 (3) the right to a private right of action as provided under this chapter ~~§~~ → [;] ; or

317a (4) the right to recover actual damages, statutory damages, civil penalties, costs, or fees
317b as allowed by this chapter. ←~~§~~

318 Section 7. Section **13-63-501** is enacted to read:

319 **Part 5. Severability**

320 **13-63-501. Severability.**

321 If any provision of this chapter or the application of any provision to any person or
322 circumstance is held invalid by a final decision of a court of competent jurisdiction, the
323 remainder of this chapter shall be given effect without the invalid provision or application. The
324 provisions of this chapter are severable.

325 Section 8. **Effective date.**

326 (1) Except as provided in Subsection (2), this bill takes effect on May 3, 2023.

327 (2) The actions affecting Section 13-2-1 (Effective 12/31/2023) take effect on
328 December 31, 2023.