

90 the use substantially interferes with the minor's normal functioning in:

91 (a) academic performance;

92 (b) sleep;

93 (c) in-person relationships;

94 (d) mental health; or

95 (e) physical health.

96 (8) "Minor" means an individual who is under 18 years old that:

97 (a) has not been emancipated as that term is defined in Section 80-7-102; or

98 (b) has not been married.

99 (9) "Parent" includes a legal guardian.

100 (10) "Push notification" means an automatic electronic message displayed on an

101 account holder's device, when the user interface for the social media service is not actively

102 open or visible on the device, that prompts the account holder to repeatedly check and engage

103 with the social media service.

104 (11) "Resident" means the same as that term is defined in Section 53-3-102.

105 (12) "Social media company" means an entity that owns or operates a social media

106 service.

107 (13) (a) "Social media service" means a website or application that:

108 (i) is open to the public and consists primarily of content that is user-generated and not

109 produced by the social media company;

110 (ii) permits an individual to register as an account holder, establish an account, or

111 create a profile that is made visible to the general public or a set of other users defined by the

112 account holder for the ~~H~~→ primary ←~~H~~ purpose of allowing account holders to create, share, and

112a view

113 user-generated content through such an account or profile;

114 (iii) ~~H~~→ primarily ←~~H~~ allows account holders to post content and interact with content

114a generated by other

115 account holders; and

116 (iv) enables account holders to create online communities or groups and communicate

117 with account holders.

118 (b) "Social media service" does not include:

119 (i) email;

120 (ii) cloud storage; or

183 service's curation algorithm and engagement driven design elements.

184 (5) If a court or fact finder finds that a Utah minor account holder suffered any adverse
 185 mental health outcome as a result of the Utah minor account holder's use of a social media
 186 company's algorithmically curated social media service, the person seeking relief is entitled to:

187 (a) an award of reasonable attorney fees and court costs; and

188 (b) an amount equal to the greater of:

189 (i) \$10,000 for each adverse mental health outcome incidence; or

190 (ii) the amount of actual damages.

191 (6) A social media company may not be held liable under this part:

192 (a) based on the content of material posted by users of the algorithmically curated
 193 social media service; or

194 (b) for declining to restrict access to or modify user posts based solely on the content of
 195 those posts.

196 (7) Nothing in this part shall displace any other available remedies or rights authorized
 197 under the laws of this state or the United States.

198 Section 4. Section **78B-3-1104** is enacted to read:

199 **78B-3-1104. Affirmative defense.**

200 (1) A person is not entitled to the rebuttable presumption described in Subsection
 201 78B-11-1103(3), and a social media company is entitled to the rebuttable presumption
 202 described in Subsection 78B-11-1103(4), if the social media company demonstrates to the
 203 court that the social media company:

204 (a) limits a Utah minor account holder's use of the algorithmically curated social media
 205 service to no more than three hours in a 24 hour period across all devices;

206 (b) restricts a Utah minor account holder from accessing the algorithmically curated
 207 social media service between the hours of 10:30 p.m. and 6:30 a.m.;

208 (c) requires the parent or legal guardian of the minor to consent to a Utah minor
 209 account holder's use of the algorithmically curated social media service;

210 (d) disables engagement driven design elements for a Utah minor account holder's
 211 account ~~to~~ . [; and

212 ~~(e) displays content on a Utah minor account holder's account in the order it was~~
 213 ~~posted, showing newer posts after older posts in a first posted, first shown manner, rather than~~

214 ~~using algorithms or user interactions to determine order.] ←H~~

215 (2) A social media company may utilize settings that are enabled at the device level to
216 impose the requirements described in Subsection (1).

217 (3) Notwithstanding Subsection (2), a social media company remains liable to ensure
218 that the Utah minor account holder's account is subject to the restrictions of Subsection (1).

219 Section 5. Section **78B-3-1105** is enacted to read:

220 **78B-3-1105. Waiver prohibited.**

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

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

225 (2) the right to cooperate with or file a complaint with a government agency;

226 (3) the right to a private right of action as provided under this chapter; or

227 (4) the right to recover actual damages, statutory damages, civil penalties, costs, or fees
228 as allowed by this chapter.

229 Section 6. Section **78B-3-1106** is enacted to read:

230 **78B-3-1106. Severability.**

231 (1) If any provision of this chapter or the application of any provision to any person or
232 circumstance is held invalid by a final decision of a court of competent jurisdiction, the
233 remainder of this chapter shall be given effect without the invalid provision or application.

234 (2) The provisions of this chapter are severable.

235 Section 7. **Repealer.**

236 This bill repeals:

237 Section **13-63-101, Definitions.**

238 Section **13-63-102, Age requirements for use of social media platform -- Parental**
239 **consent -- Rulemaking authority of division.**

240 Section **13-63-103, Prohibition on data collection for certain accounts --**

241 **Prohibition on advertising -- Use of information -- Search results -- Directed content.**

242 Section **13-63-104, Parental access to social media account.**

243 Section **13-63-105, Limited hours of access for minors -- Parental access and**
244 **options.**