

**SOCIAL MEDIA REGULATION AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael K. McKell**

House Sponsor: Jordan D. Teuscher

---

---

**LONG TITLE**

**General Description:**

This bill enacts provisions related to age verification and protecting minors in the Utah Minor Protection in Social Media Act (Act).

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires social media companies to verify a new account holder's age using an approved system;
- ▶ requires a social media service to:
  - enable maximum default privacy settings on a Utah minor account holder's account;
  - provide supervisory tools and verifiable parental consent mechanisms on a Utah minor account holder's account; and
  - provide confidentiality protections for minors' data;
- ▶ establishes the Division of Consumer Protection's enforcement powers relating to the Act;
- ▶ provides compliance safe harbors when social media companies implement approved systems for age verification and verifiable parental consent; and
- ▶ contains a severability clause.

**Money Appropriated in this Bill:**



28 None

29 **Other Special Clauses:**

30 This bill provides a special effective date.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **13-2-1 (Effective 05/02/24)**, as last amended by Laws of Utah 2023, Chapters 31, 36,  
34 377, 458, 477, 498, 509, and 536

35 ENACTS:

36 **13-71-101**, Utah Code Annotated 1953

37 **13-71-102**, Utah Code Annotated 1953

38 **13-71-201**, Utah Code Annotated 1953

39 **13-71-202**, Utah Code Annotated 1953

40 **13-71-203**, Utah Code Annotated 1953

41 **13-71-204**, Utah Code Annotated 1953

42 **13-71-301**, Utah Code Annotated 1953

43 **13-71-302**, Utah Code Annotated 1953

44 **13-71-401**, Utah Code Annotated 1953



46 *Be it enacted by the Legislature of the state of Utah:*

47 Section 1. Section **13-2-1 (Effective 05/02/24)** is amended to read:

48 **13-2-1 (Effective 05/02/24). Consumer protection division established --**

49 **Functions.**

50 (1) There is established within the Department of Commerce the Division of Consumer  
51 Protection.

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

53 (a) Chapter 10a, Music Licensing Practices Act;

54 (b) Chapter 11, Utah Consumer Sales Practices Act;

55 (c) Chapter 15, Business Opportunity Disclosure Act;

56 (d) Chapter 20, New Motor Vehicle Warranties Act;

57 (e) Chapter 21, Credit Services Organizations Act;

58 (f) Chapter 22, Charitable Solicitations Act;

- 59 (g) Chapter 23, Health Spa Services Protection Act;
- 60 (h) Chapter 25a, Telephone and Facsimile Solicitation Act;
- 61 (i) Chapter 26, Telephone Fraud Prevention Act;
- 62 (j) Chapter 28, Prize Notices Regulation Act;
- 63 (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter
- 64 Transaction Information Act;
- 65 (l) Chapter 34, Utah Postsecondary School and State Authorization Act;
- 66 (m) Chapter 41, Price Controls During Emergencies Act;
- 67 (n) Chapter 42, Uniform Debt-Management Services Act;
- 68 (o) Chapter 49, Immigration Consultants Registration Act;
- 69 (p) Chapter 51, Transportation Network Company Registration Act;
- 70 (q) Chapter 52, Residential Solar Energy Disclosure Act;
- 71 (r) Chapter 53, Residential, Vocational and Life Skills Program Act;
- 72 (s) Chapter 54, Ticket Website Sales Act;
- 73 (t) Chapter 56, Ticket Transferability Act;
- 74 (u) Chapter 57, Maintenance Funding Practices Act;
- 75 (v) Chapter 61, Utah Consumer Privacy Act;
- 76 (w) Chapter 63, Utah Social Media Regulation Act;
- 77 (x) Chapter 64, Vehicle Value Protection Agreement Act;
- 78 (y) Chapter 65, Utah Commercial Email Act;
- 79 (z) Chapter 67, Online Dating Safety Act; [and]
- 80 (aa) Chapter 68, Lawyer Referral Consultants Registration Act[-]; and
- 81 (bb) Chapter 71, Utah Minor Protection in Social Media Act.

82 Section 2. Section **13-71-101** is enacted to read:

83 **CHAPTER 71. UTAH MINOR PROTECTION IN SOCIAL MEDIA ACT**

84 **Part 1. General Provisions**

85 **13-71-101. Definitions.**

86 (1) "Account holder" means a person who has, creates, or opens an account or profile  
87 to use a social media service.

88 (2) "Age verification system" means measures reasonably calculated to enable a social  
89 media company to identify whether a user is a minor with an accuracy rate of at least 95%.

90 (3) "Connected account" means an account on the social media service that is directly  
91 connected to:

92 (a) the minor account holder's account; or

93 (b) an account that is directly connected to an account directly connected to the minor  
94 account holder's account.

95 (4) "Content" means any information, visual depictions, tools, features, links, software,  
96 or other materials that appear on or are available or enabled through a social media service.

97 (5) "Directly connected" means an account on the social media service that is  
98 connected to another account by:

99 (a) sending a request to connect to another account holder and having the request to  
100 connect accepted by the other account holder; or

101 (b) receiving a request to connect from another account holder and accepting the  
102 request to connect.

103 (6) "Director" means the director of the division.

104 (7) "Division" means the Division of Consumer Protection created in Section [13-2-1](#).

105 (8) "Minor" means an individual under 18 years old that:

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

107 (b) has not been married.

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

109 (10) (a) "Personal information" means information that is linked or can be reasonably  
110 linked to an identified individual or an identifiable individual.

111 (b) "Personal information" includes a person's:

112 (i) first and last name;

113 (ii) date of birth;

114 (iii) home or physical address, including street name and city;

115 (iv) screen or user name that reveals an individual's email address, first name, or last  
116 name;

117 (v) telephone number;

118 (vi) Social Security number;

119 (vii) photograph, video, or audio file containing a person's image or voice;

120 (viii) geolocation information sufficient to identify street name and city; and

- 121 (ix) any other identifier that a person may use to contact a specific individual.
- 122 (11) "Resident" means the same as that term is defined in Section [53-3-102](#).
- 123 (12) "Social media company" means an entity that owns or operates a social media
- 124 service.
- 125 (13) (a) "Social media service" means a website or application that:
- 126 (i) is open to the public and consists primarily of content that is user-generated and not
- 127 produced by the social media company;
- 128 (ii) permits an individual to register as an account holder, establish an account, or
- 129 create a profile that is made visible to the general public or a set of other users defined by the
- 130 account holder for the purpose of allowing account holders to create, share, and view
- 131 user-generated content through such an account or profile;
- 132 (iii) allows account holders to post content and interact with content generated by other
- 133 account holders; and
- 134 (iv) enables account holders to create online communities or groups and communicate
- 135 with account holders.
- 136 (b) "Social media service" does not include:
- 137 (i) email;
- 138 (ii) cloud storage; or
- 139 (iii) document viewing, sharing, or collaboration services.
- 140 (14) "User" means an individual who accesses or uses a social media service.
- 141 (15) (a) "Utah account holder" means a person who is a Utah resident and an account
- 142 holder.
- 143 (b) "Utah account holder" includes a Utah minor account holder.
- 144 (16) "Utah minor account holder" means a Utah account holder who is a minor.
- 145 (17) "Verifiable parental consent" means authorization from a parent for a social media
- 146 service to collect, use, and disclose personal information of a Utah minor account holder, that
- 147 complies with the following verifiability requirements:
- 148 (a) the social media service shall provide advance notice to the parent describing
- 149 information practices related to the minor account holder's personal information; and
- 150 (b) the social media service shall receive confirmation that the parent received the
- 151 notice described in Subsection (17)(a).

152 Section 3. Section 13-71-102 is enacted to read:

153 **13-71-102. Legislative findings.**

154 The Legislature finds that:

155 (1) the state has a compelling interest in safeguarding the well-being and privacy of  
156 minors in the state;

157 (2) the proliferation of social media services has led to the widespread collection and  
158 utilization of personal information, exposing minors to potential privacy and identity related  
159 harms;

160 (3) the addictive design features of certain social media services contribute to excessive  
161 use of a social media service by minors, impacting sleep patterns, academic performance, and  
162 overall health;

163 (4) social media services are designed without sufficient tools to allow adequate  
164 parental oversight, exposing minors to risks that could be mitigated with proper parental  
165 involvement and control;

166 (5) the state has enacted safeguards around products and activities that pose risks to  
167 minors, including regulations on motor vehicles, medications, and products and services  
168 targeted to children;

169 (6) prolonged and unregulated social media use has been linked to adverse effects on  
170 the mental health of minors, including increased rates of anxiety, depression, and social  
171 isolation;

172 (7) existing measures employed by social media companies to protect minors have  
173 proven insufficient; and

174 (8) the state should ensure that minors' personal data is given special protection, as  
175 minors may have less awareness of the risks, consequences, and safeguards related to a social  
176 media company's processing of minors' personal data.

177 Section 4. Section 13-71-201 is enacted to read:

178 **Part 2. General Requirements**

179 **13-71-201. Age verification required.**

180 (1) A social media company shall implement an age verification system to determine  
181 whether a person seeking to register a new account or profile on the social media company's  
182 social media service is a minor.

183 (2) A Utah account holder that the social media company identifies as a minor through  
184 the use of an age verification system is subject to the requirements in Sections [13-71-202](#) and  
185 [13-71-203](#).

186 (3) A social media company shall:

187 (a) implement a review process allowing account holders to appeal the account holder's  
188 age designation by submitting documentary evidence to establish the account holder's age  
189 range; and

190 (b) review evidence submitted by the account holder and make a determination within  
191 30 days of submission of the evidence.

192 (4) A social media company shall segregate any personal information gathered  
193 specifically within the age verification system and shall not use the personal information for  
194 any other purposes except for the purposes listed in Subsections [13-71-204\(4\)\(a\)\(g\)](#).

195 Section 5. Section **13-71-202** is enacted to read:

196 **13-71-202. Requirements for Utah minor account holders.**

197 A social media company shall, for Utah minor account holders on the social media  
198 service:

199 (1) set default privacy settings to prioritize maximum privacy, including settings that:

200 (a) restrict the visibility of a Utah minor account holder's account to only connected  
201 accounts;

202 (b) limit the Utah minor account holder's ability to share content to only connected  
203 accounts;

204 (c) restrict any data collection and sale of data from a Utah minor account holder's  
205 account that is not required for core functioning of the social media service;

206 (d) disable search engine indexing of Utah minor account holder profiles;

207 (e) restrict a Utah minor account holder's direct messaging capabilities to only allow  
208 direct messaging to connected accounts; and

209 (f) allow a Utah minor account holder to download a file with all information  
210 associated with the Utah minor account holder's account;

211 (2) implement and maintain reasonable security measures, including data encryption, to  
212 protect the confidentiality, security, and integrity of personal information collected from a Utah  
213 minor account holder;

- 214 (3) provide an easily accessible and understandable notice that:  
215 (a) describes any information the social media company collects from a Utah minor  
216 account holder; and  
217 (b) explains how the information may be used or disclosed;  
218 (4) upon request of a Utah minor account holder:  
219 (a) delete the personal information of the Utah minor account holder, unless the  
220 information is required to be retained under Section 13-61-203, or a different provision of state  
221 or federal law; and  
222 (b) remove any information or material the Utah minor account holder made publicly  
223 available through the social media service; and  
224 (5) disable the following features that prolong user engagement:  
225 (a) autoplay functions that continuously play content without user interaction;  
226 (b) scroll or pagination that loads additional content as long as the user continues  
227 scrolling; and  
228 (c) except for direct messages from connected accounts, push notifications prompting  
229 repeated user engagement.
- 230 Section 6. Section **13-71-203** is enacted to read:  
231 **13-71-203. Supervisory tools.**  
232 (1) A social media company shall offer supervisory tools for a Utah minor account  
233 holder that the Utah minor account holder may decide to activate.  
234 (2) The supervisory tools described in Subsection (1) shall include capabilities for an  
235 individual selected by the Utah minor account holder to:  
236 (a) set time limits for the Utah minor account holder's daily social media service usage  
237 across devices;  
238 (b) schedule mandatory breaks for the Utah minor account holder during selected days  
239 and times across devices;  
240 (c) view:  
241 (i) data detailing the Utah minor account holder's total and average daily time spent on  
242 the social media service across devices;  
243 (ii) a list of connected accounts;  
244 (iii) a list of accounts blocked by the Utah minor account holder;



- 245 (iv) the Utah minor account holder's:
- 246 (A) privacy settings;
- 247 (B) content sensitivity settings; and
- 248 (C) direct messaging settings and permissions; and
- 249 (d) receive notifications when the Utah minor account holder changes an account
- 250 setting described in this Subsection (2).

251 Section 7. Section **13-71-204** is enacted to read:

252 **13-71-204. Parental consent -- Data privacy for Utah minor accounts.**

253 (1) A social media company may not allow a Utah minor account holder to change the  
254 default data privacy setting described in Subsection [13-71-202\(1\)](#) without first obtaining  
255 verifiable parental consent.

256 (2) A social media company's terms of service related to a Utah minor account holder  
257 shall be presumed to include an assurance of confidentiality for the Utah minor account  
258 holder's personal information.

259 (3) The presumption of confidentiality in Subsection (2) may be overcome if the social  
260 media company obtains verifiable parental consent.

261 (4) The presumption of confidentiality in Subsection (2) does not apply to a social  
262 media company's internal use or external sharing of a Utah minor account holder's personal  
263 information if the use or sharing is necessary to:

- 264 (a) maintain or analyze functioning of the social media service;
- 265 (b) enable network communications;
- 266 (c) personalize the user's experience based on the user's age and location;
- 267 (d) display a username chosen by the Utah minor account holder;
- 268 (e) obtain age verification information as required under Section [13-71-201](#); or
- 269 (f) comply with the requirements of this chapter or other federal or state laws.

270 Section 8. Section **13-71-301** is enacted to read:

271 **Part 3. Division Enforcement Powers**

272 **13-71-301. Enforcement powers.**

273 (1) The division shall administer and enforce the provisions of Part 2, General  
274 Requirements, in accordance with Chapter 2, Division of Consumer Protection.

275 (2) The attorney general, upon request, shall give legal advice to, and act as counsel

276 for, the division in the exercise of the division's responsibilities under this part.

277 (3) (a) In addition to the division's enforcement powers under Chapter 2, Division of  
278 Consumer Protection:

279 (i) the division director may impose an administrative fine of up to \$2,500 for each  
280 violation of this chapter; and

281 (ii) the division may bring an action in court to enforce a provision of this chapter.

282 (b) In a court action by the division to enforce a provision of this chapter, the court  
283 may:

284 (i) declare that the act or practice violates a provision of this chapter;

285 (ii) enjoin actions that violate this chapter;

286 (iii) order disgorgement of any money received in violation of this chapter;

287 (iv) order payment of disgorged money to an injured purchaser or consumer;

288 (v) impose a civil penalty of up to \$2,500 for each violation of this chapter;

289 (vi) award actual damages to an injured purchaser or consumer; and

290 (vii) award any other relief that the court deems reasonable and necessary.

291 (c) If a court grants judgment or injunctive relief to the division, the court shall award  
292 the division:

293 (i) reasonable attorney fees;

294 (ii) court costs; and

295 (iii) investigative fees.

296 (4) (a) A person who violates an administrative or court order issued for a violation of  
297 this chapter is subject to a civil penalty of no more than \$5,000 for each violation.

298 (b) A civil penalty authorized under this section may be imposed in any civil action  
299 brought by the division, or by the attorney general on behalf of the division.

300 (5) All money received for the payment of a fine or civil penalty imposed under this  
301 section shall be deposited into the Consumer Protection Education and Training Fund  
302 established in Section [13-2-8](#).

303 Section 9. Section **13-71-302** is enacted to read:

304 **13-71-302. Age verification and verifiable parental consent safe harbor.**

305 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
306 division shall make rules to establish processes and means by which a social media company

307 may:

308 (a) verify an account holder is a minor in accordance with Section 13-71-201; and

309 (b) obtain verifiable parental consent in accordance with Section 13-71-203.

310 (2) A social media company is not subject to an enforcement action for a violation of  
311 Section 13-71-201 if the social media company implements and maintains an age verification  
312 system that complies with rules made by the division as described in Subsection (1)(a).

313 (3) A social media company is considered to have obtained verifiable parental consent  
314 if the social media company obtains parental consent through a mechanism that complies with  
315 the rules made by the division as described in Subsection (1)(b).

316 Section 10. Section **13-71-401** is enacted to read:

317 **13-71-401. Severability.**

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

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

322 (3) Nothing in this chapter shall displace any other available remedies or rights  
323 authorized under the laws of this state or the United States.

324 Section 11. **Effective date.**

325 This bill takes effect on October 1, 2024.