

Ariel Defay proposes the following substitute bill:

Artificial Intelligence Modifications

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ariel Defay

Senate Sponsor: Kirk A. Cullimore

LONG TITLE

General Description:

This bill enacts provisions related to counterfeit intimate images and digital content provenance standards.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Digital Voyeurism Prevention Act to address non-consensual generation and distribution of counterfeit intimate images;
- ▶ prohibits generation services and platforms from distributing counterfeit intimate images without obtaining and verifying consent from the depicted individual;
- ▶ establishes civil liability for violations of the act, with actual damages, punitive damages, attorney fees, and injunctive relief;
- ▶ establishes safe harbor protections for generation services and covered platforms that implement reasonable safeguards and respond appropriately to notices;
- ▶ establishes heightened pleading standards requiring plaintiffs to plead specific facts;
- ▶ requires platforms to implement notice and takedown procedures and disclosure requirements;
- ▶ requires large online platforms to detect, disclose, and preserve provenance data in distributed content;
- ▶ establishes requirements for capture device manufacturers regarding latent disclosures in captured content;
- ▶ requires covered providers to include disclosures in AI-generated content;
- ▶ provides exemptions for certain products and services;
- ▶ provides for enforcement by the Division of Consumer Protection; and
- ▶ provides a severability clause.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 This bill provides a special effective date.

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **13-2-1**, as last amended by Laws of Utah 2025, Chapter 468

36 ENACTS:

37 **13-72b-101 (Effective 01/01/27)**, Utah Code Annotated 1953

38 **13-72b-201 (Effective 01/01/27)**, Utah Code Annotated 1953

39 **13-72b-202 (Effective 01/01/27)**, Utah Code Annotated 1953

40 **13-72b-203 (Effective 01/01/27)**, Utah Code Annotated 1953

41 **13-72b-204 (Effective 01/01/27)**, Utah Code Annotated 1953

42 **13-72b-205 (Effective 01/01/27)**, Utah Code Annotated 1953

43 **13-72b-301 (Effective 01/01/27)**, Utah Code Annotated 1953

44 **13-72b-302 (Effective 01/01/27)**, Utah Code Annotated 1953

45 **13-72b-303 (Effective 01/01/27)**, Utah Code Annotated 1953

46 **13-72b-304 (Effective 01/01/27)**, Utah Code Annotated 1953

47 **13-72b-305 (Effective 01/01/27)**, Utah Code Annotated 1953

48 **13-72b-306 (Effective 01/01/27)**, Utah Code Annotated 1953

49 **13-72b-401 (Effective 01/01/27)**, Utah Code Annotated 1953

50 **13-72c-101 (Effective 01/01/27)**, Utah Code Annotated 1953

51 **13-72c-201 (Effective 01/01/27)**, Utah Code Annotated 1953

52 **13-72c-202 (Effective 01/01/27)**, Utah Code Annotated 1953

53 **13-72c-203 (Effective 01/01/27)**, Utah Code Annotated 1953

54 **13-72c-301 (Effective 01/01/27)**, Utah Code Annotated 1953

55 **63A-16-215 (Effective 01/01/27)**, Utah Code Annotated 1953



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

58 Section 1. Section **13-2-1** is amended to read:

59 **13-2-1 . Consumer protection division established -- Functions.**

60 (1) There is established within the Department of Commerce the Division of Consumer
61 Protection.

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

- 63 (a) Chapter 10a, Music Licensing Practices Act;
- 64 (b) Chapter 11, Utah Consumer Sales Practices Act;
- 65 (c) Chapter 15, Business Opportunity Disclosure Act;
- 66 (d) Chapter 20, New Motor Vehicle Warranties Act;
- 67 (e) Chapter 21, Credit Services Organizations Act;
- 68 (f) Chapter 22, Charitable Solicitations Act;
- 69 (g) Chapter 23, Health Spa Services Protection Act;
- 70 (h) Chapter 25a, Telephone and Facsimile Solicitation Act;
- 71 (i) Chapter 26, Telephone Fraud Prevention Act;
- 72 (j) Chapter 28, Prize Notices Regulation Act;
- 73 (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter
- 74 Transaction Information Act;
- 75 (l) Chapter 34, Utah Postsecondary School and State Authorization Act;
- 76 (m) Chapter 41, Price Controls During Emergencies Act;
- 77 (n) Chapter 42, Uniform Debt-Management Services Act;
- 78 (o) Chapter 49, Immigration Consultants Registration Act;
- 79 (p) Chapter 51, Transportation Network Company Registration Act;
- 80 (q) Chapter 52, Residential Solar Energy Consumer Protection Act;
- 81 (r) Chapter 53, Residential, Vocational [or] and Life Skills Program Act;
- 82 (s) Chapter 54, Ticket Website Sales Act;
- 83 (t) Chapter 56, Ticket Transferability Act;
- 84 (u) Chapter 57, Maintenance Funding Practices Act;
- 85 (v) Chapter 61, Utah Consumer Privacy Act;
- 86 (w) Chapter 64, Vehicle Value Protection Agreement Act;
- 87 (x) Chapter 65, Utah Commercial Email Act;
- 88 (y) Chapter 67, Online Dating Safety Act;
- 89 (z) Chapter 68, Lawyer Referral Consultants Registration Act;
- 90 (aa) Chapter 70, Automatic Renewal Contracts Act;
- 91 (bb) Chapter 71, Utah Minor Protection in Social Media Act;
- 92 (cc) Chapter 72a, Artificial Intelligence Applications Relating to Mental Health;
- 93 (dd) Chapter 72c, Digital Content Provenance Standards Act;
- 94 [~~(dd)~~] (ee) Chapter 78, Earned Wage Access Services Act; and
- 95 [~~(ee)~~] (ff) Chapter 81, Utah Digital Choice Act.
- 96 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

97 division may make rules to establish:

98 (a) a public list that identifies a person that:

99 (i) violates a chapter described in Subsection (2);

100 (ii) without proper legal justification, fails to comply with an order, subpoena,
101 judgment, or other legal process issued by:

102 (A) the division; or

103 (B) a court of competent jurisdiction; or

104 (iii) breaches a settlement agreement, stipulation, assurance of voluntary compliance,
105 or similar instrument signed by the person and the division; and

106 (b) a process by which a person may be removed from the list the division establishes as
107 described in Subsection (3)(a).

108 Section 2. Section **13-72b-101** is enacted to read:

109 **CHAPTER 72b. Digital Voyeurism Prevention Act**

110 **Part 1. General Provisions**

111 **13-72b-101 (Effective 01/01/27). Definitions.**

112 As used in this chapter:

113 (1) "Artificial intelligence technology" means the same as that term is defined in Section
114 13-72-101.

115 (2) "Consent" means express permission, freely and voluntarily given by an identifiable
116 individual, with full knowledge of the nature and purpose of the generation of an
117 intimate image depicting the individual, where the consent:

118 (a) is specific to the particular intimate image being generated;

119 (b) is obtained before the generation of the intimate image; and

120 (c) may be revoked at any time.

121 (3)(a) "Counterfeit intimate image" means an intimate image that has been created or
122 generated through the use of artificial intelligence technology, ~~or~~ machine
122a learning ~~or~~
123 ~~[digital editing tools, or other technological means]~~ to depict the likeness of an
124 identifiable individual.

125 (b) "Counterfeit intimate image" includes a "digital forgery" as that term is defined in
126 the Take It Down Act.

127 (4) "Covered platform" means the same as that term is defined in Section 3 of the Take It
128 Down Act, Public Law 119-12, 139 Stat. 59, codified at 47 U.S.C. 230 note.

- 129 (5)(a) "Distribute" means to sell, exhibit, display, publish, provide, give, provide access
 130 to, or otherwise transfer a counterfeit intimate image, with or without consideration.
- 131 (b) "Distribute" includes the generation of a counterfeit intimate image by a generation
 132 service and the subsequent provision of that counterfeit intimate image to the user.
- 133 (6) "Generate" means to create, produce, compose, materially edit, or facilitate the creation
 134 of an intimate image through the use of artificial intelligence technology ~~that~~ ~~includes~~
 134a ~~digital~~
 135 ~~editing~~ ~~]~~ ~~←~~ ~~that~~
 135 ~~that~~ ~~includes~~ ~~tools, or other technological means~~ ~~]~~ ~~←~~ ~~that~~ .
- 136 (7) "Generation service" means a person that operates, maintains, or provides an interactive
 137 computer service that:
- 138 (a) enables users to generate intimate images;
- 139 (b) processes user image generation requests through servers, computer systems, or
 140 computing resources controlled by the service operator rather than solely on the
 141 user's local device; and
- 142 (c) distributes generated intimate images to users through the service.
- 143 (8) "Identifiable individual" means an individual who is recognizable as an actual human
 144 individual by the human individual's face, likeness, or other distinguishing
 145 characteristic, including a unique physical feature or other recognizable attribute.
- 146 (9) "Interactive computer service" means the same as that term is defined in 47 U.S.C. Sec.
 147 230(f)(2).
- 148 (10)(a) "Intimate image" means any visual depiction, photograph, film, video, recording,
 149 picture, or computer or computer-generated image, picture, or video, whether made
 150 or produced by electronic, mechanical, or other means, that depicts:
- 151 (i) exposed human male or female genitals, anus, or pubic area, with less than an
 152 opaque covering;
- 153 (ii) a female breast with less than an opaque covering, or any portion of the female
 154 breast below the top of the areola; or
- 155 (iii) an individual engaged in sexually explicit conduct.
- 156 (b) "Intimate image" includes an "intimate visual depiction" as those terms are defined
 157 in the Take It Down Act.
- 158 (11) "Reasonable expectation of privacy" means an individual's expectation that:
- 159 (a) the individual's body will not be viewed, recorded, or depicted in an intimate image
 160 without the individual's knowledge and consent; and
- 161 (b) an intimate image of the individual will not be generated, created, distributed, or

162 manipulated without the individual's knowledge and consent.

163 (12) "Sexually explicit conduct" means actual or simulated:

164 (a) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal,

165 whether between individuals of the same or opposite sex;

166 (b) masturbation;

167 (c) bestiality;

168 (d) sadistic or masochistic activities;

169 (e) exhibition of the genitals, pubic region, buttocks, or female breast of any individual;

170 (f) visual depiction of nudity or partial nudity;

171 (g) fondling or touching of the genitals, pubic region, buttocks, or female breast; or

172 (h) visual depiction of defecation or urination for the purpose of causing sexual arousal
173 of any individual.

174 (13) "Take It Down Act" means the Tools to Address Known Exploitation by Immobilizing
175 Technological Deepfakes on Websites and Networks Act, Public Law 119-12, codified
176 at 47 U.S.C. Sec. 230 note.

177 Section 3. Section **13-72b-201** is enacted to read:

178 **Part 2. Generation Services**

179 **13-72b-201 (Effective 01/01/27). Unlawful distribution of non-consensual**
180 **counterfeit intimate images.**

181 (1) The distribution \hat{H} → by a generation service ← \hat{H} of a counterfeit intimate image without
181a the consent of the identifiable

182 individual depicted in the image is a violation of the individual's reasonable expectation
183 of privacy.

184 (2) A generation service may not distribute a counterfeit intimate image without first
185 obtaining consent from the identifiable individual depicted in the counterfeit intimate
186 image.

187 (3) To obtain consent sufficient to meet the requirements of Subsection (2), a generation
188 service shall implement and maintain a consent system that:

189 (a) requires the identifiable individual depicted in the counterfeit intimate image to
190 affirmatively provide consent before the counterfeit intimate image is distributed;

191 (b) assures the identity of the individual providing consent with reasonable accuracy; and

192 (c) maintains a record of the consent for a period of not less than seven years.

193 (4) A generation service may not require an individual to disclose personally identifiable
194 information beyond what is reasonably necessary to assure the individual's identity and

195 obtain valid consent.

196 Section 4. Section **13-72b-202** is enacted to read:

197 **13-72b-202 (Effective 01/01/27). Civil liability for generation services.**

198 (1) A person, or the heirs of a deceased person, who has been injured by a violation
199 recognized in Section 13-72b-201 may bring a civil action against the generation service
200 that committed the violation.

201 (2) If in an action described in Subsection (1) the court finds the defendant is violating or
202 has violated any provision of Section 13-72b-201, the court shall:

203 (a) enjoin the defendant from continuing the violation; and

204 (b) order the defendant to remove or destroy any counterfeit intimate image distributed
205 in violation of Section 13-72b-201 and all copies of the counterfeit intimate image
206 within the defendant's possession or control.

207 (3) It is not necessary that actual damages to the plaintiff be alleged or proved in an action
208 under this section.

209 (4) A plaintiff in an action under this section is entitled to recover:

210 (a) actual damages sustained, if any, including damages for emotional distress;

211 (b) punitive damages, if the violation is found to be willful, reckless, or malicious; and

212 (c) reasonable attorney fees and costs.

213 (5) Each distribution of a counterfeit intimate image depicting an identifiable individual
214 without consent constitutes a separate violation.

215 (6) The statute of limitations for a civil action under this section is the later of:

216 (a) three years from the date the plaintiff discovered or reasonably should have
217 discovered the violation; or

218 (b) 10 years from the date of the violation.

219 Section 5. Section **13-72b-203** is enacted to read:

220 **13-72b-203 (Effective 01/01/27). Safe harbor for generation services.**

221 (1) A generation service is not liable under Section 13-72b-202 if the generation service
222 demonstrates that:

223 (a) the generation service does not hold itself out as providing services for creating
224 counterfeit intimate images;

225 (b) the generation service has implemented and maintains a written policy that:

226 (i) prohibits the generation and distribution of non-consensual counterfeit intimate
227 images;

228 (ii) includes reasonable safeguards designed to prevent the creation of counterfeit

- 229 intimate images; and
- 230 (iii) includes procedures for responding to reports of violations;
- 231 (c) the generation service acted in accordance with the policy described in Subsection
- 232 (1)(b) with respect to the alleged violation;
- 233 (d) the generation service published the policy described in Subsection (1)(b) in a clear
- 234 and conspicuous location accessible to the public on the generation service's website
- 235 or primary user interface;
- 236 (e) the generation service published a general description of the reasonable safeguards
- 237 described in Subsection (1)(b)(ii), which may describe technical measures in general
- 238 terms without disclosing proprietary implementation details that could be exploited to
- 239 circumvent the safeguards;
- 240 (f) the generation service implemented and maintained a consent system that complies
- 241 with Subsection 13-72b-201(3); and
- 242 (g) upon receiving notice that a counterfeit intimate image was created or distributed
- 243 without consent, the generation service took prompt action to prevent further
- 244 distribution.
- 245 (2) If a plaintiff establishes that a counterfeit intimate image depicting the plaintiff was
- 246 generated and distributed by the generation service without the plaintiff's consent, the
- 247 burden shifts to the generation service to demonstrate that the generation service acted in
- 248 accordance with the published policy described in Subsection (1)(b) with respect to the
- 249 alleged violation.
- 250 (3) A generation service qualifies for the safe harbor under Subsection (1) even if a
- 251 non-consensual counterfeit intimate image was distributed through the service if the
- 252 generation service demonstrates that:
- 253 (a) the generation service had no actual knowledge that the image was created or
- 254 distributed without consent before receiving notice;
- 255 (b) the generation service's consent system was operating as designed;
- 256 (c) the generation service reasonably relied on information provided through the consent
- 257 system; and
- 258 (d) upon discovering the violation, the generation service took prompt action to prevent
- 259 further distribution.
- 260 (4) In determining whether a generation service qualifies for safe harbor protection under
- 261 this section, the court shall, among other relevant factors, consider whether the
- 262 generation service's safeguards and policies:

- 263 (a) are consistent with widely accepted industry standards;
264 (b) are regularly updated to address emerging technologies and methods for creating
265 counterfeit intimate images;
266 (c) include technical measures to detect and prevent the generation of counterfeit
267 intimate images; and
268 (d) include reasonable measures to ensure that users are not attempting to circumvent the
269 safeguards.

270 (5) A generation service may assert the safe harbor protections under this section by motion
271 before trial and is not required to proceed to trial to establish eligibility for the safe
272 harbor.

273 Section 6. Section 13-72b-204 is enacted to read:

274 **13-72b-204 (Effective 01/01/27). Heightened pleading standard for actions**
275 **against generation services.**

- 276 (1) In any action brought under Section 13-72b-202 against a generation service, the
277 complaint shall plead with particularity facts establishing that the generation service
278 does not qualify for safe harbor protection under Section 13-72b-203.
- 279 (2) To meet the pleading requirements of Subsection (1), the plaintiff shall include specific
280 factual allegations, including dates, communications, and other evidence, demonstrating
281 that the generation service does not qualify for safe harbor protection under Section
282 13-72b-203, including facts showing one or more of the following:
- 283 (a) that the generation service holds itself out as providing services for creating
284 counterfeit intimate images;
- 285 (b) that the generation service failed to implement a written policy that:
- 286 (i) prohibits the generation and distribution of non-consensual counterfeit intimate
287 images;
- 288 (ii) includes reasonable safeguards designed to prevent the creation of counterfeit
289 intimate images; and
- 290 (iii) includes procedures for responding to reports of violations;
- 291 (c) that the generation service distributed a counterfeit intimate image depicting the
292 plaintiff without requesting or obtaining the plaintiff's consent;
- 293 (d) that the generation service had actual knowledge that a counterfeit intimate image
294 was created or distributed without consent and failed to take prompt action to prevent
295 further distribution; or
- 296 (e) that the generation service intentionally designed the service to facilitate the creation

- 297 of non-consensual counterfeit intimate images.
- 298 (3) General or conclusory allegations that a generation service violated this part are
299 insufficient to state a claim.
- 300 (4) If a complaint fails to meet the pleading requirements of this section, the court shall
301 dismiss the action without prejudice.
- 302 (5) A generation service may bring a motion to dismiss under this section before filing an
303 answer or other responsive pleading.
- 304 (6) If the court grants a motion to dismiss under this section and the plaintiff files an
305 amended complaint that again fails to meet the pleading requirements of this section, the
306 court shall:
- 307 (a) dismiss the action with prejudice; and
- 308 (b) award the generation service reasonable attorney fees and costs incurred in bringing
309 the motion to dismiss the amended complaint.

310 Section 7. Section **13-72b-205** is enacted to read:

311 **13-72b-205 (Effective 01/01/27). Transparency and reporting requirements.**

- 312 (1) A generation service shall take reasonable measures to inform users that:
- 313 (a) distribution of non-consensual counterfeit intimate images is prohibited;
- 314 (b) violations of this part may result in civil liability; and
- 315 (c) the service provides procedures for reporting violations.
- 316 (2) A generation service shall clearly and conspicuously provide to users procedures for
317 reporting violations to the generation service.
- 318 (3) A generation service shall publish in a clear and conspicuous location on the generation
319 service's website or primary user interface:
- 320 (a) the written policy required by Subsection 13-72b-203(1)(b); and
- 321 (b) a general description of the safeguards implemented to prevent the generation of
322 non-consensual counterfeit intimate images, which may describe technical measures
323 in general terms without disclosing proprietary implementation details that could be
324 exploited to circumvent the safeguards.

325 Section 8. Section **13-72b-301** is enacted to read:

326 **Part 3. Covered Platforms**

327 **13-72b-301 (Effective 01/01/27). Unlawful distribution of non-consensual**
328 **counterfeit intimate images on platforms.**

- 329 (1) A covered platform may not knowingly allow the distribution of a counterfeit intimate
330 image without consent from the identifiable individual depicted in the counterfeit

331 intimate image.

332 (2) A covered platform knowingly allows the distribution of a counterfeit intimate image
 333 without consent if the covered platform:

334 (a) receives notice under Section 13-72b-302 that a counterfeit intimate image has been
 335 distributed without consent; and

336 (b) fails to comply with the takedown requirements in Section 13-72b-302.

337 Section 9. Section **13-72b-302** is enacted to read:

338 **13-72b-302 (Effective 01/01/27). Duty to remove -- Notice and takedown**
 339 **requirements.**

340 (1) A covered platform shall establish and implement notice and removal procedures that
 341 comply with the requirements established in Section 3(a) of the Take It Down Act.

342 (2) The requirements described in Subsection (1) include:

343 (a) establishing a mechanism for an individual depicted in a counterfeit intimate image
 344 to notify the covered platform that the image has been published on the covered
 345 platform without the individual's consent;

346 (b) providing clear and conspicuous notice of the mechanism described in Subsection
 347 (2)(a);

348 (c) upon receiving notice that meets the requirements established in the Take It Down
 349 Act, removing the reported counterfeit intimate image within 48 hours after receiving
 350 the notice; and

351 (d) making reasonable efforts to identify and remove any identical copy of the
 352 counterfeit intimate image.

353 (3) A covered platform that complies in good faith with the notice and takedown
 354 procedures required by this section is not liable under this chapter for actions taken in
 355 accordance with this section before receiving notice.

356 Section 10. Section **13-72b-303** is enacted to read:

357 **13-72b-303 (Effective 01/01/27). Civil liability for covered platforms.**

358 (1) A person, or the heirs of a deceased person, who has been injured by a violation of
 359 Section 13-72b-301 may bring a civil action against the covered platform that committed
 360 the violation.

361 (2) If in an action described in Subsection (1) the court finds the defendant is violating or
 362 has violated any provision of Section 13-72b-301, the court shall:

363 (a) enjoin the defendant from continued violation; and

364 (b) order the defendant to remove or destroy any counterfeit intimate image distributed

365 in violation of Section 13-72b-301 and all copies of the counterfeit intimate image
366 within the defendant's possession or control.

367 (3) It is not necessary that actual damages to the plaintiff be alleged or proved in an action
368 under this section.

369 (4) A plaintiff in an action under this section is entitled to recover:

370 (a) actual damages sustained, if any, including damages for emotional distress;

371 (b) punitive damages, if the violation is found to be willful, reckless, or malicious; and

372 (c) reasonable attorney fees and costs.

373 (5) Each failure to comply with the notice and takedown requirements established in
374 Section 13-72b-302 after receiving notice of a counterfeit intimate image constitutes a
375 separate violation of this chapter.

376 (6) The statute of limitations for a civil action under this section is the later of:

377 (a) three years from the date the plaintiff discovered or reasonably should have
378 discovered the violation; or

379 (b) 10 years from the date of the violation.

380 Section 11. Section **13-72b-304** is enacted to read:

381 **13-72b-304 (Effective 01/01/27). Safe harbor for covered platforms.**

382 (1) A covered platform is not liable under Section 13-72b-303 if the covered platform
383 demonstrates that:

384 (a) the covered platform implemented and maintained notice and removal procedures
385 that comply with Section 13-72b-302; and

386 (b) the covered platform acted in good faith in responding to notices of non-consensual
387 counterfeit intimate images.

388 (2) A covered platform qualifies for safe harbor protection under this section even if a
389 non-consensual counterfeit intimate image appeared on the platform if the covered
390 platform demonstrates that:

391 (a) the covered platform had no actual knowledge of the image before receiving notice
392 under Section 13-72b-302; and

393 (b) upon receiving notice, the covered platform complied with the takedown
394 requirements in Section 13-72b-302.

395 (3) In determining whether a covered platform acted in good faith in responding to a notice
396 of a non-consensual counterfeit intimate image, the court shall consider:

397 (a) the size and resources of the covered platform;

398 (b) the volume of content distributed on the platform;

- 399 (c) the effectiveness of the platform's proactive measures; and
400 (d) whether the platform's measures are consistent with widely accepted industry
401 standards.
- 402 (4) A covered platform may establish the safe harbor protections under this section by
403 motion to dismiss or motion for summary judgment.
- 404 (5) If a court determines that a covered platform has established safe harbor protection
405 under this section on a motion to dismiss or motion for summary judgment, the court
406 shall:
- 407 (a) dismiss the action or grant summary judgment in favor of the covered platform; and
408 (b) award the covered platform reasonable attorney fees and costs.

409 Section 12. Section **13-72b-305** is enacted to read:

410 **13-72b-305 (Effective 01/01/27). Heightened pleading standard for actions**
411 **against covered platforms.**

- 412 (1) In any action brought under Section 13-72b-303 against a covered platform, the
413 complaint shall plead with particularity facts establishing that the covered platform does
414 not qualify for safe harbor protection under Section 13-72b-304.
- 415 (2) To meet the pleading requirements of Subsection (1), the plaintiff shall include specific
416 factual allegations demonstrating that the covered platform does not qualify for safe
417 harbor protection under Section 13-72b-304, including facts showing one or more of the
418 following:
- 419 (a) that the covered platform failed to implement notice and removal procedures that
420 comply with Section 13-72b-302;
- 421 (b) that the covered platform failed to act in good faith in responding to notices of
422 non-consensual counterfeit intimate images;
- 423 (c) if the plaintiff provided notice under Section 13-72b-302:
- 424 (i) the specific date and method by which notice was provided;
425 (ii) the content of the notice provided;
426 (iii) the covered platform's response or failure to respond; and
427 (iv) facts establishing that the covered platform failed to comply with the takedown
428 requirements in Section 13-72b-302; or
- 429 (d) if the plaintiff did not provide notice under Section 13-72b-302:
- 430 (i) facts establishing that the covered platform had actual knowledge of the
431 non-consensual counterfeit intimate image before the plaintiff provided notice; and
432 (ii) facts establishing that the covered platform failed to take reasonable steps to

- 433 remove the image within 48 hours after obtaining actual knowledge.
- 434 (3) General or conclusory allegations that a covered platform violated this part are
- 435 insufficient to state a claim.
- 436 (4) If a complaint fails to meet the pleading requirements of this section, the court shall
- 437 dismiss the action without prejudice.
- 438 (5) A covered platform may bring a motion to dismiss under this section before filing an
- 439 answer or other responsive pleading.
- 440 (6) If the court grants a motion to dismiss under this section and the plaintiff files an
- 441 amended complaint that again fails to meet the pleading requirements of this section, the
- 442 court shall:
- 443 (a) dismiss the action with prejudice; and
- 444 (b) award the covered platform reasonable attorney fees and costs incurred in bringing
- 445 the motion to dismiss the amended complaint.

446 Section 13. Section **13-72b-306** is enacted to read:

447 **13-72b-306 (Effective 01/01/27). Relationship to federal law.**

- 448 (1) This part does not expand or modify the notice and takedown requirements established
- 449 in the Take It Down Act.
- 450 (2) This part does not alter, modify, or limit Section 230 of the Communications Decency
- 451 Act, 47 U.S.C. Sec. 230, and may not be construed to impose liability on a covered
- 452 platform for acting as the publisher or speaker of information provided by another
- 453 information content provider.

454 Section 14. Section **13-72b-401** is enacted to read:

455 **Part 4. Severability**

456 **13-72b-401 (Effective 01/01/27). Severability.**

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

462 Section 15. Section **13-72c-101** is enacted to read:

463 **CHAPTER 72c. Digital Content Provenance Standards Act**

464 **Part 1. General Provisions**

465 **13-72c-101 (Effective 01/01/27). Definitions.**

466 As used in this chapter:

- 467 (1) "Artificial intelligence" means a machine-based system that makes predictions,
 468 recommendations, or decisions influencing real or virtual environments.
- 469 (2) "Capture device" means a device that can record photographs, audio, or video content,
 470 including a video camera, a still photography camera, a mobile phone with a built-in
 471 camera or microphone, or a voice recorder.
- 472 (3)(a) "Capture device manufacturer" means a person who produces a capture device for
 473 sale in the state.
- 474 (b) "Capture device manufacturer" does not include a person exclusively engaged in the
 475 assembly of a capture device.
- 476 (4) "Compliant system provenance data" means system provenance data that is compliant
 477 with widely adopted specifications of an established standards-setting body.
- 478 (5) ~~§~~ → (a) ← ~~§~~ "Covered provider" means a person that creates, codes, or
 478a otherwise produces a
 479 generative artificial intelligence system that:
- 480 ~~§~~ → [(a)] (i) ← ~~§~~ has over 1,000,000 monthly visitors or users; and
 481 ~~§~~ → [(b)] (ii) ← ~~§~~ is publicly accessible within the geographic boundaries of the
 481a state.
- 481b ~~§~~ → (b) **"Covered provider" does not include a person that creates, codes, or**
 481c **otherwise produces a generative artificial intelligence system that is used exclusively**
 481d **for the person's internal business operations and is not made publicly accessible.** ← ~~§~~
- 482 (6) "Digital signature" means a cryptography-based method that identifies the user or entity
 483 that attests to the information provided in the signed section.
- 484 (7) "Generative artificial intelligence system" means an artificial intelligence system that
 485 can generate derived synthetic content, including text, images, video, or audio, that
 486 emulates the structure and characteristics of the system's training data.
- 487 (8)(a) "Large online platform" means a public-facing social media platform, mass
 488 messaging platform, or stand-alone search engine that distributes content to users
 489 who did not create or collaborate in creating the content and that exceeded 2,000,000
 490 unique monthly users during the preceding 12 months.
- 491 (b) "Large online platform" does not include:
- 492 (i) a broadband internet access service, as defined in 47 C.F.R. Sec. 8.1(b); or
 493 (ii) a telecommunications service, as defined in 47 U.S.C. Sec. 153.
- 494 (9) "Latent" means present but not manifest.

- 495 (10) "Manifest" means easily perceived, understood, or recognized by a natural person.
 496 (11) "Mass messaging platform" means a direct messaging platform that allows users to
 497 distribute content to more than 100 users simultaneously.
 498 (12) "Metadata" means structural or descriptive information about data.
 499 (13) "Personal information" means the same as that term is defined in Section 13-61-101.
 500 (14) "Provenance data" means data that is embedded into digital content, or that is included
 501 in the digital content's metadata, for the purpose of verifying the digital content's
 502 authenticity, origin, or history of modification.
 503 (15) "System provenance data" means provenance data that is not reasonably capable of
 504 being associated with a particular user and that contains:
 505 (a) information regarding the type of device, system, or service that was used to generate
 506 a piece of digital content; or
 507 (b) information related to content authenticity.
 508 (16) "User" means a Utah resident who accesses, interacts with, or uses an interactive
 509 computer service, platform, generation service, generative artificial intelligence system,
 510 or capture device.
 511 (17) "User interface" means the method by which an individual interacts with, controls, or
 512 receives information from a computer, software application, website, or electronic
 513 device.

514 Section 16. Section **13-72c-201** is enacted to read:

515 **Part 2. Content Provenance Standards and Requirements**

516 **13-72c-201 (Effective 01/01/27). Requirements for large online platforms.**

- 517 (1) A large online platform shall:
 518 (a) detect whether compliant system provenance data is embedded into or attached to
 519 content distributed on the large online platform;
 520 (b) provide a user interface to disclose the availability of system provenance data; and
 521 (c) allow a user to inspect all available compliant system provenance data in an easily
 522 accessible manner:
 523 (i) directly through the large online platform's user interface described in Subsection
 524 (1)(b);
 525 (ii) by allowing the user to download ~~it~~ → [a version of the content with] ← ~~it~~ the
 525a content's
 526 ~~it~~ → [attached] ← ~~it~~ ~~is~~ → compliant ← ~~is~~ system provenance data; or
 527 (iii) by providing a link to the content's system provenance data displayed on an

528 internet website or in another application provided either by the large online
529 platform or a third party.

530 (2) A large online platform may not, to the extent technically feasible, knowingly strip any
531 system provenance data or digital signature that is compliant with widely adopted
532 specifications adopted by an established standards-setting body from content uploaded
533 or distributed on the large online platform.

534 Section 17. Section **13-72c-202** is enacted to read:

535 **13-72c-202 (Effective 01/01/27). Requirements for capture devices.**

536 (1) A capture device manufacturer shall include a latent disclosure in content captured by
537 the capture device that conveys:

538 (a)(i) the name of the capture device manufacturer; or

539 (ii) digital signatures sufficient to prove whether the content was created using a type
540 of capture device; and

541 (b) the time and date of the content's creation or alteration.

542 (2) A capture device manufacturer may provide a user with the option to disable the latent
543 disclosure on a capture device required in Subsection (1).

544 (3) A capture device manufacturer shall comply with this section only to the extent
545 technically feasible and compliant with widely adopted specifications adopted by an
546 established standards-setting body.

547 (4) This section applies to any capture device a capture device manufacturer produces for
548 sale in the state on or after January 1, 2028.

549 Section 18. Section **13-72c-203** is enacted to read:

550 **13-72c-203 (Effective 01/01/27). User disclosures.**

551 A covered provider shall include a latent disclosure in image, video, or audio content, or
552 content that is any combination of image, video, or audio, created or substantially modified by
553 the covered provider's generative artificial intelligence system that meets the following criteria:

554 (1) to the extent that it is technically feasible and reasonable, the disclosure conveys the
555 following information, either directly or through a link to a permanent internet website:

556 (a) the time and date of the content's creation or alteration; and

557 (b) either:

558 (i) the name of the capture device manufacturer; or

559 (ii) digital signatures sufficient to prove whether the content was created or
560 substantially altered using a generative artificial intelligence system; and

561 (2) the disclosure is consistent with widely accepted industry standards.

562 Section 19. Section **13-72c-301** is enacted to read:

563 **Part 3. Enforcement**

564 **13-72c-301 (Effective 01/01/27). Enforcement -- Civil liability.**

565 (1) The Division of Consumer Protection shall administer and enforce the provisions of Part
566 2, Content Provenance Standards and Requirements in accordance with Chapter 2,
567 Division of Consumer Protection.

568 (2) In addition to the division's enforcement powers under Chapter 2, Division of Consumer
569 Protection:

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

572 (b) the division may bring an action in a court of competent jurisdiction to enforce a
573 provision of this chapter.

574 (3) In a court action by the division to enforce a provision of this chapter, the court may:

575 (a) declare that an act or practice violates a provision of this chapter;

576 (b) issue an injunction for a violation of this chapter;

577 (c) order disgorgement of money received in violation of this chapter;

578 (d) order payment of disgorged money to an injured purchaser or consumer;

579 (e) impose a fine of up to \$2,500 for each violation of this chapter; or

580 (f) award other relief that the court determines reasonable and necessary.

581 (4) If a court awards judgment or injunctive relief to the division, the court shall award the
582 division:

583 (a) reasonable attorney fees;

584 (b) court costs; and

585 (c) investigative fees.

586 (5) A court may impose a civil penalty of no more than \$5,000 for each violation of an
587 administrative or court order issued for a violation of this chapter.

588 (6) The attorney general may bring a civil action on behalf of the division to collect a civil
589 penalty imposed under this section.

590 (7) The division shall deposit all fines and civil penalties collected under this section into
591 the Consumer Protection Education and Training Fund created in Section 13-2-8.

592 (8) Nothing in this chapter shall displace any other available remedies or rights authorized
593 under the laws of this state or the United States.

594 Section 20. Section **63A-16-215** is enacted to read:

595 **63A-16-215 (Effective 01/01/27). Government websites and applications.**

- 596 (1) The chief information officer shall make rules, in accordance with Title 63G, Chapter 3,
597 Utah Administrative Rulemaking Act, establishing standards for digital content on a
598 webpage of a state agency that the public can access to facilitate a transaction or obtain a
599 service if the chief information officer determines there is a substantial risk that
600 fraudulent or misleading media could cause harm to a resident of the state interacting
601 with the state agency.
- 602 (2) The standards required by Subsection (1) shall require a digitally accessible provenance
603 record containing provenance information for digital content captured, created, or edited
604 that includes:
- 605 (a) the identification of:
- 606 (i) the type of software or tool used; or
- 607 (ii) the specific tool used;
- 608 (b) the date of creation;
- 609 (c) a content identifier; and
- 610 (d) the previous content identifiers, if applicable.
- 611 (3) This section does not apply to digital content created before January 1, 2027.

612 Section 21. **Effective Date.**

613 This bill takes effect on January 1, 2027.