

Kirk A. Cullimore 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** [~~Effective 07/01/26~~] (**Effective 01/01/27**), as last amended by Laws of Utah 2025,
36 Chapter 468

37 ENACTS:

38 **13-72b-101** (**Effective 01/01/27**), Utah Code Annotated 1953

39 **13-72b-201** (**Effective 01/01/27**), Utah Code Annotated 1953

40 **13-72b-202** (**Effective 01/01/27**), Utah Code Annotated 1953

41 **13-72b-203** (**Effective 01/01/27**), Utah Code Annotated 1953

42 **13-72b-204** (**Effective 01/01/27**), Utah Code Annotated 1953

43 **13-72b-205** (**Effective 01/01/27**), Utah Code Annotated 1953

44 **13-72b-301** (**Effective 01/01/27**), Utah Code Annotated 1953

45 **13-72b-302** (**Effective 01/01/27**), Utah Code Annotated 1953

46 **13-72b-303** (**Effective 01/01/27**), Utah Code Annotated 1953

47 **13-72b-304** (**Effective 01/01/27**), Utah Code Annotated 1953

48 **13-72b-305** (**Effective 01/01/27**), Utah Code Annotated 1953

49 **13-72b-306** (**Effective 01/01/27**), Utah Code Annotated 1953

50 **13-72b-401** (**Effective 01/01/27**), Utah Code Annotated 1953

51 **13-72c-101** (**Effective 01/01/27**), Utah Code Annotated 1953

52 **13-72c-201** (**Effective 01/01/27**), Utah Code Annotated 1953

53 **13-72c-202** (**Effective 01/01/27**), Utah Code Annotated 1953

54 **13-72c-203** (**Effective 01/01/27**), Utah Code Annotated 1953

55 **13-72c-301** (**Effective 01/01/27**), Utah Code Annotated 1953

56 **63A-16-215** (**Effective 01/01/27**), Utah Code Annotated 1953

57

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

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

60 **13-2-1** [~~Effective 07/01/26~~] (**Effective 01/01/27**). **Consumer protection division**
61 **established -- Functions.**

62 (1) There is established within the Department of Commerce the Division of Consumer

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

- 130 service and the subsequent provision of that counterfeit intimate image to the user.
- 131 (6) "Generate" means to create, produce, compose, materially edit, or facilitate the creation
132 of an intimate image through the use of artificial intelligence technology.
- 133 (7) "Generation service" means a person that operates, maintains, or provides an interactive
134 computer service that:
- 135 (a) enables users to generate intimate images;
- 136 (b) processes user image generation requests through servers, computer systems, or
137 computing resources controlled by the service operator rather than solely on the
138 user's local device; and
- 139 (c) distributes generated intimate images to users through the service.
- 140 (8) "Identifiable individual" means an individual who is recognizable as an actual human
141 individual by the human individual's face, likeness, or other distinguishing
142 characteristic, including a unique physical feature or other recognizable attribute.
- 143 (9) "Interactive computer service" means the same as that term is defined in 47 U.S.C. Sec.
144 230(f)(2).
- 145 (10) "Intimate image" means an "intimate visual depiction" as those terms are defined in the
146 Take It Down Act.
- 147 (11) "Reasonable expectation of privacy" means an individual's expectation that:
- 148 (a) the individual's body will not be viewed, recorded, or depicted in an intimate image
149 without the individual's knowledge and consent; and
- 150 (b) an intimate image of the individual will not be generated, created, distributed, or
151 manipulated without the individual's knowledge and consent.
- 152 (12) "Sexually explicit conduct" means the same as that term is defined in 18 U.S.C. Sec.
153 2256(2)(A).
- 154 (13) "Take It Down Act" means the Tools to Address Known Exploitation by Immobilizing
155 Technological Deepfakes on Websites and Networks Act, Public Law 119-12, codified
156 at 47 U.S.C. Sec. 230 note.

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

158 **Part 2. Generation Services**

159 **13-72b-201 (Effective 01/01/27). Unlawful distribution of non-consensual**
160 **counterfeit intimate images.**

- 161 (1) The distribution of a counterfeit intimate image by a generation service without the
162 consent of the identifiable individual depicted in the image is a violation of the
163 individual's reasonable expectation of privacy.

- 164 (2) A generation service may not distribute a counterfeit intimate image without first
165 obtaining consent from the identifiable individual depicted in the counterfeit intimate
166 image.
- 167 (3) To obtain consent sufficient to meet the requirements of Subsection (2), a generation
168 service shall implement and maintain a consent system that:
- 169 (a) requires the identifiable individual depicted in the counterfeit intimate image to
170 affirmatively provide consent before the counterfeit intimate image is distributed;
171 (b) assures the identity of the individual providing consent with reasonable accuracy; and
172 (c) maintains a record of the consent for a period of not less than seven years.
- 173 (4) A generation service may not require an individual to disclose personally identifiable
174 information beyond what is reasonably necessary to assure the individual's identity and
175 obtain valid consent.

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

177 **13-72b-202 (Effective 01/01/27). Civil liability for generation services.**

- 178 (1) A person, or the heirs of a deceased person, who has been injured by a violation
179 recognized in Section 13-72b-201 may bring a civil action against the generation service
180 that committed the violation.
- 181 (2) If in an action described in Subsection (1) the court finds the defendant is violating or
182 has violated any provision of Section 13-72b-201, the court shall:
- 183 (a) enjoin the defendant from continuing the violation; and
184 (b) order the defendant to remove or destroy any counterfeit intimate image distributed
185 in violation of Section 13-72b-201 and all copies of the counterfeit intimate image
186 within the defendant's possession or control.
- 187 (3) It is not necessary that actual damages to the plaintiff be alleged or proved in an action
188 under this section.
- 189 (4) A plaintiff in an action under this section is entitled to recover:
- 190 (a) actual damages sustained, if any, including damages for emotional distress;
191 (b) punitive damages, if the violation is found to be willful, reckless, or malicious; and
192 (c) reasonable attorney fees and costs.
- 193 (5) Each distribution of a counterfeit intimate image depicting an identifiable individual
194 without consent constitutes a separate violation.
- 195 (6) The statute of limitations for a civil action under this section is the later of:
- 196 (a) three years from the date the plaintiff discovered or reasonably should have
197 discovered the violation; or

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

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

200 **13-72b-203 (Effective 01/01/27). Safe harbor for generation services.**

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

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

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

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

208 (ii) includes reasonable safeguards designed to prevent the creation of counterfeit
209 intimate images; and

210 (iii) includes procedures for responding to reports of violations;

211 (c) the generation service acted in accordance with the policy described in Subsection
212 (1)(b) with respect to the alleged violation;

213 (d) the generation service published the policy described in Subsection (1)(b) in a clear
214 and conspicuous location accessible to the public on the generation service's website
215 or primary user interface;

216 (e) the generation service published a general description of the reasonable safeguards
217 described in Subsection (1)(b)(ii), which may describe technical measures in general
218 terms without disclosing proprietary implementation details that could be exploited to
219 circumvent the safeguards;

220 (f) the generation service implemented and maintained a consent system that complies
221 with Subsection 13-72b-201(3); and

222 (g) upon receiving notice that a counterfeit intimate image was created or distributed
223 without consent, the generation service took prompt action to prevent further
224 distribution.

225 (2) A generation service qualifies for the safe harbor under Subsection (1) even if a
226 non-consensual counterfeit intimate image was distributed through the service if the
227 generation service demonstrates that:

228 (a) the generation service had no actual knowledge that the image was created or
229 distributed without consent before receiving notice;

230 (b) the generation service's consent system was operating as designed;

231 (c) the generation service reasonably relied on information provided through the consent

- 232 system; and
- 233 (d) upon discovering the violation, the generation service took prompt action to prevent
- 234 further distribution.
- 235 (3) A generation service that has implemented and maintains a written policy and
- 236 reasonable technical safeguards that categorically prevent the generation of intimate
- 237 images by the service is not required to comply with the consent requirements in
- 238 Subsections (1)(b), (1)(c), (1)(e), (1)(f), (2)(b), and (2)(c) to qualify for safe harbor
- 239 protection under this section.
- 240 (4) In determining whether a generation service qualifies for safe harbor protection under
- 241 this section, the court shall, among other relevant factors, consider whether the
- 242 generation service's safeguards and policies:
- 243 (a) are consistent with widely accepted industry standards;
- 244 (b) are regularly updated to address emerging technologies and methods for creating
- 245 counterfeit intimate images;
- 246 (c) include technical measures to detect and prevent the generation of counterfeit
- 247 intimate images; and
- 248 (d) include reasonable measures to ensure that users are not attempting to circumvent the
- 249 safeguards.
- 250 (5) A generation service may assert the safe harbor protections under this section by motion
- 251 before trial and is not required to proceed to trial to establish eligibility for the safe
- 252 harbor.

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

254 **13-72b-204 (Effective 01/01/27). Heightened pleading standard for actions**

255 **against generation services.**

- 256 (1) In any action brought under Section 13-72b-202 against a generation service, the
- 257 complaint shall plead with particularity facts establishing that the generation service
- 258 does not qualify for safe harbor protection under Section 13-72b-203.
- 259 (2) To meet the pleading requirements of Subsection (1), the plaintiff shall include specific
- 260 factual allegations, including dates, communications, and other evidence, demonstrating
- 261 that the generation service does not qualify for safe harbor protection under Section
- 262 13-72b-203, including facts showing one or more of the following:
- 263 (a) that the generation service holds itself out as providing services for creating
- 264 counterfeit intimate images;
- 265 (b) that the generation service failed to implement a written policy that:

- 266 (i) prohibits the generation and distribution of non-consensual counterfeit intimate
267 images;
- 268 (ii) includes reasonable safeguards designed to prevent the creation of counterfeit
269 intimate images; and
- 270 (iii) includes procedures for responding to reports of violations;
- 271 (c) that the generation service distributed a counterfeit intimate image depicting the
272 plaintiff without requesting or obtaining the plaintiff's consent;
- 273 (d) that the generation service had actual knowledge that a counterfeit intimate image
274 was created or distributed without consent and failed to take prompt action to prevent
275 further distribution; or
- 276 (e) that the generation service intentionally designed the service to facilitate the creation
277 of non-consensual counterfeit intimate images.
- 278 (3) General or conclusory allegations that a generation service violated this part are
279 insufficient to state a claim.
- 280 (4) If a complaint fails to meet the pleading requirements of this section, the court shall
281 dismiss the action without prejudice.
- 282 (5) A generation service may bring a motion to dismiss under this section before filing an
283 answer or other responsive pleading.
- 284 (6) If the court grants a motion to dismiss under this section and the plaintiff files an
285 amended complaint that again fails to meet the pleading requirements of this section, the
286 court shall:
- 287 (a) dismiss the action with prejudice; and
- 288 (b) award the generation service reasonable attorney fees and costs incurred in bringing
289 the motion to dismiss the amended complaint.
- 290 Section 7. Section **13-72b-205** is enacted to read:
- 291 **13-72b-205 (Effective 01/01/27). Transparency and reporting requirements.**
- 292 (1) A generation service shall take reasonable measures to inform users that:
- 293 (a) distribution of non-consensual counterfeit intimate images is prohibited;
- 294 (b) violations of this part may result in civil liability; and
- 295 (c) the service provides procedures for reporting violations.
- 296 (2) A generation service shall clearly and conspicuously provide to users procedures for
297 reporting violations to the generation service.
- 298 (3) A generation service shall publish in a clear and conspicuous location on the generation
299 service's website or primary user interface:

- 300 (a) the written policy required by Subsection 13-72b-203(1)(b); and
301 (b) a general description of the safeguards implemented to prevent the generation of
302 non-consensual counterfeit intimate images, which may describe technical measures
303 in general terms without disclosing proprietary implementation details that could be
304 exploited to circumvent the safeguards.

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

306 **Part 3. Covered Platforms**

307 **13-72b-301 (Effective 01/01/27). Unlawful distribution of non-consensual**
308 **counterfeit intimate images on platforms.**

- 309 (1) A covered platform may not knowingly allow the distribution of a counterfeit intimate
310 image without consent from the identifiable individual depicted in the counterfeit
311 intimate image.
312 (2) A covered platform knowingly allows the distribution of a counterfeit intimate image
313 without consent if the covered platform:
314 (a) receives notice under Section 13-72b-302 that a counterfeit intimate image has been
315 distributed without consent; and
316 (b) fails to comply with the takedown requirements in Section 13-72b-302.

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

318 **13-72b-302 (Effective 01/01/27). Duty to remove -- Notice and takedown**
319 **requirements.**

- 320 (1) A covered platform shall establish and implement notice and removal procedures that
321 comply with the requirements established in Section 3(a) of the Take It Down Act.
322 (2) The requirements described in Subsection (1) include:
323 (a) establishing a mechanism for an individual depicted in a counterfeit intimate image
324 to notify the covered platform that the image has been published on the covered
325 platform without the individual's consent;
326 (b) providing clear and conspicuous notice of the mechanism described in Subsection
327 (2)(a);
328 (c) upon receiving notice that meets the requirements established in the Take It Down
329 Act, removing the reported counterfeit intimate image within 48 hours after receiving
330 the notice; and
331 (d) making reasonable efforts to identify and remove any identical copy of the
332 counterfeit intimate image.
333 (3) A covered platform that complies in good faith with the notice and takedown

334 procedures required by this section is not liable under this chapter for actions taken in
335 accordance with this section before receiving notice.

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

337 **13-72b-303 (Effective 01/01/27). Civil liability for covered platforms.**

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

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

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

344 (b) order the defendant to remove or destroy any counterfeit intimate image distributed
345 in violation of Section 13-72b-301 and all copies of the counterfeit intimate image
346 within the defendant's possession or control.

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

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

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

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

352 (c) reasonable attorney fees and costs.

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

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

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

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

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

361 **13-72b-304 (Effective 01/01/27). Safe harbor for covered platforms.**

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

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

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

- 368 (2) A covered platform qualifies for safe harbor protection under this section even if a
369 non-consensual counterfeit intimate image appeared on the platform if the covered
370 platform demonstrates that:
- 371 (a) the covered platform had no actual knowledge of the image before receiving notice
372 under Section 13-72b-302; and
- 373 (b) upon receiving notice, the covered platform complied with the takedown
374 requirements in Section 13-72b-302.
- 375 (3) In determining whether a covered platform acted in good faith in responding to a notice
376 of a non-consensual counterfeit intimate image, the court shall consider:
- 377 (a) the size and resources of the covered platform;
- 378 (b) the volume of content distributed on the platform;
- 379 (c) the effectiveness of the platform's proactive measures; and
- 380 (d) whether the platform's measures are consistent with widely accepted industry
381 standards.
- 382 (4) A covered platform may establish the safe harbor protections under this section by
383 motion to dismiss or motion for summary judgment.
- 384 (5) If a court determines that a covered platform has established safe harbor protection
385 under this section on a motion to dismiss or motion for summary judgment, the court
386 shall:
- 387 (a) dismiss the action or grant summary judgment in favor of the covered platform; and
- 388 (b) award the covered platform reasonable attorney fees and costs.
- 389 Section 12. Section **13-72b-305** is enacted to read:
- 390 **13-72b-305 (Effective 01/01/27). Heightened pleading standard for actions**
391 **against covered platforms.**
- 392 (1) In any action brought under Section 13-72b-303 against a covered platform, the
393 complaint shall plead with particularity facts establishing that the covered platform does
394 not qualify for safe harbor protection under Section 13-72b-304.
- 395 (2) To meet the pleading requirements of Subsection (1), the plaintiff shall include specific
396 factual allegations demonstrating that the covered platform does not qualify for safe
397 harbor protection under Section 13-72b-304, including facts showing one or more of the
398 following:
- 399 (a) that the covered platform failed to implement notice and removal procedures that
400 comply with Section 13-72b-302;
- 401 (b) that the covered platform failed to act in good faith in responding to notices of

- 402 non-consensual counterfeit intimate images;
- 403 (c) if the plaintiff provided notice under Section 13-72b-302:
- 404 (i) the specific date and method by which notice was provided;
- 405 (ii) the content of the notice provided;
- 406 (iii) the covered platform's response or failure to respond; and
- 407 (iv) facts establishing that the covered platform failed to comply with the takedown
- 408 requirements in Section 13-72b-302; or
- 409 (d) if the plaintiff did not provide notice under Section 13-72b-302:
- 410 (i) facts establishing that the covered platform had actual knowledge of the
- 411 non-consensual counterfeit intimate image before the plaintiff provided notice; and
- 412 (ii) facts establishing that the covered platform failed to take reasonable steps to
- 413 remove the image within 48 hours after obtaining actual knowledge.
- 414 (3) General or conclusory allegations that a covered platform violated this part are
- 415 insufficient to state a claim.
- 416 (4) If a complaint fails to meet the pleading requirements of this section, the court shall
- 417 dismiss the action without prejudice.
- 418 (5) A covered platform may bring a motion to dismiss under this section before filing an
- 419 answer or other responsive pleading.
- 420 (6) If the court grants a motion to dismiss under this section and the plaintiff files an
- 421 amended complaint that again fails to meet the pleading requirements of this section, the
- 422 court shall:
- 423 (a) dismiss the action with prejudice; and
- 424 (b) award the covered platform reasonable attorney fees and costs incurred in bringing
- 425 the motion to dismiss the amended complaint.

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

427 **13-72b-306 (Effective 01/01/27). Relationship to federal law.**

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

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

435 **Part 4. Severability**

436 **13-72b-401 (Effective 01/01/27). Severability.**

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

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

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

443 **CHAPTER 72c. Digital Content Provenance Standards Act**444 **Part 1. General Provisions**445 **13-72c-101 (Effective 01/01/27). Definitions.**

446 As used in this chapter:

447 (1) "Artificial intelligence" means a machine-based system that makes predictions,
448 recommendations, or decisions influencing real or virtual environments.

449 (2) "Capture device" means a device that can record photographs, audio, or video content,
450 including a video camera, a still photography camera, a mobile phone with a built-in
451 camera or microphone, or a voice recorder.

452 (3)(a) "Capture device manufacturer" means a person who produces a capture device for
453 sale in the state.

454 (b) "Capture device manufacturer" does not include a person exclusively engaged in the
455 assembly of a capture device.

456 (4) "Compliant system provenance data" means system provenance data that is compliant
457 with widely adopted specifications of an established standards-setting body.

458 (5)(a) "Covered provider" means a person that creates, codes, or otherwise produces a
459 generative artificial intelligence system that:

460 (i) has over 1,000,000 monthly visitors or users; and

461 (ii) is publicly accessible within the geographic boundaries of the state.

462 (b) "Covered provider" does not include a person that creates, codes, or otherwise
463 produces a generative artificial intelligence system that is used exclusively for the
464 person's internal business operations and is not made publicly accessible.

465 (6) "Digital signature" means a cryptography-based method that identifies the user or entity
466 that attests to the information provided in the signed section.

467 (7) "Generative artificial intelligence system" means an artificial intelligence system that
468 can generate derived synthetic content, including text, images, video, or audio, that

- 469 emulates the structure and characteristics of the system's training data.
- 470 (8)(a) "Large online platform" means a public-facing social media platform, mass
471 messaging platform, or stand-alone search engine that distributes content to users
472 who did not create or collaborate in creating the content and that exceeded 2,000,000
473 unique monthly users during the preceding 12 months.
- 474 (b) "Large online platform" does not include:
- 475 (i) a broadband internet access service, as defined in 47 C.F.R. Sec. 8.1(b); or
476 (ii) a telecommunications service, as defined in 47 U.S.C. Sec. 153.
- 477 (9) "Latent" means present but not manifest.
- 478 (10) "Manifest" means easily perceived, understood, or recognized by a natural person.
- 479 (11) "Mass messaging platform" means a direct messaging platform that allows users to
480 distribute content to more than 100 users simultaneously.
- 481 (12) "Metadata" means structural or descriptive information about data.
- 482 (13) "Personal information" means the same as that term is defined in Section 13-61-101.
- 483 (14) "Provenance data" means data that is embedded into digital content, or that is included
484 in the digital content's metadata, for the purpose of verifying the digital content's
485 authenticity, origin, or history of modification.
- 486 (15) "System provenance data" means provenance data that is not reasonably capable of
487 being associated with a particular user and that contains:
- 488 (a) information regarding the type of device, system, or service that was used to generate
489 a piece of digital content; or
- 490 (b) information related to content authenticity.
- 491 (16) "User" means a Utah resident who accesses, interacts with, or uses an interactive
492 computer service, platform, generation service, generative artificial intelligence system,
493 or capture device.
- 494 (17) "User interface" means the method by which an individual interacts with, controls, or
495 receives information from a computer, software application, website, or electronic
496 device.

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

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

499 **13-72c-201 (Effective 01/01/27). Requirements for large online platforms.**

- 500 (1) A large online platform shall:
- 501 (a) detect whether compliant system provenance data is embedded into or attached to
502 content distributed on the large online platform;

- 503 (b) provide a user interface to disclose the availability of system provenance data; and
504 (c) allow a user to inspect all available compliant system provenance data in an easily
505 accessible manner:
506 (i) directly through the large online platform's user interface described in Subsection
507 (1)(b);
508 (ii) by allowing the user to download the content's compliant system provenance
509 data; or
510 (iii) by providing a link to the content's system provenance data displayed on an
511 internet website or in another application provided either by the large online
512 platform or a third party.
- 513 (2) A large online platform may not, to the extent technically feasible, knowingly strip any
514 system provenance data or digital signature that is compliant with widely adopted
515 specifications adopted by an established standards-setting body from content uploaded
516 or distributed on the large online platform.

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

518 **13-72c-202 (Effective 01/01/27). Requirements for capture devices.**

- 519 (1) A capture device manufacturer shall include a latent disclosure in content captured by
520 the capture device that conveys:
521 (a)(i) the name of the capture device manufacturer; or
522 (ii) digital signatures sufficient to prove whether the content was created using a type
523 of capture device; and
524 (b) the time and date of the content's creation or alteration.
- 525 (2) A capture device manufacturer may provide a user with the option to disable the latent
526 disclosure on a capture device required in Subsection (1).
- 527 (3) A capture device manufacturer shall comply with this section only to the extent
528 technically feasible and compliant with widely adopted specifications adopted by an
529 established standards-setting body.
- 530 (4) This section applies to any capture device a capture device manufacturer produces for
531 sale in the state on or after January 1, 2028.

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

533 **13-72c-203 (Effective 01/01/27). User disclosures.**

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

- 537 (1) to the extent that it is technically feasible and reasonable, the disclosure conveys the
 538 following information, either directly or through a link to a permanent internet website:
 539 (a) the time and date of the content's creation or alteration; and
 540 (b) either:
 541 (i) the name of the capture device manufacturer; or
 542 (ii) digital signatures sufficient to prove whether the content was created or
 543 substantially altered using a generative artificial intelligence system; and
 544 (2) the disclosure is consistent with widely accepted industry standards.

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

546 **Part 3. Enforcement**

547 **13-72c-301 (Effective 01/01/27). Enforcement -- Civil liability.**

- 548 (1) The Division of Consumer Protection shall administer and enforce the provisions of Part
 549 2, Content Provenance Standards and Requirements in accordance with Chapter 2,
 550 Division of Consumer Protection.
 551 (2) In addition to the division's enforcement powers under Chapter 2, Division of Consumer
 552 Protection:
 553 (a) the division director may impose an administrative fine of up to \$2,500 for each
 554 violation of this chapter; and
 555 (b) the division may bring an action in a court of competent jurisdiction to enforce a
 556 provision of this chapter.
 557 (3) In a court action by the division to enforce a provision of this chapter, the court may:
 558 (a) declare that an act or practice violates a provision of this chapter;
 559 (b) issue an injunction for a violation of this chapter;
 560 (c) order disgorgement of money received in violation of this chapter;
 561 (d) order payment of disgorged money to an injured purchaser or consumer;
 562 (e) impose a fine of up to \$2,500 for each violation of this chapter; or
 563 (f) award other relief that the court determines reasonable and necessary.
 564 (4) If a court awards judgment or injunctive relief to the division, the court shall award the
 565 division:
 566 (a) reasonable attorney fees;
 567 (b) court costs; and
 568 (c) investigative fees.
 569 (5) A court may impose a civil penalty of no more than \$5,000 for each violation of an
 570 administrative or court order issued for a violation of this chapter.

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

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

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

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

578 **63A-16-215 (Effective 01/01/27). Government websites and applications.**

579 (1) The chief information officer shall make rules, in accordance with Title 63G, Chapter 3,
580 Utah Administrative Rulemaking Act, establishing standards for digital content on a
581 webpage of a state agency that the public can access to facilitate a transaction or obtain a
582 service if the chief information officer determines there is a substantial risk that
583 fraudulent or misleading media could cause harm to a resident of the state interacting
584 with the state agency.

585 (2) The standards required by Subsection (1) shall require a digitally accessible provenance
586 record containing provenance information for digital content captured, created, or edited
587 that includes:

588 (a) the identification of:

589 (i) the type of software or tool used; or

590 (ii) the specific tool used;

591 (b) the date of creation;

592 (c) a content identifier; and

593 (d) the previous content identifiers, if applicable.

594 (3) This section does not apply to digital content created before January 1, 2027.

595 Section 21. **Effective Date.**

596 This bill takes effect on January 1, 2027.