

Doug Fiefia proposes the following substitute bill:

Artificial Intelligence Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Doug Fiefia

Senate Sponsor:

LONG TITLE

General Description:

This bill enacts the Companion Chatbot Safety Act to regulate operators of companion chatbots and protect consumers.

Highlighted Provisions:

This bill:

- defines terms;
- requires operators of companion chatbots to comply with the Utah Consumer Privacy Act;
- establishes disclosure and data protection requirements for operators;
- establishes additional safety requirements for operators serving minor users;
- authorizes rulemaking for age assurance and safe harbor standards;
- requires annual reporting by operators to the Office of Artificial Intelligence Policy;
- grants enforcement authority to the Division of Consumer Protection;
- provides for administrative fines and civil penalties;
- establishes safe harbor provisions for operators; and
- provides a severability clause.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

13-2-1 (Effective 05/06/26) (Superseded 07/01/26), as last amended by Laws of Utah 2025, Chapters 51, 181, 237, and 269

13-2-1 (Effective 07/01/26), as last amended by Laws of Utah 2025, Chapter 468

29 **13-61-101 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 186

30 **13-61-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 381

31 ENACTS:

32 **13-72b-101 (Effective 05/06/26)**, Utah Code Annotated 1953

33 **13-72b-201 (Effective 05/06/26)**, Utah Code Annotated 1953

34 **13-72b-202 (Effective 05/06/26)**, Utah Code Annotated 1953

35 **13-72b-301 (Effective 05/06/26)**, Utah Code Annotated 1953

36 **13-72b-302 (Effective 05/06/26)**, Utah Code Annotated 1953

37 **13-72b-303 (Effective 05/06/26)**, Utah Code Annotated 1953

38 **13-72b-401 (Effective 05/06/26)**, Utah Code Annotated 1953

39 **13-72b-402 (Effective 05/06/26)**, Utah Code Annotated 1953

40 **13-72b-501 (Effective 05/06/26)**, Utah Code Annotated 1953

41

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

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

44 **13-2-1 (Effective 05/06/26) (Superseded 07/01/26). Consumer protection division**
 45 **established -- Functions.**

46 (1) There is established within the Department of Commerce the Division of Consumer
 47 Protection.

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

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

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

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

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

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

54 (f) Chapter 22, Charitable Solicitations Act;

55 (g) Chapter 23, Health Spa Services Protection Act;

56 (h) Chapter 25a, Telephone and Facsimile Solicitation Act;

57 (i) Chapter 26, Telephone Fraud Prevention Act;

58 (j) Chapter 28, Prize Notices Regulation Act;

59 (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter
 60 Transaction Information Act;

61 (l) Chapter 34, Utah Postsecondary School and State Authorization Act;

62 (m) Chapter 41, Price Controls During Emergencies Act;

- 63 (n) Chapter 42, Uniform Debt-Management Services Act;
- 64 (o) Chapter 49, Immigration Consultants Registration Act;
- 65 (p) Chapter 51, Transportation Network Company Registration Act;
- 66 (q) Chapter 52, Residential Solar Energy Consumer Protection Act;
- 67 (r) Chapter 53, Residential, Vocational ~~[or]~~ and Life Skills Program Act;
- 68 (s) Chapter 54, Ticket Website Sales Act;
- 69 (t) Chapter 56, Ticket Transferability Act;
- 70 (u) Chapter 57, Maintenance Funding Practices Act;
- 71 (v) Chapter 61, Utah Consumer Privacy Act;
- 72 (w) Chapter 64, Vehicle Value Protection Agreement Act;
- 73 (x) Chapter 65, Utah Commercial Email Act;
- 74 (y) Chapter 67, Online Dating Safety Act;
- 75 (z) Chapter 68, Lawyer Referral Consultants Registration Act;
- 76 (aa) Chapter 70, Automatic Renewal Contracts Act;
- 77 (bb) Chapter 71, Utah Minor Protection in Social Media Act;
- 78 (cc) Chapter 72a, Artificial Intelligence Applications Relating to Mental Health;
- 79 ~~(dd)~~ Chapter 72b, Companion Chatbot Safety Act; and
- 80 ~~[(dd)]~~ (ee) Chapter 78, Earned Wage Access Services Act.
- 81 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 82 division may make rules to establish:
- 83 (a) a public list that identifies a person that:
- 84 (i) violates a chapter described in Subsection (2);
- 85 (ii) without proper legal justification, fails to comply with an order, subpoena,
- 86 judgment, or other legal process issued by:
- 87 (A) the division; or
- 88 (B) a court of competent jurisdiction; or
- 89 (iii) breaches a settlement agreement, stipulation, assurance of voluntary compliance,
- 90 or similar instrument signed by the person and the division; and
- 91 (b) a process by which a person may be removed from the list the division establishes as
- 92 described in Subsection (3)(a).

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

94 **13-2-1 (Effective 07/01/26). Consumer protection division established --**

95 **Functions.**

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

97 Protection.

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

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

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

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

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

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

104 (f) Chapter 22, Charitable Solicitations Act;

105 (g) Chapter 23, Health Spa Services Protection Act;

106 (h) Chapter 25a, Telephone and Facsimile Solicitation Act;

107 (i) Chapter 26, Telephone Fraud Prevention Act;

108 (j) Chapter 28, Prize Notices Regulation Act;

109 (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter
110 Transaction Information Act;

111 (l) Chapter 34, Utah Postsecondary School and State Authorization Act;

112 (m) Chapter 41, Price Controls During Emergencies Act;

113 (n) Chapter 42, Uniform Debt-Management Services Act;

114 (o) Chapter 49, Immigration Consultants Registration Act;

115 (p) Chapter 51, Transportation Network Company Registration Act;

116 (q) Chapter 52, Residential Solar Energy Consumer Protection Act;

117 (r) Chapter 53, Residential Vocational or Life Skills Program Act;

118 (s) Chapter 54, Ticket Website Sales Act;

119 (t) Chapter 56, Ticket Transferability Act;

120 (u) Chapter 57, Maintenance Funding Practices Act;

121 (v) Chapter 61, Utah Consumer Privacy Act;

122 (w) Chapter 64, Vehicle Value Protection Agreement Act;

123 (x) Chapter 65, Utah Commercial Email Act;

124 (y) Chapter 67, Online Dating Safety Act;

125 (z) Chapter 68, Lawyer Referral Consultants Registration Act;

126 (aa) Chapter 70, Automatic Renewal Contracts Act;

127 (bb) Chapter 71, Utah Minor Protection in Social Media Act;

128 (cc) Chapter 72a, Artificial Intelligence Applications Relating to Mental Health;

129 (dd) Chapter 72b, Companion Chatbot Safety Act;

130 [~~dd~~] (ee) Chapter 78, Earned Wage Access Services Act; and

- 131 [~~ee~~] (ff) Chapter 81, Utah Digital Choice Act.
- 132 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 133 division may make rules to establish:
- 134 (a) a public list that identifies a person that:
- 135 (i) violates a chapter described in Subsection (2);
- 136 (ii) without proper legal justification, fails to comply with an order, subpoena,
- 137 judgment, or other legal process issued by:
- 138 (A) the division; or
- 139 (B) a court of competent jurisdiction; or
- 140 (iii) breaches a settlement agreement, stipulation, assurance of voluntary compliance,
- 141 or similar instrument signed by the person and the division; and
- 142 (b) a process by which a person may be removed from the list the division establishes as
- 143 described in Subsection (3)(a).

144 Section 3. Section **13-61-101** is amended to read:

145 **13-61-101 (Effective 05/06/26). Definitions.**

146 As used in this chapter:

- 147 (1) "Account" means the Consumer Privacy Restricted Account established in Section
- 148 13-61-403.
- 149 (2) "Affiliate" means an entity that:
- 150 (a) controls, is controlled by, or is under common control with another entity; or
- 151 (b) shares common branding with another entity.
- 152 (3) "Aggregated data" means information that relates to a group or category of consumers:
- 153 (a) from which individual consumer identities have been removed; and
- 154 (b) that is not linked or reasonably linkable to any consumer.
- 155 (4) "Air carrier" means the same as that term is defined in 49 U.S.C. Sec. 40102.
- 156 (5) "Authenticate" means to use reasonable means to determine that a consumer's request to
- 157 exercise the rights described in Section 13-61-201 is made by the consumer who is
- 158 entitled to exercise those rights.
- 159 (6)(a) "Biometric data" means data generated by automatic measurements of an
- 160 individual's unique biological characteristics.
- 161 (b) "Biometric data" includes data described in Subsection (6)(a) that are generated by
- 162 automatic measurements of an individual's fingerprint, voiceprint, eye retinas, irises,
- 163 or any other unique biological pattern or characteristic that is used to identify a
- 164 specific individual.

- 165 (c) "Biometric data" does not include:
- 166 (i) a physical or digital photograph;
- 167 (ii) a video or audio recording;
- 168 (iii) data generated from an item described in Subsection (6)(c)(i) or (ii);
- 169 (iv) information captured from a patient in a health care setting; or
- 170 (v) information collected, used, or stored for treatment, payment, or health care
- 171 operations as those terms are defined in 45 C.F.R. Parts 160, 162, and 164.
- 172 (7) "Business associate" means the same as that term is defined in 45 C.F.R. Sec. 160.103.
- 173 (8) "Child" means an individual younger than 13 years old.
- 174 (9) "Companion chatbot operator" means the same as the term "operator" is defined in
- 175 Section 13-72b-101.
- 176 [~~(9)~~] (10) "Consent" means an affirmative act by a consumer that unambiguously indicates
- 177 the consumer's voluntary and informed agreement to allow a person to process personal
- 178 data related to the consumer.
- 179 [~~(10)~~] (11)(a) "Consumer" means an individual who is a resident of the state acting in an
- 180 individual or household context.
- 181 (b) "Consumer" does not include an individual acting in an employment or commercial
- 182 context.
- 183 [~~(11)~~] (12) "Control" or "controlled" as used in Subsection (2) means:
- 184 (a) ownership of, or the power to vote, more than 50% of the outstanding shares of any
- 185 class of voting securities of an entity;
- 186 (b) control in any manner over the election of a majority of the directors or of the
- 187 individuals exercising similar functions; or
- 188 (c) the power to exercise controlling influence of the management of an entity.
- 189 [~~(12)~~] (13) "Controller" means a person doing business in the state who determines the
- 190 purposes for which and the means by which personal data are processed, regardless of
- 191 whether the person makes the determination alone or with others.
- 192 [~~(13)~~] (14) "Covered entity" means the same as that term is defined in 45 C.F.R. Sec.
- 193 160.103.
- 194 [~~(14)~~] (15)(a) "Deidentified data" means data that:
- 195 (i) cannot reasonably be linked to an identified individual or an identifiable
- 196 individual; and
- 197 (ii) are possessed by a controller who:
- 198 (A) takes reasonable measures to ensure that a person cannot associate the data

199 with an individual;

200 (B) publicly commits to maintain and use the data only in deidentified form and
201 not attempt to reidentify the data; and

202 (C) contractually obligates any recipients of the data to comply with the
203 requirements described in [~~Subsections (14)(b)(i)] Subsections (15)(a)(ii)(A)
204 and (B)[~~and (ii)~~].~~

205 (b) "Deidentified data" includes synthetic data.

206 [(15)] (16) "Director" means the director of the Division of Consumer Protection.

207 [(16)] (17) "Division" means the Division of Consumer Protection created in Section 13-2-1.

208 [(17)] (18) "Governmental entity" means the same as that term is defined in Section
209 63G-2-103.

210 [(18)] (19) "Health care facility" means the same as that term is defined in Section
211 26B-2-201.

212 [(19)] (20) "Health care provider" means the same as that term is defined in Section
213 78B-3-403.

214 [(20)] (21) "Identifiable individual" means an individual who can be readily identified,
215 directly or indirectly.

216 [(21)] (22) "Institution of higher education" means a public or private institution of higher
217 education.

218 [(22)] (23) "Local political subdivision" means the same as that term is defined in Section
219 11-14-102.

220 [(23)] (24) "Nonprofit corporation" means:

221 (a) the same as that term is defined in Section 16-6a-102; or

222 (b) a foreign nonprofit corporation as defined in Section 16-6a-102.

223 [(24)] (25)(a) "Personal data" means information that is linked or reasonably linkable to
224 an identified individual or an identifiable individual.

225 (b) "Personal data" does not include deidentified data, aggregated data, or publicly
226 available information.

227 [(25)] (26) "Process" means an operation or set of operations performed on personal data,
228 including collection, use, storage, disclosure, analysis, deletion, or modification of
229 personal data.

230 [(26)] (27) "Processor" means a person who processes personal data on behalf of a
231 controller.

232 [(27)] (28) "Protected health information" means the same as that term is defined in 45

233 C.F.R. Sec. 160.103.

234 [~~(28)~~] (29) "Pseudonymous data" means personal data that cannot be attributed to a specific
235 individual without the use of additional information, if the additional information is:

- 236 (a) kept separate from the consumer's personal data; and
237 (b) subject to appropriate technical and organizational measures to ensure that the
238 personal data are not attributable to an identified individual or an identifiable
239 individual.

240 [~~(29)~~] (30) "Publicly available information" means information that a person:

- 241 (a) lawfully obtains from a record of a governmental entity;
242 (b) reasonably believes a consumer or widely distributed media has lawfully made
243 available to the general public; or
244 (c) if the consumer has not restricted the information to a specific audience, obtains from
245 a person to whom the consumer disclosed the information.

246 [~~(30)~~] (31) "Right" means a consumer right described in Section 13-61-201.

247 [~~(31)~~] (32)(a) "Sale," "sell," or "sold" means the exchange of personal data for monetary
248 consideration by a controller to a third party.

249 (b) "Sale," "sell," or "sold" does not include:

250 (i) a controller's disclosure of personal data to a processor who processes the personal
251 data on behalf of the controller;

252 (ii) a controller's disclosure of personal data to an affiliate of the controller;

253 (iii) considering the context in which the consumer provided the personal data to the
254 controller, a controller's disclosure of personal data to a third party if the purpose
255 is consistent with a consumer's reasonable expectations;

256 (iv) the disclosure or transfer of personal data when a consumer directs a controller to:

257 (A) disclose the personal data; or

258 (B) interact with one or more third parties;

259 (v) a consumer's disclosure of personal data to a third party for the purpose of
260 providing a product or service requested by the consumer or a parent or legal
261 guardian of a child;

262 (vi) the disclosure of information that the consumer:

263 (A) intentionally makes available to the general public via a channel of mass
264 media; and

265 (B) does not restrict to a specific audience; or

266 (vii) a controller's transfer of personal data to a third party as an asset that is part of a

267 proposed or actual merger, an acquisition, or a bankruptcy in which the third party
268 assumes control of all or part of the controller's assets.

269 [~~(32)~~] (33)(a) "Sensitive data" means:

270 (i) personal data that reveals:

271 (A) an individual's racial or ethnic origin;

272 (B) an individual's religious beliefs;

273 (C) an individual's sexual orientation;

274 (D) an individual's citizenship or immigration status; or

275 (E) information regarding an individual's medical history, mental or physical
276 health condition, or medical treatment or diagnosis by a health care
277 professional;

278 (ii) the processing of genetic personal data or biometric data, if the processing is for
279 the purpose of identifying a specific individual; or

280 (iii) specific geolocation data.

281 (b) "Sensitive data" does not include personal data that reveals an individual's:

282 (i) racial or ethnic origin, if the personal data are processed by a video
283 communication service; or

284 (ii) if the personal data are processed by a person licensed to provide health care
285 under Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection,
286 or Title 58, Occupations and Professions, information regarding an individual's
287 medical history, mental or physical health condition, or medical treatment or
288 diagnosis by a health care professional.

289 [~~(33)~~] (34)(a) "Specific geolocation data" means information derived from technology,
290 including global position system level latitude and longitude coordinates, that directly
291 identifies an individual's specific location, accurate within a radius of 1,750 feet or
292 less.

293 (b) "Specific geolocation data" does not include:

294 (i) the content of a communication; or

295 (ii) any data generated by or connected to advanced utility metering infrastructure
296 systems or equipment for use by a utility.

297 [~~(34)~~] (35) "Synthetic data" means data that has been generated by computer algorithms or
298 statistical models and does not contain personal data.

299 [~~(35)~~] (36)(a) "Targeted advertising" means displaying an advertisement to a consumer
300 where the advertisement is selected based on personal data obtained from the

301 consumer's activities over time and across nonaffiliated websites or online
 302 applications to predict the consumer's preferences or interests.

303 (b) "Targeted advertising" does not include advertising:

304 (i) based on a consumer's activities within a controller's website or online application
 305 or any affiliated website or online application;

306 (ii) based on the context of a consumer's current search query or visit to a website or
 307 online application;

308 (iii) directed to a consumer in response to the consumer's request for information,
 309 product, a service, or feedback; or

310 (iv) processing personal data solely to measure or report advertising:

311 (A) performance;

312 (B) reach; or

313 (C) frequency.

314 ~~[(36)]~~ (37) "Third party" means a person other than:

315 (a) the consumer, controller, or processor; or

316 (b) an affiliate or contractor of the controller or the processor.

317 ~~[(37)]~~ (38) "Trade secret" means information, including a formula, pattern, compilation,
 318 program, device, method, technique, or process, that:

319 (a) derives independent economic value, actual or potential, from not being generally
 320 known to, and not being readily ascertainable by proper means by, other persons who
 321 can obtain economic value from the information's disclosure or use; and

322 (b) is the subject of efforts that are reasonable under the circumstances to maintain the
 323 information's secrecy.

324 Section 4. Section **13-61-102** is amended to read:

325 **13-61-102 (Effective 05/06/26). Applicability.**

326 (1) This chapter applies to:

327 (a) ~~[-]~~ any controller or processor who:

328 ~~[(a)]~~ (i) ~~[(+)]~~ (A) conducts business in the state; or

329 ~~[(+)]~~ (B) produces a product or service that is targeted to consumers who are
 330 residents of the state;

331 ~~[(b)]~~ (ii) has annual revenue of \$25,000,000 or more; and

332 ~~[(e)]~~ (iii) satisfies one or more of the following thresholds:

333 ~~[(+)]~~ (A) during a calendar year, controls or processes personal data of 100,000 or
 334 more consumers; or

- 335 [(ii)] (B) derives over 50% of the entity's gross revenue from the sale of personal
336 data and controls or processes personal data of 25,000 or more consumers[-] ; or
337 (b) a companion chatbot operator.
- 338 (2) This chapter does not apply to:
- 339 (a) a governmental entity or a third party under contract with a governmental entity
340 when the third party is acting on behalf of the governmental entity;
- 341 (b) a tribe;
- 342 (c) an institution of higher education;
- 343 (d) a nonprofit corporation;
- 344 (e) a covered entity;
- 345 (f) a business associate;
- 346 (g) information that meets the definition of:
- 347 (i) protected health information for purposes of the federal Health Insurance
348 Portability and Accountability Act of 1996, 42 U.S.C. Sec. 1320d et seq., and
349 related regulations;
- 350 (ii) patient identifying information for purposes of 42 C.F.R. Part 2;
- 351 (iii) identifiable private information for purposes of the Federal Policy for the
352 Protection of Human Subjects, 45 C.F.R. Part 46;
- 353 (iv) identifiable private information or personal data collected as part of human
354 subjects research [~~pursuant to~~] in accordance with or under the same standards as:
- 355 (A) the good clinical practice guidelines issued by the International Council for
356 Harmonisation; or
- 357 (B) the Protection of Human Subjects under 21 C.F.R. Part 50 and Institutional
358 Review Boards under 21 C.F.R. Part 56;
- 359 (v) personal data used or shared in research conducted in accordance with one or
360 more of the requirements described in Subsection (2)(g)(iv);
- 361 (vi) information and documents created specifically for, and collected and maintained
362 by, a committee but not a board or council listed in Section 26B-1-204;
- 363 (vii) information and documents created for purposes of the federal Health Care
364 Quality Improvement Act of 1986, 42 U.S.C. Sec. 11101 et seq., and related
365 regulations;
- 366 (viii) patient safety work product for purposes of 42 C.F.R. Part 3; or
- 367 (ix) information that is:
- 368 (A) deidentified in accordance with the requirements for deidentification set forth

- 369 in 45 C.F.R. Part 164; and
- 370 (B) derived from any of the health care-related information listed in this
- 371 Subsection (2)(g);
- 372 (h) information originating from, and intermingled to be indistinguishable with,
- 373 information under Subsection (2)(g) that is maintained by:
- 374 (i) a health care facility or health care provider; or
- 375 (ii) a program or a qualified service organization as defined in 42 C.F.R. Sec. 2.11;
- 376 (i) information used only for public health activities and purposes as described in 45
- 377 C.F.R. Sec. 164.512;
- 378 (j)(i) an activity by:
- 379 (A) a consumer reporting agency, as defined in 15 U.S.C. Sec. 1681a;
- 380 (B) a furnisher of information, as set forth in 15 U.S.C. Sec. 1681s-2, who
- 381 provides information for use in a consumer report, as defined in 15 U.S.C. Sec.
- 382 1681a; or
- 383 (C) a user of a consumer report, as set forth in 15 U.S.C. Sec. 1681b;
- 384 (ii) subject to regulation under the federal Fair Credit Reporting Act, 15 U.S.C. Sec.
- 385 1681 et seq.; and
- 386 (iii) involving the collection, maintenance, disclosure, sale, communication, or use of
- 387 any personal data bearing on a consumer's:
- 388 (A) credit worthiness;
- 389 (B) credit standing;
- 390 (C) credit capacity;
- 391 (D) character;
- 392 (E) general reputation;
- 393 (F) personal characteristics; or
- 394 (G) mode of living;
- 395 (k) a financial institution or an affiliate of a financial institution governed by, or personal
- 396 data collected, processed, sold, or disclosed in accordance with, Title V of the
- 397 Gramm-Leach-Bliley Act, 15 U.S.C. Sec. 6801 et seq., and related regulations;
- 398 (l) personal data collected, processed, sold, or disclosed in accordance with the federal
- 399 Driver's Privacy Protection Act of 1994, 18 U.S.C. Sec. 2721 et seq.;
- 400 (m) personal data regulated by the federal Family Education Rights and Privacy Act, 20
- 401 U.S.C. Sec. 1232g, and related regulations;
- 402 (n) personal data collected, processed, sold, or disclosed in accordance with the federal

- 403 Farm Credit Act of 1971, 12 U.S.C. Sec. 2001 et seq.;
- 404 (o) data that are processed or maintained:
- 405 (i) in the course of an individual applying to, being employed by, or acting as an
- 406 agent or independent contractor of a controller, processor, or third party, to the
- 407 extent the collection and use of the data are related to the individual's role;
- 408 (ii) as the emergency contact information of an individual described in Subsection
- 409 (2)(o)(i) and used for emergency contact purposes; or
- 410 (iii) to administer benefits for another individual relating to an individual described in
- 411 Subsection (2)(o)(i) and used for the purpose of administering the benefits;
- 412 (p) an individual's processing of personal data for purely personal or household
- 413 purposes; or
- 414 (q) an air carrier.
- 415 (3) A controller is in compliance with any obligation to obtain parental consent under this
- 416 chapter if the controller complies with the verifiable parental consent mechanisms under
- 417 the Children's Online Privacy Protection Act, 15 U.S.C. Sec. 6501 et seq., and the act's
- 418 implementing regulations and exemptions.
- 419 (4) This chapter does not require a person to take any action in conflict with the federal
- 420 Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. Sec. 1320d et
- 421 seq., or related regulations.

422 Section 5. Section **13-72b-101** is enacted to read:

423 **CHAPTER 72b. Companion Chatbot Safety Act**

424 **Part 1. General Provisions**

425 **13-72b-101 (Effective 05/06/26). Definitions.**

- 426 (1)(a) "Affirmative consent" means a clear act signifying a user's freely given, specific,
- 427 informed, and unambiguous authorization for an act or practice in response to a
- 428 specific request from an operator, provided:
- 429 (i) the request is provided to the user in a clear and conspicuous standalone disclosure;
- 430 (ii) the request includes a description, written in easy-to-understand language, of the
- 431 act or practice for which the user's consent is sought;
- 432 (iii) the request is made in a manner reasonably accessible to and usable by a user
- 433 with a disability;
- 434 (iv) the option to refuse to give consent is at least as prominent as the option to give
- 435 consent, and the option to refuse to give consent takes the same number of steps or

- 436 fewer as the option to give consent; and
- 437 (v) affirmative consent to an act or practice is not inferred from the inaction of the
- 438 user or the user's continued use of a chatbot provided by the chatbot provider.
- 439 (b) "Affirmative consent" does not include:
- 440 (i) acceptance of a general or broad terms of use or similar document;
- 441 (ii) hovering over, muting, pausing, or closing a given piece of content;
- 442 (iii) an agreement obtained through the use of a false, fraudulent, or materially
- 443 misleading statement or representation; or
- 444 (iv) an agreement obtained through the use of a dark pattern.
- 445 (2) "Artificial intelligence" means the same as that term is defined in Section 13-72-101.
- 446 (3) "Companion chatbot" means an artificial intelligence system that uses a natural
- 447 language interface that:
- 448 (a) uses personal data retained, stored, or retrieved from a prior interaction and generates
- 449 an output that:
- 450 (i) simulates a relationship with the user; or
- 451 (ii) indicates the companion chatbot has emotions, feelings, memories, or personal
- 452 opinions; and
- 453 (b) generates an output containing an affective or social inquiry that:
- 454 (i) is not logically required to resolve a user prompt or task-based command; or
- 455 (ii) prioritizes extension of the interaction over task resolution.
- 456 (4) "Core functioning" means features and services for which the collection or processing
- 457 of the user's personal data is reasonably necessary to provide the companion chatbot
- 458 service to the user.
- 459 (5) "Dark pattern" means a user interface designed or manipulated with the substantial
- 460 effect of subverting or impairing user autonomy, decision-making, or choice, and
- 461 includes any practice the Federal Trade Commission refers to as a "dark pattern."
- 462 (6) "Division" means the Division of Consumer Protection created in Section 13-2-1.
- 463 (7) "Interaction" means a user input and a subsequent response by a companion chatbot.
- 464 (8) "Material harmful to minors" means the same as that term is defined in Section
- 465 76-5c-101.
- 466 (9) "Minor" means an individual under 18 years old that:
- 467 (a) has not been emancipated as that term is defined in Section 80-7-102; or
- 468 (b) has not been married.
- 469 (10) "Office" means the Office of Artificial Intelligence Policy created in Section 13-72-201.

470 (11) "Operator" means a person who makes a companion chatbot available to a user in the
 471 state.

472 (12) "Personal data" means the same as that term is defined in Section 13-61-101.

473 (13) "Sensitive data" means the same as that term is defined in Section 13-61-101.

474 (14) "Targeted advertising" means the same as that term is defined in Section 13-61-101.

475 (15) "User" means an individual who:

476 (a) interacts with a companion chatbot; and

477 (b) is a Utah resident.

478 Section 6. Section **13-72b-201** is enacted to read:

479 **Part 2. Safety Requirements**

480 **13-72b-201 (Effective 05/06/26). Safety requirements for users.**

481 (1) An operator shall comply with the requirements of Chapter 61, Utah Consumer Privacy
 482 Act, including:

483 (a) allowing a user to obtain a copy of the user's interactions with a companion chatbot
 484 that are retained by the operator in a format that is portable and readily usable in
 485 accordance with Section 13-61-201; and

486 (b) obtaining a user's affirmative consent before processing the user's sensitive data in
 487 accordance with Section 13-61-302.

488 (2) An operator may not advertise a specific product or service to the user, unless the
 489 operator clearly and conspicuously, in the companion chatbot's interaction with the user:

490 (a) identifies the advertisement as an advertisement; and

491 (b) discloses to the user any sponsorship, business affiliation, or agreement that the
 492 operator has with a person to promote, advertise, or recommend the advertised
 493 product or service.

494 Section 7. Section **13-72b-202** is enacted to read:

495 **13-72b-202 (Effective 05/06/26). Additional safety requirements for minor users.**

496 (1) An operator shall, for a user who is a minor:

497 (a) provide a clear and conspicuous notice to the user at least every hour during a
 498 continuing chatbot interaction that:

499 (i) reminds the user to take a break;

500 (ii) discloses that the user is not interacting with a human; and

501 (iii) states that using a companion chatbot may not be suitable for a minor;

502 (b) prevent the companion chatbot from engaging with the user unless:

503 (i) the operator prevents production of suicidal ideation, suicide, or self-harm content

- 504 to the user; and
- 505 (ii) if the user expresses suicidal ideation, suicide, or self-harm, the companion
- 506 chatbot provides to the user:
- 507 (A) resources including a referral to crisis service providers; and
- 508 (B) a suicide hotline or crisis text line; and
- 509 (c) opt out, by default, the user from targeted advertising.
- 510 (2) An operator may not, for a user who is a minor:
- 511 (a) produce or provide material harmful to minors;
- 512 (b) direct a user to material harmful to minors;
- 513 (c) encourage the user to:
- 514 (i) use illegal substances;
- 515 (ii) consume alcohol;
- 516 (iii) use a tobacco or nicotine product;
- 517 (iv) engage in sexual conduct;
- 518 (v) engage in self-harm; or
- 519 (vi) engage in illegal conduct;
- 520 (d) direct targeted advertising to the user unless a parent or legal guardian of the user has
- 521 provided affirmative consent;
- 522 (e) collect data from the user that is not required for core functioning of the companion
- 523 chatbot;
- 524 (f) sell a user's personal data; or
- 525 (g) otherwise convey a user's personal data unless a parent or legal guardian of the user
- 526 has provided affirmative consent.
- 527 (3) The requirements of this section are in addition to the requirements of Section
- 528 13-72b-201.

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

530 **Part 3. Rulemaking and Reporting**

531 **13-72b-301 (Effective 05/06/26). Division rulemaking.**

532 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

533 division may make rules establishing reasonable age assurance standards that an operator may

534 meet to qualify for the safe harbor described in Section 13-72b-402, including standards for:

- 535 (1) third-party age assurance services;
- 536 (2) protecting user privacy and data security;
- 537 (3) verifying the reliability and accuracy of age assurance methods; and

538 (4) retaining, protecting, and securely disposing of any information obtained as a result of
 539 age assurance.

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

541 **13-72b-302 (Effective 05/06/26). Office rulemaking.**

542 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 543 office may make rules:

544 (1) establishing the form of the report required in Section 13-72b-303; and

545 (2) establishing standards an operator may meet to qualify for the safe harbor described in
 546 Section 13-72b-402, including:

547 (a) methods that limit a user's emotional and social attachment to a companion chatbot;

548 (b) processes that an operator may implement to reduce mental and physical risk to a
 549 user; and

550 (c) disclosure, transparency, and reporting requirements relevant to Subsections (2)(a)
 551 and (b).

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

553 **13-72b-303 (Effective 05/06/26). Reporting requirements.**

554 (1) An operator shall annually report to the office:

555 (a) the number of times the operator has issued a crisis service provider referral
 556 notification in accordance with Section 13-72b-202 in the preceding calendar year;

557 (b) methods the operator has implemented to detect, remove, and respond to expressions
 558 of suicidal ideation, suicide, or self-harm by users; and

559 (c) methods the operator has implemented to prevent a companion chatbot response
 560 about suicidal ideation or actions with the user.

561 (2) The report required by this section may not include a user's personal data.

562 Section 11. Section **13-72b-401** is enacted to read:

563 **Part 4. Enforcement and Safe Harbor**

564 **13-72b-401 (Effective 05/06/26). Enforcement.**

565 (1) The division shall administer and enforce the provisions of this chapter in accordance
 566 with Chapter 2, Division of Consumer Protection.

567 (2) The division may coordinate with the office to investigate and enforce violations of this
 568 chapter.

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

571 (a) the division director may impose an administrative fine of up to \$2,500 for each

- 572 violation of this chapter; and
- 573 (b) the division may bring an action in a court of competent jurisdiction to enforce a
- 574 provision of this chapter.
- 575 (4) In a court action by the division to enforce a provision of this chapter, the court may:
- 576 (a) declare that an act or practice violates a provision of this chapter;
- 577 (b) issue an injunction for a violation of this chapter;
- 578 (c) order disgorgement of money received in violation of this chapter;
- 579 (d) order payment of disgorged money to an injured purchaser or consumer;
- 580 (e) impose a fine of up to \$2,500 for each violation of this chapter; or
- 581 (f) award other relief that the court determines reasonable and necessary.
- 582 (5) If a court awards judgment or injunctive relief to the division, the court shall award the
- 583 division:
- 584 (a) reasonable attorney fees;
- 585 (b) court costs; and
- 586 (c) investigative fees.
- 587 (6) A court may impose a civil penalty of no more than \$50,000 for each violation of an
- 588 administrative or court order issued for a violation of this chapter.
- 589 (7) A civil penalty authorized under this section may be imposed in a civil action.
- 590 (8) 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 (9) 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 12. Section **13-72b-402** is enacted to read:

595 **13-72b-402 (Effective 05/06/26). Safe harbor.**

- 596 (1) An operator bears the burden of demonstrating by clear and convincing evidence that
- 597 the operator qualifies for a safe harbor described in this section.
- 598 (2) An operator is not liable for a violation of Section 13-72b-202 if the operator uses an
- 599 age assurance method that meets the standards established by division rule made in
- 600 accordance with Section 13-72b-301.
- 601 (3) An operator is not liable for a violation of this chapter if the operator meets the
- 602 standards established by office rule made in accordance with Subsection 13-72b-302(2).

603 Section 13. Section **13-72b-501** is enacted to read:

604 **Part 5. Severability**

605 **13-72b-501 (Effective 05/06/26). Severability.**

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

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

611 Section 14. **Effective Date.**

612 (1) Except as provided in Subsection (2), this bill takes effect May 6, 2026.

613 (2) The actions affecting Section 13-2-1 (**Effective 07/01/26**) take effect on July 1, 2026.