

EXHIBIT 10



Home

2024 General Session

S.B. 194

S.B. 194 Social Media Regulation Amendments

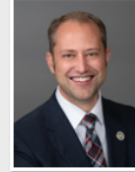
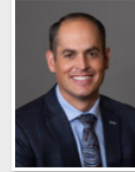
Bill Text	Status	Hearings / Debate
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Enrolled

S.B. 194

Bill Sponsor:

Floor Sponsor:



Sen. McKell, Michael K.

Rep. Teuscher, Jordan D.

1 SOCIAL MEDIA REGULATION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

House Sponsor: Jordan D. Teuscher

2

3 LONG TITLE

4 General Description:

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

7 Highlighted Provisions:

8 This bill:

- 9 ▸ defines terms;
- 10 ▸ requires social media companies to verify a new account holder's age using an approved
11 system;
- 12 ▸ requires a social media service to:
 - 13 • enable maximum default privacy settings on a Utah minor account holder's account;
 - 14 • provide supervisory tools and verifiable parental consent mechanisms on a Utah
15 minor account holder's account; and
 - 16 • provide confidentiality protections for minors' data;
- 17 ▸ establishes the Division of Consumer Protection's enforcement powers relating to the
18 Act;
- 19 ▸ provides compliance safe harbors when social media companies implement approved
20 systems for age assurance and verifiable parental consent; and
- 21 ▸ contains a severability clause.

22 Money Appropriated in this Bill:

23 None

24 Other Special Clauses:

25 This bill provides a special effective date.

26 This bill provides a coordination clause.

27 Utah Code Sections Affected:

28 AMENDS:

29 **13-2-1**, (Effective 05/02/24) as last amended by Laws of Utah 2023, Chapters 31, 36,
30 377, 458, 477, 498, 509, and 536

31 ENACTS:

32 **13-71-101**, (Effective 10/01/24) Utah Code Annotated 1953

33 **13-71-102**, (Effective 10/01/24) Utah Code Annotated 1953

34 **13-71-201**, (Effective 10/01/24) Utah Code Annotated 1953

35 **13-71-202**, (Effective 10/01/24) Utah Code Annotated 1953

36 **13-71-203**, (Effective 10/01/24) Utah Code Annotated 1953

37 **13-71-204**, (Effective 10/01/24) Utah Code Annotated 1953

38 **13-71-301**, (Effective 10/01/24) Utah Code Annotated 1953

39 **13-71-302**, (Effective 10/01/24) Utah Code Annotated 1953

40 **13-71-401**, (Effective 10/01/24) Utah Code Annotated 1953

41

Utah Code Sections Affected by Coordination Clause:

AMENDS:

Substitute Sponsor: Rep. Teuscher, Jordan D.

Drafting Attorney: Scott Elder

Fiscal Analyst: Noah Matthew Hansen

Bill Text

Introduced

Amended

Amended Pages Only

Enrolled (Currently Displayed)

Other Versions

S.B. 194

S.B. 194 1st Substitute

Related Documents

Fiscal Note

House Floor Amendment 1(passed)

SB0194S01 comparison

Information

Last Action: 13 Mar 2024, Governor Signed

Last Location: Lieutenant Governor's office for filing

Similar Bills

Technology

Business

Consumer Protection

Courts

43

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

45 Section 1, Section 13-2-1 is amended to read:

46 **13-2-1 (Effective 05/02/24). Consumer protection division established --**
47 **Functions.**

- 48 (1) There is established within the Department of Commerce the Division of Consumer
- 49 Protection.
- 50 (2) The division shall administer and enforce the following:
 - 51 (a) Chapter 10a, Music Licensing Practices Act;
 - 52 (b) Chapter 11, Utah Consumer Sales Practices Act;
 - 53 (c) Chapter 15, Business Opportunity Disclosure Act;
 - 54 (d) Chapter 20, New Motor Vehicle Warranties Act;
 - 55 (e) Chapter 21, Credit Services Organizations Act;
 - 56 (f) Chapter 22, Charitable Solicitations Act;
 - 57 (g) Chapter 23, Health Spa Services Protection Act;
 - 58 (h) Chapter 25a, Telephone and Facsimile Solicitation Act;
 - 59 (i) Chapter 26, Telephone Fraud Prevention Act;
 - 60 (j) Chapter 28, Prize Notices Regulation Act;
 - 61 (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter
 - 62 Transaction Information Act;
 - 63 (l) Chapter 34, Utah Postsecondary School and State Authorization Act;
 - 64 (m) Chapter 41, Price Controls During Emergencies Act;
 - 65 (n) Chapter 42, Uniform Debt-Management Services Act;
 - 66 (o) Chapter 49, Immigration Consultants Registration Act;
 - 67 (p) Chapter 51, Transportation Network Company Registration Act;
 - 68 (q) Chapter 52, Residential Solar Energy Disclosure Act;
 - 69 (r) Chapter 53, Residential, Vocational and Life Skills Program Act;
 - 70 (s) Chapter 54, Ticket Website Sales Act;
 - 71 (t) Chapter 56, Ticket Transferability Act;
 - 72 (u) Chapter 57, Maintenance Funding Practices Act;
 - 73 (v) Chapter 61, Utah Consumer Privacy Act;
 - 74 (w) Chapter 63, Utah Social Media Regulation Act;
 - 75 (x) Chapter 64, Vehicle Value Protection Agreement Act;
 - 76 (y) Chapter 65, Utah Commercial Email Act;
 - 77 (z) Chapter 67, Online Dating Safety Act; ~~and~~
 - 78 (aa) Chapter 68, Lawyer Referral Consultants Registration Act ; ~~and~~
 - 79 (bb) Chapter 71, Utah Minor Protection in Social Media Act.

81 **Chapter 71. UTAH MINOR PROTECTION IN SOCIAL MEDIA ACT**

82 **Part 1. General Provisions**

80 Section 2, Section 13-71-101 is enacted to read:

83 **13-71-101 (Effective 10/01/24). Definitions.**

- 84 (1) "Account holder" means a person who has, creates, or opens an account or profile to use
- 85 a social media service.
- 86 (2) "Age assurance system" means measures reasonably calculated to enable a social media
- 87 company to identify whether a current or prospective Utah account holder is a minor
- 88 with an accuracy rate of at least 95%.
- 89 (3) "Connected account" means an account on the social media service that is directly
- 90 connected to:
 - 91 (a) the minor account holder's account; or
 - 92 (b) an account that is directly connected to an account directly connected to the minor
 - 93 account holder's account.
- 94 (4) "Content" means any information, visual depictions, tools, features, links, software, or
- 95 other materials that appear on or are available or enabled through a social media service.
- 96 (5) "Directly connected" means an account on the social media service that is connected to
- 97 another account by:
 - 98 (a) sending a request to connect to another account holder and having the request to
 - 99 connect accepted by the other account holder; or
 - 100 (b) receiving a request to connect from another account holder and accepting the request
 - 101 to connect.
- 102 (6) "Director" means the director of the division.
- 103 (7) "Division" means the Division of Consumer Protection created in Section 13-2-1.
- 104 (8) "Minor" means an individual under 18 years old that:
 - 105 (a) has not been emancipated as that term is defined in Section 80-7-102; or

- 106 "Parent" includes a legal guardian.
 107
 108 (10) (a) "Personal information" means information that is linked or can be reasonably
 109 linked to an identified individual or an identifiable individual.
 110 (b) "Personal information" includes a person's:
 111 (i) first and last name;
 112 (ii) date of birth;
 113 (iii) home or physical address, including street name and city;
 114 (iv) screen or user name that reveals an individual's email address, first name, or last
 115 name;
 116 (v) telephone number;
 117 (vi) Social Security number;
 118 (vii) photograph, video, or audio file containing a person's image or voice;
 119 (viii) geolocation information sufficient to identify street name and city; and
 120 (ix) any other identifier that a person may use to contact a specific individual.
 121 (11) "Push notification" means an automatic electronic message displayed on an account
 122 holder's device, when the user interface for the social media service is not actively open
 123 or visible on the device, that prompts the account holder to repeatedly check and engage
 124 with the social media service.
 125 (12) "Resident" means the same as that term is defined in Section 53-3-102.
 126 (13) "Social media company" means an entity that owns or operates a social media service.
 127 (14) (a) "Social media service" means a public website or application that:
 128 (i) displays content that is primarily generated by account holders and not by the
 129 social media company;
 130 (ii) permits an individual to register as an account holder and create a profile that is
 131 made visible to the general public or a set of other users defined by the account
 132 holder;
 133 (iii) connects account holders to allow users to interact socially with each other
 134 within the website or application;
 135 (iv) makes available to each account holder a list or lists of other account holders
 136 with whom the account holder shares a connection within the system; and
 137 (v) allows account holders to post content viewable by other users.
 138 (b) "Social media service" does not include:
 139 (i) email;
 140 (ii) cloud storage; or
 141 (iii) document viewing, sharing, or collaboration services.
 142 (15) "User" means an individual who accesses or uses a social media service.
 143 (16) (a) "Utah account holder" means a person who is a Utah resident and an account
 144 holder.
 145 (b) "Utah account holder" includes a Utah minor account holder.
 146 (17) "Utah minor account holder" means a Utah account holder who is a minor.
 147 (18) "Verifiable parental consent" means authorization from a parent for a social media
 148 service to collect, use, and disclose personal information of a Utah minor account
 149 holder, that complies with the following verifiability requirements:
 150 (a) the social media service shall provide advance notice to the parent describing
 151 information practices related to the minor account holder's personal information; and
 152 (b) the social media service shall receive confirmation that the parent received the notice
 153 described in Subsection (17)(a).

154 Section 3, Section **13-71-102** is enacted to read:

155 **13-71-102 (Effective 10/01/24). Legislative findings.**

The Legislature finds that:

- 157 (1) the state has a compelling interest in safeguarding the well-being and privacy of minors
 158 in the state;
 159 (2) the proliferation of social media services has led to the widespread collection and
 160 utilization of personal information, exposing minors to potential privacy and identity
 161 related harms;
 162 (3) the addictive design features of certain social media services contribute to excessive use
 163 of a social media service by minors, impacting sleep patterns, academic performance,
 164 and overall health;
 165 (4) social media services are designed without sufficient tools to allow adequate parental
 166 oversight, exposing minors to risks that could be mitigated with proper parental
 167 involvement and control;
 168 (5) the state has enacted safeguards around products and activities that pose risks to minors,
 169 including regulations on motor vehicles, medications, and products and services targeted
 170 to children;
 171 (6) prolonged and unregulated social media use has been linked to adverse effects on the
 172 mental health of minors, including increased rates of anxiety, depression, and social
 173 isolation;
 174 (7) existing measures employed by social media companies to protect minors have proven
 175 insufficient; and

176 may have less awareness of the risks, consequences, and safeguards related to a social
177 media company's processing of minors' personal data.
178

180 **Part 2. General Requirements**

179 Section 4, Section **13-71-201** is enacted to read:

181 **13-71-201 (Effective 10/01/24). Age assurance required.**

182 (1) A social media company shall implement an age assurance system to determine whether
183 a current or prospective Utah account holder on the social media company's social media
184 service is a minor.

185 (2) A Utah account holder that the social media company identifies as a minor through the
186 use of an age assurance system is subject to the requirements in Sections 13-71-202 and
187 13-71-203 .

188 (3) A social media company shall:

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

192 (b) review evidence submitted by the account holder and make a determination within
193 30 days of submission of the evidence.

194 (4) A social media company shall segregate any personal information gathered specifically
195 within the age assurance system and shall not use the personal information for any other
196 purposes except for the purposes listed in Subsections 13-71-204(4)(a) through (g).

197 Section 5, Section **13-71-202** is enacted to read:

198 **13-71-202 (Effective 10/01/24). Requirements for Utah minor account holders.**

199 A social media company shall, for Utah minor account holders on the social media
200 service:

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

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

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

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

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

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

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

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

216 (3) provide an easily accessible and understandable notice that:

217 (a) describes any information the social media company collects from a Utah minor
218 account holder; and

219 (b) explains how the information may be used or disclosed;

220 (4) upon request of a Utah minor account holder:

221 (a) delete the personal information of the Utah minor account holder, unless the
222 information is required to be retained under Section 13-61-203, or a different
223 provision of state or federal law; and

224 (b) remove any information or material the Utah minor account holder made publicly
225 available through the social media service; and

226 (5) disable the following features that prolong user engagement:

227 (a) autoplay functions that continuously play content without user interaction;

228 (b) scroll or pagination that loads additional content as long as the user continues
229 scrolling; and

230 (c) push notifications prompting repeated user engagement.

231 Section 6, Section **13-71-203** is enacted to read:

232 **13-71-203 (Effective 10/01/24). Supervisory tools.**

233 (1) A social media company shall offer supervisory tools for a Utah minor account holder
234 that the Utah minor account holder may decide to activate.

235 (2) The supervisory tools described in Subsection (1) shall include capabilities for an
236 individual selected by the Utah minor account holder to:

237 (a) set time limits for the Utah minor account holder's daily social media service usage
238 across devices;

239 (b) schedule mandatory breaks for the Utah minor account holder during selected days
240 and times across devices;

241 (c) view:

242 (i) data detailing the Utah minor account holder's total and average daily time spent

- 243 in the 2024-05-30 10:24:10 KeyDoc
- 244 (ii) a list of connected accounts;
- 245 (iii) a list of accounts blocked by the Utah minor account holder;
- 246 (iv) the Utah minor account holder's:
- 247 (A) privacy settings;
- 248 (B) content sensitivity settings; and
- 249 (C) direct messaging settings and permissions; and
- 250 (d) receive notifications when the Utah minor account holder changes an account setting
- 251 described in this Subsection (2).

252 Section 7, Section **13-71-204** is enacted to read:

253 **13-71-204 (Effective 10/01/24). Parental consent -- Data privacy for Utah minor**

254 **accounts.**

- 255 (1) A social media company may not allow a Utah minor account holder to change the
- 256 default data privacy setting described in Subsection 13-71-202(1) without first obtaining
- 257 verifiable parental consent.
- 258 (2) A social media company's terms of service related to a Utah minor account holder shall
- 259 be presumed to include an assurance of confidentiality for the Utah minor account
- 260 holder's personal information.
- 261 (3) The presumption of confidentiality in Subsection (2) may be overcome if the social
- 262 media company obtains verifiable parental consent.
- 263 (4) The presumption of confidentiality in Subsection (2) does not apply to a social media
- 264 company's internal use or external sharing of a Utah minor account holder's personal
- 265 information if the use or sharing is necessary to:
- 266 (a) maintain or analyze functioning of the social media service;
- 267 (b) enable network communications;
- 268 (c) personalize the user's experience based on the user's age and location;
- 269 (d) display a username chosen by the Utah minor account holder;
- 270 (e) obtain age assurance information as required under Section 13-71-201; or
- 271 (f) comply with the requirements of this chapter or other federal or state laws.

273 **Part 3. Division Enforcement Powers**

272 Section 8, Section **13-71-301** is enacted to read:

274 **13-71-301 (Effective 10/01/24). Enforcement powers.**

- 275 (1) The division shall administer and enforce the provisions of Part 2, General
- 276 Requirements, in accordance with Chapter 2, Division of Consumer Protection.
- 277 (2) The attorney general, upon request, shall give legal advice to, and act as counsel for, the
- 278 division in the exercise of the division's responsibilities under this part.
- 279 (3) (a) In addition to the division's enforcement powers under Chapter 2, Division of
- 280 Consumer Protection:
- 281 (i) the division director may impose an administrative fine of up to \$2,500 for each
- 282 violation of this chapter; and
- 283 (ii) the division may bring an action in court to enforce a provision of this chapter.
- 284 (b) In a court action by the division to enforce a provision of this chapter, the court may:
- 285 (i) declare that the act or practice violates a provision of this chapter;
- 286 (ii) enjoin actions that violate this chapter;
- 287 (iii) order disgorgement of any money received in violation of this chapter;
- 288 (iv) order payment of disgorged money to an injured purchaser or consumer;
- 289 (v) impose a civil penalty of up to \$2,500 for each violation of this chapter;
- 290 (vi) award actual damages to an injured purchaser or consumer; and
- 291 (vii) award any other relief that the court deems reasonable and necessary.
- 292 (c) If a court grants judgment or injunctive relief to the division, the court shall award
- 293 the division:
- 294 (i) reasonable attorney fees;
- 295 (ii) court costs; and
- 296 (iii) investigative fees.
- 297 (4) (a) A person who violates an administrative or court order issued for a violation of
- 298 this chapter is subject to a civil penalty of no more than \$5,000 for each violation.
- 299 (b) A civil penalty authorized under this section may be imposed in any civil action
- 300 brought by the division, or by the attorney general on behalf of the division.
- 301 (5) All money received for the payment of a fine or civil penalty imposed under this section
- 302 shall be deposited into the Consumer Protection Education and Training Fund
- 303 established in Section 13-2-8.

304 Section 9, Section **13-71-302** is enacted to read:

305 **13-71-302 (Effective 10/01/24). Age assurance and verifiable parental consent**

306 **safe harbor.**

- 307 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 308 division shall make rules:

309 to establish verifiable parental consent in accordance with Section 13-71-201;

310 (i) assure whether an account holder is a minor in accordance with Section 13-71-201;

311 and

312 (ii) obtain verifiable parental consent in accordance with Section 13-71-203; and

313 (b) to establish criteria a social media company may use to determine whether the social

314 media company's age assurance system is 95% accurate.

315 (2) A social media company is not subject to an enforcement action for a violation of

316 Section 13-71-201 if the social media company implements and maintains an age

317 assurance system that complies with rules made by the division as described in

318 Subsection (1)(a)(i).

319 (3) A social media company is considered to have obtained verifiable parental consent if

320 the social media company obtains parental consent through a mechanism that complies

321 with the rules made by the division as described in Subsection (1)(a)(ii).

322 Section 10, Section 13-71-401 is enacted to read:

323 **13-71-401 (Effective 10/01/24). Severability.**

324 (1) If any provision of this chapter or the application of any provision to any person or

325 circumstance is held invalid by a final decision of a court of competent jurisdiction, the

326 remainder of this chapter shall be given effect without the invalid provision or

327 application.

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

329 (3) Nothing in this chapter shall displace any other available remedies or rights authorized

330 under the laws of this state or the United States.

331 Section 11. **Effective date.**

This bill takes effect on October 1, 2024.

333 Section 12. **Coordinating S.B. 194 with H.B. 464.**

If S.B. 194, Social Media Regulation Amendments, and H.B. 464, Social Media

335 Amendments, both pass and become law, the Legislature intends that, on October 1,

336 2024:

337 (1) Subsection 78B-3-1101(1) enacted in H.B. 464 be amended to read:

338 "(1) "Account holder" means the same as that term is defined in Section 13-71-101.";

339 (2) Subsection 78B-3-1101(4) enacted in H.B. 464 be amended to read:

340 "(4) "Content" means the same as that term is defined in Section 13-71-101.";

341 (3) Subsection 78B-3-1101(8) enacted in H.B. 464 be amended to read:

342 "(8) "Minor" means the same as that term is defined in Section 13-71-101."; and

343 (4) Subsections 78B-3-1101(12) through (16) enacted in H.B. 464 be amended to

344 read:

345 "(12) "Social media company" means the same as that term is defined in Section

346 13-71-101 .

347 (13) "Social media service" means the same as that term is defined in Section

348 13-71-101 .

349 (14) "User" means the same as that term is defined in Section 13-71-101.

350 (15) "Utah account holder" means the same as that term is defined in Section

351 13-71-101 .

352 (16) "Utah minor account holder" means the same as that term is defined in Section

353 13-71-101 ."



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