Utah | AI Policy Overview

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AI Policy Overview

Utah enacted a package of AI bills into law in 2024. While not revolutionary, Utah's legislative package represents a middle ground that most state policymakers are taking on AI regulation. These laws do not establish a comprehensive framework for the development and deployment of AI, but they address pressing issues (deepfakes and consumer protections) and align current laws with the new realities that AI tools represent, with particular emphasis on protecting vulnerable populations and mandating transparency.

In 2024, as part of the AI Policy Act (UT SB 149), lawmakers created and granted regulatory authority to the Office of Artificial Intelligence Policy. That office is tasked with establishing an Artificial Intelligence Learning Laboratory Program. In addition to researching the potential impacts of AI, evaluating current AI policy, and making policy recommendations to the legislature, the program should "encourage the development" of AI in Utah. Finally, the office will oversee and approve temporary safe harbor protections ("mitigation agreements") for developers, allowing applicants to test AI systems in the state within a limited scope while avoiding some regulatory restrictions.

In June 2023 the Government Operations Interim Committee held a meeting with a presentation on the use of AI in state government. Lawmakers have said to expect bills in the future on "criminalizing some uses of artificial intelligence for public safety and protecting privacy."

Consumer Protections & Transparency

To help protect consumers from AI use, Utah's AI Policy Act of 2024 (UT SB 149). The law clarifies that the use of an AI system is not a defense for violating the state's consumer protection laws. And the law requires certain licensed professionals (e.g., mental health providers) to proactively disclose when a consumer is interacting with AI technology while other professionals (e.g., telemarketers) must disclose AI use when asked by the consumer.

In 2024, Utah enacted a law (UT HB 366) that prohibits a court from relying solely on an algorithm or a risk assessment tool score to make any determination about pretrial release, to determine whether to approve the defendant's diversion to a non-criminal diversion program, or when making any decision regarding probation.

Deepfakes

Utah passed a series of bills in 2024 aimed at deepfakes and other synthetic media. Regarding sexual deepfakes, lawmakers amended the Sexual Exploitation Act to include computer-generated videos (UT HB 148) and amended the definition of "child sexual abuse material" to include artificially generated content (UT

HB 238). Another 2024 law (UT SB 66) amends the definition of "counterfeit intimate image" in the criminal code to include generated images.

To limit political deepfakes, lawmakers enacted a bill in 2024 (UT SB 131) to require political advertising containing synthetic media to include a disclosure. The law also allows courts or another sentencing body to consider the use of AI as an aggravating factor in sentencing.

Facial Recognition

In 2021, the Utah legislature enacted a law (UT SB 34) prohibiting government use of facial recognition technology except in certain circumstances. The law allows facial recognition technology to be used by a law enforcement agency when investigating a felony, a violent crime, or a threat to human life or to identify an individual who is deceased or incapacitated.

In 2024, Utah enacted a law (UT SB 231) that prohibits a governmental entity from obtaining biometric surveillance information without a warrant.

Legislative & Regulatory History

- **2024** - Utah enacted UT HB 366), which limits a court's use of an algorithm or a risk assessment tool score in determinations about pretrial release, diversion, sentencing, probation, and parole.

- **2024** - Utah enacted UT HB 148, which amends the Sexual Exploitation Act to include computer-generated videos.

- **2024** - Utah enacted UT HB 238, which amends the definition of "child sexual abuse material" to include artificially generated content.

- **2024** - Utah enacted UT SB 66, which amends the definition of "counterfeit intimate image" in the criminal code to include generated images.

- **2024** - Utah enacted UT SB 131, which requires political advertising containing synthetic media to include a disclosure.

- **2024** - Utah enacted UT SB 149, which requires disclosure for generative AI use to protect consumers and creates the Office of Artificial Intelligence Policy.

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- **2021** - Utah enacted UT SB 231, which prohibits a governmental entity from obtaining biometric surveillance information without a warrant.