



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: JUD DP 4-3-2-0

HB 2586: harmful website content; age verification.

Sponsor: Representative Dunn, LD 25

Caucus & COW

Overview

Adds new section of statute regulating the publishing and distribution of material harmful to minors on the internet.

History

[A.R.S. Title 18](#) regulates information technology, including chapters on government information technology; governmental reporting of information; the property technology sandbox; and network access, services and security.

While the substantive provisions of these laws vary, as of December 5, 2023, the following nine U.S. states had passed legislation requiring some form of age-verification for access to certain materials on the internet:

- 1) Arkansas ([Ark. Code § 4-88-1301 et seq.](#));
- 2) California ([Cal. Civ. Code § 1798.99.28 et seq.](#));
- 3) Louisiana ([La. Rev. Stat. § 51:2121](#));
- 4) Mississippi ([Miss. Code § 11-77-1 et seq.](#));
- 5) Montana ([Mont. Code § 30-14-159](#));
- 6) North Carolina ([N.C. Laws 2023-132 \(H.B. No. 8\)](#));
- 7) Texas ([Tex. Civ. Prac. & Rem. Code § 129B.001 et seq.](#));
- 8) Utah ([Utah Code § 78B-3-1001 et seq.](#));
- 9) Virginia ([Va. Code § 8.01-40.5](#)).

Provisions

1. Subjects a commercial entity to civil liability for damages if the commercial entity knowingly or intentionally publishes or distributes material harmful to minors on the internet from a website that contains a substantial portion of such material without performing a reasonable age verification method to verify the age of an individual attempting to access the material. (Sec. 1)
2. Specifies that a commercial entity that fails to perform the age verification method described above is liable to an individual for the damages that result from a minor accessing the material harmful to minors, including court costs and reasonable attorney fees. (Sec. 1)
3. Prohibits a commercial entity or third party that performs the required age verification from retaining any of the individual's identifying information after access is granted to the material harmful to minors. (Sec 1)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note

4. Provides that a commercial entity or third party that knowingly retains an individual's identifying information after access has been granted to the individual is liable to the individual for damages that result from the retention, including court costs and reasonable attorney fees. (Sec. 1)
5. Exempts from these requirements a bona fide news or public interest broadcast, website video, report or event and states that this new statute does not affect the rights of a news-gathering organization. (Sec. 1)
6. States that an internet service provider (or its affiliate or subsidiary), search engine or cloud service provider does not violate these requirements by solely providing access or connection to or from a website or other information or content on the internet, or a facility, system or network not under that provider's control, including transmission, downloading, storing or providing access, to the extent that the provider is not responsible for the creation of the content of the communication that constitutes material harmful to minors. (Sec. 1)
7. Defines the following terms for purposes of this new statute:
 - a) *commercial entity*;
 - b) *distribute*;
 - c) *internet*;
 - d) *material harmful to minors*;
 - e) *news-gathering organization*;
 - f) *publish*;
 - g) *reasonable age verification method*;
 - h) *substantial portion*; and
 - i) *transactional data*. (Sec. 1)