

CONFERENCE COMMITTEE AMENDMENTS TO H.B. 2010
(Reference to Senate engrossed House bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

~~[GREEN STRIKEOUT IN BRACKETS]~~ indicates new text removed from statute or previously enacted session law.

~~[Green strikeout in brackets]~~ indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

~~<<Green strikeout in carets>>~~ indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Title 44, chapter 10, article 5, Arizona Revised
3 Statutes, is amended by adding section 44-1484, to read:

4 44-1484. Digital goods; advertising disclosures; unlawful
5 practice; definitions

6 A. IT IS UNLAWFUL FOR A SELLER OF A DIGITAL GOOD TO OFFER FOR SALE
7 OR ADVERTISE A DIGITAL GOOD TO A PURCHASER USING THE TERMS "BUY" OR
8 "PURCHASE" OR ANY OTHER TERM THAT A REASONABLE PERSON WOULD UNDERSTAND TO
9 CONFER AN UNRESTRICTED OWNERSHIP INTEREST IN THAT DIGITAL GOOD, OR
10 ALONGSIDE AN OPTION FOR A TIME-LIMITED RENTAL, UNLESS EITHER OF THE
11 FOLLOWING OCCURS:

12 1. AT THE TIME OF EACH TRANSACTION, THE SELLER:

13 (a) MAKES AVAILABLE TO THE PURCHASER:

14 (i) A COMPLETE LIST OF RESTRICTIONS AND CONDITIONS FOR THE LICENSE,
15 INCLUDING ANY CIRCUMSTANCES UNDER WHICH ACCESS MAY BE REVOKED.

16 (ii) NOTICE THAT THE LICENSE MAY BE FOR A PRODUCT THAT WAS ALTERED
17 FROM THE PRODUCT'S ORIGINAL VERSION.

18 (b) RECEIVES AN AFFIRMATIVE ACKNOWLEDGEMENT FROM THE PURCHASER THAT
19 THE PURCHASER RECEIVED ALL OF THE FOLLOWING FROM THE SELLER:

20 (i) A LICENSE TO ACCESS THE DIGITAL GOOD.

21 (ii) A NOTICE THAT THE SELLER MAY REVOKE ACCESS TO THE LICENSE IF
22 THE PURCHASER VIOLATES ANY OF THE LICENSE RESTRICTIONS OR CONDITIONS.

23 (iii) A NOTICE THAT THE SELLER MAY UNILATERALLY REVOKE ACCESS TO
24 THE DIGITAL GOOD IF THE SELLER NO LONGER HOLDS THE RIGHT TO PROVIDE ACCESS
25 TO THE DIGITAL GOOD OR THE SERVICE IS SHUT DOWN OR DISCONTINUED OR ON THE
26 OCCURRENCE OF ANY OF THE CIRCUMSTANCES THAT WERE SPECIFIED BY THE SELLER.

27 2. BEFORE EXECUTING EACH TRANSACTION, THE SELLER PROVIDES TO THE
28 PURCHASER A CLEAR AND CONSPICUOUS STATEMENT THAT BOTH:

29 (a) STATES IN PLAIN LANGUAGE THAT BUYING OR PURCHASING A DIGITAL
30 GOOD IS A LICENSE.

1 (b) INCLUDES A HYPERLINK, QR CODE OR OTHER SIMILAR METHOD TO ACCESS
2 A DESCRIPTION OF THE TERMS AND CONDITIONS OF THE LICENSE.

3 B. ANY AFFIRMATIVE ACKNOWLEDGMENT FROM THE PURCHASER OR CLEAR AND
4 CONSPICUOUS STATEMENT PRESCRIBED BY SUBSECTION A OF THIS SECTION MUST BE
5 DISTINCT AND SEPARATE FROM ANY OTHER TERMS AND CONDITIONS OF THE
6 TRANSACTION THAT THE PURCHASER ACKNOWLEDGES OR AGREES TO.

7 C. AFTER THE TRANSACTION IS COMPLETED, IF THE TERMS OF THE LICENSE
8 CHANGE IN A WAY THAT [PERMANENTLY AND] MATERIALLY [AFFECTS] [DEPRIVES] THE
9 PURCHASER'S ACCESS~~[, THE SELLER SHALL PROVIDE NOTICE TO THE PURCHASER AND]~~
10 [AND DOES NOT PROVIDE ALTERNATIVE ACCESS TO SUBSTANTIALLY SIMILAR CONTENT,
11 THE SELLER SHALL MAKE REASONABLE EFFORTS TO NOTIFY THE PURCHASER BY USING
12 THE CONTACT INFORMATION THE PURCHASER PROVIDED AT THE TIME OF PURCHASE AND
13 SHALL] OFFER A PRORATED REFUND [OR ALTERNATIVE ACCESS OPTION] [ONLY FOR
14 DIGITAL GOODS THAT WERE PURCHASED FOR \$20 OR MORE]. THE PRORATED REFUND
15 SHALL BE CALCULATED ON A STRAIGHT-LINE DECLINING BASIS AT A RATE OF ~~[TEN]~~
16 [TWENTY] PERCENT OF THE ORIGINAL PURCHASE PRICE PER YEAR FROM THE DATE OF
17 PURCHASE, WITH NO REFUND AVAILABLE AFTER THE EXPIRATION OF FIVE YEARS FROM
18 THE DATE OF PURCHASE. [A SELLER SATISFIES THIS SUBSECTION BY OFFERING
19 ALTERNATIVE ACCESS TO THE DIGITAL GOOD.]

20 D. THIS SECTION DOES NOT:

21 1. REQUIRE A PERSON TO DOWNLOAD A DIGITAL GOOD.

22 2. PROHIBIT A PERSON FROM STORING A DIGITAL GOOD ON A SERVER FOR
23 ACCESS THROUGH THE INTERNET.

24 3. PROHIBIT A SELLER FROM IMPLEMENTING DIGITAL RIGHTS MANAGEMENT
25 TECHNOLOGY TO A DIGITAL GOOD THAT IS ADVERTISED OR OFFERED TO A PERSON
26 PURSUANT TO THIS SECTION.

27 4. PRESCRIBE THE TECHNICAL SPECIFICATIONS OR FORMATS UNDER WHICH A
28 SELLER MUST MAKE A DIGITAL GOOD AVAILABLE FOR DOWNLOAD.

29 5. APPLY TO ANY OF THE FOLLOWING:

30 (a) A SUBSCRIPTION-BASED SERVICE THAT ADVERTISES OR OFFERS FOR SALE
31 ACCESS TO ANY DIGITAL GOOD SOLELY FOR THE DURATION OF THE SUBSCRIPTION.

32 (b) A DIGITAL GOOD THAT IS ADVERTISED OR OFFERED TO A PERSON
33 WITHOUT MONETARY CONSIDERATION.

34 (c) A DIGITAL GOOD THAT IS ADVERTISED OR OFFERED TO A PERSON AND
35 THAT THE SELLER CANNOT REVOKE ACCESS TO AFTER THE TRANSACTION, INCLUDING
36 BY MAKING A VERSION OF THE DIGITAL GOOD AVAILABLE AT THE TIME OF PURCHASE
37 FOR PERMANENT OFFLINE DOWNLOAD TO AN EXTERNAL STORAGE SOURCE OR DEVICE TO
38 BE USED WITHOUT A CONNECTION TO THE INTERNET.

39 (d) A BLOCKCHAIN-BASED ASSET, INCLUDING A NON-FUNGIBLE TOKEN, WHERE
40 OWNERSHIP IS DECENTRALIZED AND NOT SUBJECT TO UNILATERAL REVOCATION BY THE
41 SELLER.

42 (e) AN EDUCATIONAL OR NONCOMMERCIAL DIGITAL GOOD THAT IS PROVIDED
43 BY A PUBLIC LIBRARY, EDUCATIONAL INSTITUTION OR OPEN-SOURCE PLATFORM.

44 E. A VIOLATION OF THIS SECTION IS AN UNLAWFUL PRACTICE PURSUANT TO
45 SECTION 44-1522. THE ATTORNEY GENERAL MAY INVESTIGATE AND TAKE
46 APPROPRIATE ACTION AS PROVIDED BY CHAPTER 10, ARTICLE 7 OF THIS TITLE.

47 F. FOR THE PURPOSES OF THIS SECTION:

- 1 1. "BLOCKCHAIN-BASED ASSET" MEANS A DIGITAL GOOD WHOSE OWNERSHIP
2 AND ACCESS ARE VERIFIED THROUGH A DECENTRALIZED LEDGER TECHNOLOGY,
3 INCLUDING BLOCKCHAIN TECHNOLOGY AS DEFINED IN SECTION 44-7061, AND THAT
4 CANNOT BE UNILATERALLY REVOKED OR ALTERED BY THE SELLER AFTER THE
5 TRANSACTION.
- 6 2. "CLEAR AND CONSPICUOUS":
- 7 (a) MEANS IN A MANNER THAT CLEARLY CALLS ATTENTION TO THE LANGUAGE.
- 8 (b) INCLUDES:
- 9 (i) USING LARGER TYPE THAN THE SURROUNDING TEXT.
- 10 (ii) USING CONTRASTING TYPE, FONT OR COLOR TO THE SURROUNDING TEXT
11 OF THE SAME SIZE.
- 12 (iii) SETTING OFF THE SURROUNDING TEXT BY USING SYMBOLS OR OTHER
13 MARKS.
- 14 3. "DIGITAL APPLICATION OR GAME" MEANS AN APPLICATION OR GAME THAT
15 A PERSON ACCESSES AND MANIPULATES USING A SPECIALIZED ELECTRONIC GAMING
16 DEVICE, COMPUTER, MOBILE DEVICE, TABLET OR OTHER DEVICE WITH A DISPLAY
17 SCREEN, INCLUDING ANY ADD-ONS OR ADDITIONAL CONTENT FOR THAT APPLICATION
18 OR GAME.
- 19 4. "DIGITAL AUDIOVISUAL WORK":
- 20 (a) MEANS A SERIES OF RELATED IMAGES AND ACCOMPANYING SOUNDS THAT
21 WHEN SHOWN IN SUCCESSION IMPART AN IMPRESSION OF MOTION.
- 22 (b) INCLUDES ANY OF THE FOLLOWING:
- 23 (i) MOTION PICTURES.
- 24 (ii) MUSICALS.
- 25 (iii) VIDEOS.
- 26 (iv) NEWS AND ENTERTAINMENT PROGRAMS.
- 27 (v) LIVE EVENTS.
- 28 5. "DIGITAL AUDIO WORK" MEANS A WORK THAT RESULTS FROM THE FIXATION
29 OF A SERIES OF MUSICAL, SPOKEN OR OTHER SOUNDS THAT ARE TRANSFERRED
30 ELECTRONICALLY, INCLUDING ANY OF THE FOLLOWING:
- 31 (a) PRERECORDED OR LIVE SONGS.
- 32 (b) MUSIC.
- 33 (c) ORAL READINGS OF BOOKS OR OTHER WRITTEN MATERIALS.
- 34 (d) SPEECHES.
- 35 (e) RINGTONES OR OTHER SOUND RECORDINGS.
- 36 6. "DIGITAL BOOK" MEANS A WORK THAT IS GENERALLY RECOGNIZED IN THE
37 ORDINARY AND USUAL SENSE AS A BOOK OF FICTION OR NONFICTION AND THAT IS
38 TRANSFERRED ELECTRONICALLY.
- 39 7. "DIGITAL CODE":
- 40 (a) MEANS A CODE THAT PROVIDES THE PERSON WHO HOLDS THE CODE A
41 RIGHT TO OBTAIN AN ADDITIONAL DIGITAL GOOD OR A DIGITAL AUDIOVISUAL WORK,
42 DIGITAL AUDIO WORK OR DIGITAL BOOK THAT MAY BE OBTAINED BY ANY MEANS,
43 INCLUDING TANGIBLE FORMS AND ELECTRONIC MAIL, REGARDLESS OF WHETHER THE
44 CODE IS DESIGNATED AS SONG CODE, VIDEO CODE OR BOOK CODE.
- 45 (b) INCLUDES ANY OF THE FOLLOWING:
- 46 (i) CODES THAT ARE USED TO ACCESS OR OBTAIN ANY SPECIFIED DIGITAL
47 GOODS OR ANY ADDITIONAL DIGITAL GOODS THAT HAVE BEEN PREVIOUSLY PURCHASED.

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- 1 (ii) PROMOTION CARDS OR CODES THAT ARE PURCHASED BY A RETAILER OR
2 OTHER BUSINESS ENTITY FOR USE BY THE RETAILER'S OR ENTITY'S CUSTOMERS.
3 8. "DIGITAL GOOD":
4 (a) INCLUDES ANY OF THE FOLLOWING, WHETHER ELECTRONICALLY OR
5 DIGITALLY DELIVERED OR ACCESSED:
6 (i) A DIGITAL AUDIOVISUAL WORK.
7 (ii) A DIGITAL AUDIO WORK.
8 (iii) A DIGITAL BOOK.
9 (iv) A DIGITAL CODE.
10 (v) A DIGITAL APPLICATION OR GAME.
11 (b) DOES NOT INCLUDE ANY OF THE FOLLOWING:
12 (i) A CABLE TELEVISION SERVICE.
13 (ii) A SATELLITE RELAY TELEVISION SERVICE.
14 (iii) ANY OTHER DISTRIBUTION OF TELEVISION, VIDEO OR RADIO SERVICE.
15 Sec. 2. Short title
16 This act may be cited as the "Making Internet Non-ownership
17 Understandable for Streaming Act or the MINUS ACT".
- 18 Enroll and engross to conform
19 Amend title to conform

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