

Senate Engrossed

~~explicit content; age verification; internet~~
(now: internet; verification; harmful to minors)

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1503

AN ACT

AMENDING TITLE 18, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 7; RELATING
TO INFORMATION TECHNOLOGY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 18, Arizona Revised Statutes, is amended by adding
3 chapter 7, to read:

4 CHAPTER 7

5 GOVERNMENT INFORMATION TECHNOLOGY USAGE

6 ARTICLE 1. GENERAL PROVISIONS

7 18-701. Internet access; material harmful to minors; age
8 verification; civil liability; definitions

9 A. A COMMERCIAL ENTITY THAT INTENTIONALLY OR KNOWINGLY PUBLISHES OR
10 DISTRIBUTES MATERIAL HARMFUL TO MINORS ON THE INTERNET FROM A WEBSITE THAT
11 CONTAINS A SUBSTANTIAL PORTION OF SUCH MATERIAL SHALL VERIFY THAT ANY
12 PERSON ATTEMPTING TO ACCESS MATERIAL HARMFUL TO MINORS IS AT LEAST
13 EIGHTEEN YEARS OF AGE. VERIFICATION MAY BE MADE EITHER:

14 1. BY USING A COMMERCIALY AVAILABLE DATABASE THAT IS REGULARLY
15 USED BY BUSINESSES OR GOVERNMENTAL ENTITIES FOR THE PURPOSES OF AGE AND
16 IDENTITY VERIFICATION.

17 2. THROUGH ANY OTHER COMMERCIALY REASONABLE METHOD OF AGE AND
18 IDENTITY VERIFICATION.

19 B. A COMMERCIAL ENTITY THAT VIOLATES THIS SECTION IS SUBJECT TO
20 CIVIL LIABILITY FOR DAMAGES RESULTING FROM A MINOR'S ACCESS TO MATERIAL
21 HARMFUL TO MINORS, INCLUDING REASONABLE ATTORNEY FEES AND COSTS.

22 C. THIS SECTION DOES NOT IMPOSE AN OBLIGATION OR A LIABILITY ON A
23 PROVIDER OR USER OF AN INTERACTIVE COMPUTER SERVICE ON THE INTERNET.

24 D. FOR THE PURPOSES OF THIS SECTION:

25 1. "INTERACTIVE COMPUTER SERVICE" MEANS ANY INFORMATION SERVICE,
26 SYSTEM OR ACCESS SOFTWARE PROVIDER THAT PROVIDES OR ENABLES COMPUTER
27 ACCESS BY MULTIPLE USERS TO A COMPUTER SERVER, INCLUDING A SERVICE OR
28 SYSTEM THAT PROVIDES ACCESS TO THE INTERNET AND SYSTEMS OPERATED OR
29 SERVICES OFFERED BY LIBRARIES OR EDUCATIONAL INSTITUTIONS.

30 2. "INTERNET" HAS THE SAME MEANING PRESCRIBED IN SECTION 18-541.

31 3. "MATERIAL HARMFUL TO MINORS" MEANS ANY DESCRIPTION OR
32 REPRESENTATION OF NUDITY, SEXUAL CONDUCT, SEXUAL EXCITEMENT OR
33 SADOMASOCHISTIC ABUSE THAT MEETS ALL OF THE FOLLOWING:

34 (a) APPEALS TO THE PRURIENT, SHAMEFUL OR MORBID INTEREST OF MINORS.

35 (b) IS PATENTLY OFFENSIVE TO PREVAILING STANDARDS IN THE ADULT
36 COMMUNITY AS A WHOLE WITH RESPECT TO WHAT IS SUITABLE MATERIAL FOR MINORS.

37 (c) IS, WHEN TAKEN AS A WHOLE, LACKING IN SERIOUS LITERARY,
38 ARTISTIC, POLITICAL OR SCIENTIFIC VALUE FOR MINORS.

39 4. "SUBSTANTIAL PORTION" MEANS THAT MORE THAN THIRTY-THREE AND
40 ONE-THIRD PERCENT OF THE TOTAL MATERIAL ON A WEBSITE IS EXPLICIT SEXUAL
41 MATERIAL HARMFUL TO MINORS.