State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

HB 2661

Introduced by  
Representatives Toma: Bliss, Dunn, Grantham

AN ACT

AMENDING TITLE 44, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 29; RELATING TO PERSONAL ELECTRONIC DEVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 44, Arizona Revised Statutes, is amended by adding chapter 29, to read:

CHAPTER 29
PERSONAL ELECTRONIC DEVICES
ARTICLE 1. GENERAL PROVISIONS

44-7201. Definitions

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "ACTIVATE" MEANS THE PROCESS OF POWERING ON A DEVICE AND ASSOCIATING IT WITH A NEW USER ACCOUNT.

2. "DEVICE" MEANS A TABLET OR A SMARTPHONE THAT IS MANUFACTURED ON OR AFTER JANUARY 1, 2026.

3. "FILTER" MEANS SOFTWARE THAT IS INSTALLED ON A DEVICE AND THAT IS CAPABLE OF PREVENTING THE DEVICE FROM ACCESSING OR DISPLAYING OBSCENE MATERIAL THROUGH INTERNET BROWSERS OR SEARCH ENGINES VIA MOBILE DATA NETWORKS, WIRED INTERNET NETWORKS AND WIRELESS INTERNET NETWORKS.

4. "INTERNET" MEANS THE GLOBAL INFORMATION SYSTEM THAT IS LOGICALLY LINKED TOGETHER BY A GLOBALLY UNIQUE ADDRESS SPACE BASED ON THE INTERNET PROTOCOL, OR ITS SUBSEQUENT EXTENSIONS, THAT IS ABLE TO SUPPORT COMMUNICATIONS USING THE TRANSMISSION CONTROL PROTOCOL OR INTERNET PROTOCOL SUITE, OR ITS SUBSEQUENT EXTENSIONS, OR OTHER INTERNET PROTOCOL-COMPATIBLE PROTOCOLS, AND THAT PROVIDES, USES OR MAKES ACCESSIBLE, EITHER PUBLICLY OR PRIVATELY, HIGH-LEVEL SERVICES LAYERED ON COMMUNICATIONS AND RELATED INFRASTRUCTURE.

5. "MANUFACTURER" MEANS A PERSON TO WHOM ALL OF THE FOLLOWING APPLY:

   (a) IS ENGAGED IN THE BUSINESS OF MANUFACTURING A DEVICE.
   (b) HOLDS THE PATENTS FOR THE DEVICE IT MANUFACTURES.
   (c) HAS A STATUTORY AGENT THAT IS DESIGNATED WITH THE CORPORATION COMMISSION PURSUANT TO TITLE 10 OR 29.

6. "MINOR" MEANS AN INDIVIDUAL WHO IS UNDER EIGHTEEN YEARS OF AGE AND WHO IS NOT EMANCIPATED, MARRIED OR A MEMBER OF THE UNITED STATES ARMED FORCES.

7. "OBSCENE MATERIAL" MEANS MATERIAL THAT:

   (a) THE AVERAGE PERSON APPLYING CONTEMPORARY COMMUNITY STANDARDS WOULD FIND, TAKEN AS A WHOLE, APPEALS TO THE PRURIENT INTEREST.
   (b) THE AVERAGE PERSON APPLYING CONTEMPORARY COMMUNITY STANDARDS WOULD FIND HAS PATENTLY OFFENSIVE REPRESENTATIONS OR DESCRIPTIONS OF EITHER:

      (i) ULTIMATE SEXUAL ACTS, NORMAL OR PERVERTED, ACTUAL OR SIMULATED, INCLUDING SEXUAL INTERCOURSE OR SODOMY.
      (ii) MASTURBATION, EXCRETORY FUNCTIONS, SADOMASOCHISTIC ABUSE OR LEWD EXHIBITION OF THE GENITALS.
      (c) TAKEN AS A WHOLE, A REASONABLE PERSON WOULD FIND LACKS SERIOUS LITERARY, EDUCATIONAL, ARTISTIC, POLITICAL OR SCIENTIFIC VALUE.
8. “PASSWORD” MEANS A STRING OF CHARACTERS OR ANOTHER SECURE METHOD THAT IS USED TO ENABLE, DEACTIVATE, MODIFY OR UNINSTALL A FILTER ON A DEVICE.

9. “SMARTPHONE” MEANS AN ELECTRONIC DEVICE THAT COMBINES A CELLULAR TELEPHONE WITH A HANDHELD COMPUTER AND THAT TYPICALLY OFFERS INTERNET ACCESS THROUGH A BROWSER OR SEARCH ENGINE, DATA STORAGE, TEXT AND EMAIL CAPABILITIES.

10. “TABLET” MEANS AN INTERNET-READY DEVICE THAT IS EQUIPPED WITH AN OPERATING SYSTEM, TOUCHSCREEN DISPLAY AND RECHARGEABLE BATTERY AND THAT HAS THE ABILITY TO SUPPORT ACCESS TO A CELLULAR NETWORK.

44-7202. Filter required

BEGINNING JANUARY 1, 2026, A DEVICE THAT IS ACTIVATED IN THIS STATE MUST DO ALL OF THE FOLLOWING:

1. CONTAIN A FILTER.

2. DETERMINE THE AGE OF THE USER DURING ACTIVATION AND ACCOUNT SETUP.

3. SET THE FILTER TO "ON" FOR MINOR USERS.

4. ALLOW A PASSWORD TO BE ESTABLISHED FOR THE FILTER.

5. NOTIFY THE USER OF THE DEVICE WHEN THE FILTER BLOCKS THE DEVICE FROM ACCESSING A WEBSITE.

6. PROVIDE AN OPPORTUNITY TO DEACTIVATE OR REACTIVATE THE FILTER BY USING A PASSWORD.

44-7203. Manufacturer liability

A. BEGINNING JANUARY 1, 2026, A MANUFACTURER IS SUBJECT TO CIVIL AND CRIMINAL LIABILITY IF ALL OF THE FOLLOWING APPLY:

1. THE DEVICE IS ACTIVATED IN THIS STATE.

2. ON ACTIVATION, THE DEVICE DOES NOT ENABLE A FILTER THAT COMPLIES WITH SECTION 44-7202.

3. A MINOR ACCESSES OBSCENE MATERIAL THAT IS ON THE DEVICE.

B. FOR THE PURPOSES OF ASSESSING A PENALTY UNDER SECTION 44-7205, A MANUFACTURER IS CONSIDERED TO HAVE COMMITTED A SEPARATE VIOLATION FOR EACH DEVICE THAT IS MANUFACTURED ON OR AFTER JANUARY 1, 2026.

C. THIS SECTION DOES NOT APPLY TO A MANUFACTURER THAT MAKES A GOOD FAITH EFFORT TO PROVIDE A DEVICE THAT, ON ACTIVATION OF THE DEVICE IN THIS STATE, AUTOMATICALLY ENABLES A GENERALLY ACCEPTED AND COMMERCIALLY REASONABLE FILTER THAT BLOCKS OBSCENE MATERIAL ON ALL INTERNET BROWSERS OR SEARCH ENGINES THAT ARE ACCESSED ON THE DEVICE IN ACCORDANCE WITH THIS SECTION.

D. THIS CHAPTER DOES NOT CREATE A CAUSE OF ACTION AGAINST THE RETAILER OF A DEVICE.

44-7204. Individual liability; applicability

A. A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE IS SUBJECT TO CIVIL LIABILITY FOR ENABLING A PASSWORD TO REMOVE A FILTER ON A DEVICE THAT IS IN THE POSSESSION OF A MINOR IF THE MINOR ACCESSES OBSCENE MATERIAL THAT IS ON THE DEVICE.
B. THIS SECTION DOES NOT APPLY TO THE MINOR'S PARENT OR LEGAL GUARDIAN.

44-7205. Enforcement; attorney general

A. IF THE ATTORNEY GENERAL HAS REASON TO BELIEVE THAT A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE HAS VIOLATED OR IS VIOLATING THIS CHAPTER, THE ATTORNEY GENERAL, ACTING IN THE PUBLIC INTEREST, MAY BRING AN ACTION IN THE NAME OF THIS STATE AGAINST THE PERSON TO DO ANY OF THE FOLLOWING:

1. ENJOIN ANY ACTION THAT CONSTITUTES A VIOLATION OF THIS CHAPTER BY ISSUING A TEMPORARY RESTRAINING ORDER OR PRELIMINARY OR PERMANENT INJUNCTION.
2. RECOVER A CIVIL PENALTY OF NOT MORE THAN $5,000 PER VIOLATION, NOT TO EXCEED A TOTAL OF $50,000.
3. RECOVER THE ATTORNEY GENERAL'S REASONABLE EXPENSES, INVESTIGATIVE COSTS AND ATTORNEY FEES.
4. OBTAIN OTHER APPROPRIATE RELIEF AS PROVIDED FOR UNDER THIS CHAPTER.

B. THE ATTORNEY GENERAL MAY ISSUE SUBPOENAS TO ANY PERSON AND CONDUCT HEARINGS IN ANY INVESTIGATION OR INQUIRY RELATED TO A POSSIBLE VIOLATION OF THIS CHAPTER.

C. THE ATTORNEY GENERAL MAY SEEK THE REVOCATION OF ANY LICENSE OR CERTIFICATE AUTHORIZING A MANUFACTURER TO ENGAGE IN BUSINESS IN THIS STATE.

44-7206. Civil action; parent or legal guardian; relief

A. A PARENT OR LEGAL GUARDIAN OF A MINOR WHO ACCESSES OBSCENE MATERIAL THAT IS IN VIOLATION OF SECTION 44-7202 MAY BRING A PRIVATE CAUSE OF ACTION IN ANY COURT OF COMPETENT JURISDICTION AGAINST:

1. A MANUFACTURER THAT FAILS TO COMPLY WITH SECTION 44-7202.
2. A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE WHO IS NOT A PARENT OR LEGAL GUARDIAN OF THE MINOR AND WHO DISABLES A FILTER FROM A DEVICE IN THE MINOR'S POSSESSION THAT RESULTS IN THE MINOR'S EXPOSURE TO OBSCENE MATERIAL.

B. THE PARENT OR LEGAL GUARDIAN OF A MINOR WHO BRINGS AN ACTION UNDER THIS SECTION MAY RECOVER:

1. ACTUAL DAMAGES OR, IN THE COURT'S DISCRETION WHERE ACTUAL DAMAGES ARE DIFFICULT TO ASCERTAIN DUE TO THE NATURE OF THE INJURY, LIQUIDATED DAMAGES IN THE AMOUNT OF $50,000 FOR EACH VIOLATION.
2. PUNITIVE DAMAGES IN AN AMOUNT DETERMINED BY THE COURT, IF THE COURT FINDS THE VIOLATION IS KNOWING AND WILFUL.
3. NOMINAL DAMAGES.
4. ANY OTHER RELIEF THE COURT DEEMS APPROPRIATE, INCLUDING COURT COSTS AND EXPENSES.
5. ATTORNEY FEES.

C. THIS SECTION DOES NOT PRECLUDE A CLASS ACTION LAWSUIT AGAINST A MANUFACTURER THAT KNOWINGLY AND WILFULLY VIOLATES SECTION 44-7202.
44-7207. **Unlawful filter removal; violation; classification; penalty**

A. EXCEPT FOR THE MINOR'S PARENT OR LEGAL GUARDIAN, IT IS UNLAWFUL FOR A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE TO DISABLE THE FILTER ON A DEVICE IN THE POSSESSION OF A MINOR.

B. A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A FINE OF NOT MORE THAN $5,000, EXCEPT THAT FOR A SECOND OR SUBSEQUENT VIOLATION OF THIS SECTION THE PERSON IS:

1. SUBJECT TO A FINE OF NOT MORE THAN $50,000.

2. SUBJECT TO INCARCERATION FOR UP TO ONE YEAR.