

REFERENCE TITLE: internet; material harmful to minors.

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1298

Introduced by
Senator Kern

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 COMPARING THE INTERNET PROTOCOL ADDRESS WITH THE BLACKLISTS
15 DESCRIBED IN SUBSECTION B OF THIS SECTION.

16 2. THROUGH ANY OTHER COMMERCIALLY REASONABLE METHOD OF AGE AND
17 IDENTITY VERIFICATION.

18 B. AN INTERNET USER WITH A MINOR CHILD HAS THE RIGHT TO SUBMIT A
19 REQUEST TO THE USER'S INTERNET SERVICE PROVIDER TO HAVE ONE OR MORE OF THE
20 USER'S INTERNET PROTOCOL ADDRESSES ADDED TO, OR REMOVED FROM, A BLACKLIST.
21 AN INTERNET SERVICE PROVIDER SHALL NOT BE UNDER ANY OBLIGATION TO CONFIRM
22 THAT THE INTERNET USER REQUESTING THAT ONE OR MORE OF THE USER'S INTERNET
23 PROTOCOL ADDRESSES BE ADDED TO THE BLACKLIST HAS A MINOR CHILD.

24 C. A COMMERCIAL ENTITY THAT VIOLATES THIS SECTION IS SUBJECT TO
25 CIVIL LIABILITY FOR DAMAGES RESULTING FROM A MINOR'S ACCESS TO MATERIAL
26 HARMFUL TO MINORS, INCLUDING REASONABLE ATTORNEY FEES AND COSTS.

27 D. THIS SECTION DOES NOT IMPOSE AN OBLIGATION OR A LIABILITY ON A
28 PROVIDER OR USER OF AN INTERACTIVE COMPUTER SERVICE ON THE INTERNET.

29 E. FOR THE PURPOSES OF THIS SECTION:

30 1. "INTERACTIVE COMPUTER SERVICE" MEANS ANY INFORMATION SERVICE,
31 SYSTEM OR ACCESS SOFTWARE PROVIDER THAT PROVIDES OR ENABLES COMPUTER
32 ACCESS BY MULTIPLE USERS TO A COMPUTER SERVER, INCLUDING A SERVICE OR
33 SYSTEM THAT PROVIDES ACCESS TO THE INTERNET AND SYSTEMS OPERATED OR
34 SERVICES OFFERED BY LIBRARIES OR EDUCATIONAL INSTITUTIONS.

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

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

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

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

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

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