

House Engrossed

internet pornography; minors; age verification

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HOUSE BILL 2112

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 USE

6 ARTICLE 1. GENERAL PROVISIONS

7 18-701. Internet pornography; age verification; prohibited
8 data retention; verification methods;
9 applicability; liability; penalty; attorney
10 general; qui tam plaintiff; attorney fees and
11 costs; definitions

12 A. A COMMERCIAL ENTITY THAT KNOWINGLY AND INTENTIONALLY PUBLISHES
13 OR DISTRIBUTES MATERIAL ON AN INTERNET WEBSITE, INCLUDING A SOCIAL MEDIA
14 PLATFORM, OF WHICH MORE THAN ONE-THIRD IS SEXUAL MATERIAL THAT IS HARMFUL
15 TO MINORS SHALL USE REASONABLE AGE VERIFICATION METHODS TO VERIFY THAT AN
16 INDIVIDUAL WHO ATTEMPTS TO ACCESS THE MATERIAL IS EIGHTEEN YEARS OF AGE OR
17 OLDER.

18 B. A COMMERCIAL ENTITY THAT KNOWINGLY AND INTENTIONALLY PUBLISHES
19 OR DISTRIBUTES MATERIAL ON AN INTERNET WEBSITE OR A THIRD-PARTY ENTITY
20 THAT PERFORMS AGE VERIFICATION PURSUANT TO THIS SECTION SHALL REQUIRE AN
21 INDIVIDUAL TO DO EITHER OF THE FOLLOWING:

22 1. PROVIDE A FORM OF DIGITAL IDENTIFICATION THAT DOES NOT CAUSE OR
23 ALLOW THE INDIVIDUAL'S IDENTIFYING INFORMATION TO BE TRANSMITTED TO ANY
24 FEDERAL, STATE OR LOCAL GOVERNMENT ENTITY.

25 2. COMPLY WITH A COMMERCIAL AGE VERIFICATION SYSTEM THAT DOES NOT
26 CAUSE OR ALLOW THE INDIVIDUAL'S IDENTIFYING INFORMATION TO BE TRANSMITTED
27 TO ANY FEDERAL, STATE OR LOCAL GOVERNMENT ENTITY AND VERIFIES AGE USING
28 EITHER OF THE FOLLOWING:

29 (a) GOVERNMENT-ISSUED IDENTIFICATION.

30 (b) A COMMERCIALLY REASONABLE METHOD THAT RELIES ON PUBLIC OR
31 PRIVATE TRANSACTIONAL DATA TO VERIFY THE AGE OF AN INDIVIDUAL.

32 C. A COMMERCIAL ENTITY OR A THIRD-PARTY ENTITY THAT PERFORMS THE
33 AGE VERIFICATION THAT IS REQUIRED BY THIS SECTION MAY NOT RETAIN ANY
34 IDENTIFYING INFORMATION OF THE INDIVIDUAL AND MAY NOT CAUSE OR ALLOW ANY
35 IDENTIFYING INFORMATION OF THE INDIVIDUAL TO BE DIRECTLY OR INDIRECTLY
36 TRANSMITTED TO ANY FEDERAL, STATE OR LOCAL GOVERNMENT ENTITY.

37 D. THIS SECTION DOES NOT APPLY TO A BONA FIDE NEWS OR PUBLIC
38 INTEREST BROADCAST, WEBSITE VIDEO, REPORT OR EVENT AND MAY NOT BE
39 CONSTRUED TO AFFECT THE RIGHTS OF A NEWS-GATHERING ORGANIZATION.

40 E. AN INTERNET SERVICE PROVIDER, OR ITS AFFILIATES OR SUBSIDIARIES,
41 A SEARCH ENGINE OR A CLOUD SERVICE PROVIDER MAY NOT BE HELD TO HAVE
42 VIOLATED THIS SECTION SOLELY FOR PROVIDING ACCESS OR CONNECTION TO OR FROM
43 A WEBSITE OR OTHER INFORMATION OR CONTENT ON THE INTERNET OR ON A
44 FACILITY, SYSTEM OR NETWORK NOT UNDER THAT INTERNET SERVICE PROVIDER'S
45 CONTROL, INCLUDING TRANSMISSION, DOWNLOADING, INTERMEDIATE STORAGE, ACCESS

1 SOFTWARE OR OTHER SERVICES TO THE EXTENT THAT THE INTERNET SERVICE
2 PROVIDER OR SEARCH ENGINE IS NOT RESPONSIBLE FOR THE CREATION OF THE
3 CONTENT THAT CONSTITUTES SEXUAL MATERIAL THAT IS HARMFUL TO MINORS.

4 F. THE PARENT OR GUARDIAN OF A MINOR WHO ACCESSES MATERIAL HARMFUL
5 TO MINORS IN VIOLATION OF THIS SECTION HAS A RIGHT OF ACTION AGAINST THE
6 OFFENDING PARTY. UPON PREVAILING IN SUCH AN ACTION, THE COURT MAY AWARD TO
7 A SUCCESSFUL PLAINTIFF A PENALTY FOR A VIOLATION OF THIS SECTION:

8 1. IN AN AMOUNT EQUAL TO NOT MORE THAN THE TOTAL, IF APPLICABLE, OF
9 BOTH OF THE FOLLOWING:

10 (a) \$10,000 PER DAY THAT THE ENTITY OPERATES AN INTERNET WEBSITE IN
11 VIOLATION OF THE AGE VERIFICATION REQUIREMENTS OF THIS SECTION.

12 (b) \$10,000 PER INSTANCE WHEN THE ENTITY RETAINS IDENTIFYING
13 INFORMATION IN VIOLATION OF SUBSECTION C OF THIS SECTION.

14 2. FOR AN ADDITIONAL AMOUNT OF NOT MORE THAN \$250,000 IF, BECAUSE
15 OF THE ENTITY'S VIOLATION OF THE AGE VERIFICATION REQUIREMENTS OF THIS
16 SECTION, ONE OR MORE MINORS ACCESSES SEXUAL MATERIAL THAT IS HARMFUL TO
17 MINORS.

18 G. THE COURT SHALL DETERMINE THE AMOUNT OF A CIVIL PENALTY THAT IS
19 IMPOSED PURSUANT TO THIS SECTION BASED ON ALL OF THE FOLLOWING FACTORS:

20 1. THE SERIOUSNESS OF THE VIOLATION, INCLUDING THE NATURE,
21 CIRCUMSTANCES, EXTENT AND GRAVITY OF THE VIOLATION.

22 2. THE HISTORY OF PREVIOUS VIOLATIONS.

23 3. THE AMOUNT NECESSARY TO DETER A FUTURE VIOLATION.

24 4. THE ECONOMIC EFFECT OF A PENALTY ON THE ENTITY ON WHOM THE
25 PENALTY WILL BE IMPOSED.

26 5. THE ENTITY'S KNOWLEDGE THAT THE ACT CONSTITUTED A VIOLATION OF
27 THIS SECTION.

28 6. ANY OTHER MATTER THAT JUSTICE MAY REQUIRE.

29 H. THE ATTORNEY GENERAL OR QUI TAM PLAINTIFF MAY RECOVER REASONABLE
30 AND NECESSARY ATTORNEY FEES AND COSTS THAT ARE INCURRED IN AN ACTION UNDER
31 THIS SECTION.

32 I. IN ANY ACTION THAT IS BROUGHT OR MAINTAINED PURSUANT TO THIS
33 SECTION, ALL PERSONALLY IDENTIFIABLE INFORMATION OF USERS, INCLUDING THEIR
34 NAMES, SHALL BE REDACTED PRIOR TO PRODUCTION.

35 J. FOR THE PURPOSES OF THIS SECTION:

36 1. "COMMERCIAL ENTITY" INCLUDES A CORPORATION, LIMITED LIABILITY
37 COMPANY, PARTNERSHIP, LIMITED PARTNERSHIP, SOLE PROPRIETORSHIP OR OTHER
38 LEGALLY RECOGNIZED BUSINESS ENTITY.

39 2. "DIGITAL IDENTIFICATION" MEANS INFORMATION THAT IS STORED ON A
40 DIGITAL NETWORK THAT MAY BE ACCESSED BY A COMMERCIAL ENTITY AND THAT
41 SERVES AS PROOF OF THE IDENTITY OF AN INDIVIDUAL.

42 3. "DISTRIBUTE" MEANS TO ISSUE, SELL, GIVE, PROVIDE, DELIVER,
43 TRANSFER, TRANSMUTE, CIRCULATE OR DISSEMINATE BY ANY MEANS.

44 4. "MINOR" MEANS AN INDIVIDUAL UNDER EIGHTEEN YEARS OF AGE.

1 5. "NEWS-GATHERING ORGANIZATION" INCLUDES THE FOLLOWING:

2 (a) AN EMPLOYEE OF A NEWSPAPER, NEWS PUBLICATION OR NEWS SOURCE,
3 PRINTED OR ON AN ONLINE OR MOBILE PLATFORM, OF CURRENT NEWS AND PUBLIC
4 INTEREST, WHO IS ACTING WITHIN THE COURSE AND SCOPE OF THAT EMPLOYMENT AND
5 CAN PROVIDE DOCUMENTATION OF THAT EMPLOYMENT WITH THE NEWSPAPER, NEWS
6 PUBLICATION OR NEWS SOURCE.

7 (b) AN EMPLOYEE OF A RADIO BROADCAST STATION, TELEVISION BROADCAST
8 STATION, CABLE TELEVISION OPERATOR OR WIRE SERVICE WHO IS ACTING WITHIN
9 THE COURSE AND SCOPE OF THAT EMPLOYMENT AND CAN PROVIDE DOCUMENTATION OF
10 THAT EMPLOYMENT.

11 6. "PUBLISH" MEANS TO COMMUNICATE OR MAKE INFORMATION AVAILABLE TO
12 ANOTHER PERSON OR ENTITY ON A PUBLICLY AVAILABLE INTERNET WEBSITE.

13 7. "SEXUAL MATERIAL THAT IS HARMFUL TO MINORS" INCLUDES ANY
14 MATERIAL THAT:

15 (a) THE AVERAGE PERSON APPLYING CONTEMPORARY COMMUNITY STANDARDS
16 WOULD FIND, TAKING THE MATERIAL AS A WHOLE AND WITH RESPECT TO MINORS, IS
17 DESIGNED TO APPEAL TO OR PANDER TO THE PRURIENT INTEREST.

18 (b) IN A MANNER PATENTLY OFFENSIVE WITH RESPECT TO MINORS,
19 EXPLOITS, IS DEVOTED TO, OR PRINCIPALLY CONSISTS OF DESCRIPTIONS OF
20 ACTUAL, SIMULATED OR ANIMATED DISPLAYS OR DEPICTIONS OF ANY OF THE
21 FOLLOWING:

22 (i) A PERSON'S PUBIC HAIR, ANUS OR GENITALS OR THE NIPPLE OF THE
23 FEMALE BREAST.

24 (ii) TOUCHING, CARESSING OR FONDLING OF NIPPLES, BREASTS, BUTTOCKS,
25 ANUSES OR GENITALS.

26 (iii) SEXUAL INTERCOURSE, MASTURBATION, SODOMY, BESTIALITY, ORAL
27 COPULATION, FLAGELLATION, EXCRETORY FUNCTIONS, EXHIBITIONS OR ANY OTHER
28 SEXUAL ACT.

29 (c) TAKEN AS A WHOLE, LACKS SERIOUS LITERARY, ARTISTIC, POLITICAL
30 OR SCIENTIFIC VALUE FOR MINORS.

31 8. "TRANSACTIONAL DATA":

32 (a) MEANS A SEQUENCE OF INFORMATION THAT DOCUMENTS AN EXCHANGE,
33 AGREEMENT, OR TRANSFER BETWEEN AN INDIVIDUAL, COMMERCIAL ENTITY OR
34 THIRD-PARTY ENTITY THAT IS USED TO SATISFY A REQUEST OR EVENT.

35 (b) INCLUDES RECORDS FROM MORTGAGE, EDUCATION AND EMPLOYMENT
36 ENTITIES.