

REFERENCE TITLE: internet pornography; minors; age verification

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

# HB 2112

Introduced by  
Representatives Kupper: Blackman, Carbone, Fink, Heap, Hendrix, Marshall,  
Montenegro, Nguyen, Taylor, Way, Willoughby

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; website  
9 health notice; applicability; liability; civil  
10 penalty; attorney general; qui tam plaintiff;  
11 attorney fees and 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 DIGITAL IDENTIFICATION.

23 2. COMPLY WITH A COMMERCIAL AGE VERIFICATION SYSTEM THAT VERIFIES  
24 AGE USING EITHER OF THE FOLLOWING:

25 (a) GOVERNMENT-ISSUED IDENTIFICATION.

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

28 C. A COMMERCIAL ENTITY OR A THIRD-PARTY ENTITY THAT PERFORMS THE  
29 AGE VERIFICATION THAT IS REQUIRED BY THIS SECTION MAY NOT RETAIN ANY  
30 IDENTIFYING INFORMATION OF THE INDIVIDUAL.

31 D. A COMMERCIAL ENTITY THAT IS REQUIRED TO USE REASONABLE AGE  
32 VERIFICATION METHODS PURSUANT TO SUBSECTION A OF THIS SECTION SHALL DO  
33 BOTH OF THE FOLLOWING:

34 1. DISPLAY THE FOLLOWING NOTICES ON THE HOME PAGE OF THE INTERNET  
35 WEBSITE ON WHICH SEXUAL MATERIAL THAT IS HARMFUL TO MINORS IS PUBLISHED OR  
36 DISTRIBUTED AND ALL ADVERTISEMENTS FOR THAT INTERNET WEBSITE IN AT LEAST  
37 FOURTEEN-POINT FONT:

38 ARIZONA HEALTH AND HUMAN SERVICES WARNING:  
39 PORNOGRAPHY IS POTENTIALLY BIOLOGICALLY ADDICTIVE, IS  
40 PROVEN TO HARM HUMAN BRAIN DEVELOPMENT, DESENSITIZES  
41 BRAIN REWARD CIRCUITS, INCREASES CONDITIONED RESPONSES  
42 AND WEAKENS BRAIN FUNCTION.

43 ARIZONA HEALTH AND HUMAN SERVICES WARNING:  
44 EXPOSURE TO THIS CONTENT IS ASSOCIATED WITH LOW  
45 SELF-ESTEEM AND BODY IMAGE, EATING DISORDERS, IMPAIRED

1           BRAIN DEVELOPMENT AND OTHER EMOTIONAL AND MENTAL  
2           ILLNESSES.

3           ARIZONA HEALTH AND HUMAN SERVICES WARNING:  
4           PORNOGRAPHY INCREASES THE DEMAND FOR PROSTITUTION,  
5           CHILD EXPLOITATION AND CHILD PORNOGRAPHY.

6           2. DISPLAY THE FOLLOWING NOTICE AT THE BOTTOM OF EVERY WEBPAGE OF  
7           THE INTERNET WEBSITE IN AT LEAST FOURTEEN-POINT FONT:

8           UNITED STATES SUBSTANCE ABUSE AND MENTAL HEALTH  
9           SERVICES ADMINISTRATION HELPLINE:

10                   1-800-662-HELP (4357)

11           THIS HELPLINE IS A FREE, CONFIDENTIAL  
12           INFORMATION SERVICE (IN ENGLISH OR SPANISH) OPEN  
13           TWENTY-FOUR HOURS PER DAY, FOR INDIVIDUALS AND FAMILY  
14           MEMBERS FACING MENTAL HEALTH OR SUBSTANCE USE  
15           DISORDERS.

16           THE SERVICE PROVIDES REFERRAL TO LOCAL TREATMENT  
17           FACILITIES, SUPPORT GROUPS AND COMMUNITY-BASED  
18           ORGANIZATIONS.

19           E. THIS SECTION DOES NOT APPLY TO A BONA FIDE NEWS OR PUBLIC  
20           INTEREST BROADCAST, WEBSITE VIDEO, REPORT OR EVENT AND MAY NOT BE  
21           CONSTRUED TO AFFECT THE RIGHTS OF A NEWS-GATHERING ORGANIZATION.

22           F. AN INTERNET SERVICE PROVIDER, OR ITS AFFILIATES OR SUBSIDIARIES,  
23           A SEARCH ENGINE OR A CLOUD SERVICE PROVIDER MAY NOT BE HELD TO HAVE  
24           VIOLATED THIS SECTION SOLELY FOR PROVIDING ACCESS OR CONNECTION TO OR FROM  
25           A WEBSITE OR OTHER INFORMATION OR CONTENT ON THE INTERNET OR ON A  
26           FACILITY, SYSTEM OR NETWORK NOT UNDER THAT INTERNET SERVICE PROVIDER'S  
27           CONTROL, INCLUDING TRANSMISSION, DOWNLOADING, INTERMEDIATE STORAGE, ACCESS  
28           SOFTWARE OR OTHER SERVICES TO THE EXTENT THAT THE INTERNET SERVICE  
29           PROVIDER OR SEARCH ENGINE IS NOT RESPONSIBLE FOR THE CREATION OF THE  
30           CONTENT THAT CONSTITUTES SEXUAL MATERIAL THAT IS HARMFUL TO MINORS.

31           G. IF THE ATTORNEY GENERAL BELIEVES THAT AN ENTITY IS KNOWINGLY  
32           VIOLATING OR HAS KNOWINGLY VIOLATED THIS SECTION AND THE ACTION IS IN THE  
33           PUBLIC INTEREST, THE ATTORNEY GENERAL MAY BRING AN ACTION IN A MARICOPA  
34           COUNTY SUPERIOR COURT OR THE SUPERIOR COURT IN THE COUNTY IN WHICH THE  
35           ENTITY'S PRINCIPAL PLACE OF BUSINESS IS LOCATED IN THIS STATE TO ENJOIN  
36           THE VIOLATION, RECOVER A CIVIL PENALTY AND OBTAIN OTHER RELIEF THE COURT  
37           CONSIDERS APPROPRIATE.

38           H. IF THE ATTORNEY GENERAL DOES NOT FILE A CLAIM AGAINST AN ENTITY  
39           WHO IS KNOWINGLY VIOLATING OR HAS KNOWINGLY VIOLATED THIS SECTION, A  
40           PRIVATE PERSON MAY BRING A QUI TAM ACTION FOR A VIOLATION OF THIS SECTION  
41           FOR THE STATE OF ARIZONA IN THE NAME OF THE STATE. THE ACTION MAY BE  
42           DISMISSED ONLY WITH THE WRITTEN CONSENT OF THE COURT AND THE ATTORNEY  
43           GENERAL. ON THE SAME DAY THAT THE COMPLAINT IS FILED, THE QUI TAM  
44           PLAINTIFF SHALL SERVE ON THE ATTORNEY GENERAL BY CERTIFIED MAIL, RETURN  
45           RECEIPT REQUESTED, A COPY OF THE COMPLAINT AND A WRITTEN DISCLOSURE OF

1 SUBSTANTIALLY ALL MATERIAL EVIDENCE AND INFORMATION THAT THE PERSON  
2 POSSESSES. THE STATE MAY INTERVENE AND PROCEED WITH THE ACTION WITHIN ONE  
3 HUNDRED TWENTY DAYS AFTER IT RECEIVES BOTH THE COMPLAINT AND THE MATERIAL  
4 EVIDENCE AND INFORMATION. BEFORE THE EXPIRATION OF THE ONE HUNDRED TWENTY  
5 DAY PERIOD, THE ATTORNEY GENERAL SHALL EITHER PROCEED WITH THE ACTION OR  
6 NOTIFY THE COURT THAT IT DECLINES TO TAKE OVER THE ACTION, IN WHICH CASE  
7 THE PERSON BRINGING THE ACTION MAY CONDUCT THE ACTION. AFTER A PERSON  
8 BRINGS AN ACTION UNDER THIS SUBSECTION, NO OTHER PERSON MAY BRING A  
9 RELATED ACTION THAT IS BASED ON THE FACTS UNDERLYING THE PENDING ACTION.

10 I. THE COURT MAY IMPOSE A CIVIL PENALTY FOR A VIOLATION OF THIS  
11 SECTION:

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

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

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

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

22 J. THE COURT SHALL DETERMINE THE AMOUNT OF A CIVIL PENALTY THAT IS  
23 IMPOSED PURSUANT TO THIS SECTION BASED ON ALL OF THE FOLLOWING FACTORS:

24 1. THE SERIOUSNESS OF THE VIOLATION, INCLUDING THE NATURE,  
25 CIRCUMSTANCES, EXTENT AND GRAVITY OF THE VIOLATION.

26 2. THE HISTORY OF PREVIOUS VIOLATIONS.

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

28 4. THE ECONOMIC EFFECT OF A PENALTY ON THE ENTITY ON WHOM THE  
29 PENALTY WILL BE IMPOSED.

30 5. THE ENTITY'S KNOWLEDGE THAT THE ACT CONSTITUTED A VIOLATION OF  
31 THIS SECTION.

32 6. ANY OTHER MATTER THAT JUSTICE MAY REQUIRE.

33 K. THE ATTORNEY GENERAL OR QUI TAM PLAINTIFF MAY RECOVER REASONABLE  
34 AND NECESSARY ATTORNEY FEES AND COSTS THAT ARE INCURRED IN AN ACTION UNDER  
35 THIS SECTION.

36 L. FOR THE PURPOSES OF THIS SECTION:

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

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

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

45 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.