



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-seventh Legislature
First Regular Session

[**HB 2112**](#): internet pornography; minors; age verification

Sponsor: Representative Kupper, LD 25
Committee on Judiciary

Overview

Adds a new chapter to Title 18 of the Arizona Revised Statutes mandating age verification for online access to *sexual material that is harmful to minors* (pornography).

History

[A.R.S. Title 18](#) relates to information technology, including chapters on government information technology; governmental reporting of information; the property technology sandbox; and network access, services and security.

Provisions

1. Requires commercial entities that knowingly and intentionally distribute material on a website, of which more than one-third is pornography, to use reasonable methods to verify that users are 18 years or older. (Sec. 1)
2. Directs said entities to verify age by requiring users to either:
 - a) provide digital identification; or
 - b) utilize a commercial age verification system, that may use either government-issued identification or transactional data. (Sec. 1)
3. Prohibits those who perform the age verification from retaining any identifying information on individuals. (Sec. 1)
4. Requires the aforesaid entities to display mandatory notices on their websites describing the harms of pornography and containing contact information for a helpline. (Sec. 1)
5. Specifies that this Act does not apply to news organizations. (Sec. 1)
6. Specifies that this Act does not apply to internet service providers, search engines or cloud service providers — provided they are not creating the pornographic content. (Sec. 1)
7. Permits the Attorney General to bring actions to enjoin a violation, recover a civil penalty and obtain other relief the court considers appropriate. (Sec. 1)
8. Permits any private person, if the Attorney General does not file a claim against an entity in violation of this Act, to bring a qui tam action to enforce this Act. (Sec. 1)
9. Outlines procedures for the bringing of a qui tam action to enforce this Act. (Sec. 1)
10. Authorizes a court to impose civil penalties against an entity in violation of this Act, in an amount of up to:
 - a) \$10,000 per day for failure to comply with age verification;

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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- b) \$10,000 per instance of retaining identifying user data;
- c) \$250,000 if one or more minors accesses pornography due to the entity's violation of the age verification requirements of this Act. (Sec. 1)

11. Outlines factors that a court must consider when determining the amount of a civil penalty to be imposed. (Sec. 1)
12. Permits the attorney general or qui tam plaintiff to recover reasonable attorney fees and costs. (Sec. 1)
13. Defines:
 - a) *commercial entity*;
 - b) *digital identification*;
 - c) *distribute*;
 - d) *minor*;
 - e) *news-gathering organization*;
 - f) *publish*;
 - g) *sexual material that is harmful to minors*; and
 - h) *transactional data*. (Sec. 1)