



Bill Number: H.B. 2311

Farnsworth ADD COW Floor Amendment

Reference to: Senate engrossed bill

Amendment drafted by: Leg. Council

FLOOR AMENDMENT EXPLANATION

1. Specifies that an operator may not condition access to a conversational AI service on the use of an age verification digital identification system, unless expressly required by federal law.
2. Prohibits the conversational AI service requirements from being used to implement a system that tracks any, rather than all, of an account holder's online activity.
3. Prohibits the prescribed conversational AI service requirements from being cited or used to create or enforce a social scoring system, social credit system or system that rates, ranks, or restricts access to a service based on an individual's behavior, expressions or associations.
4. Makes technical changes.

ADDITIONAL COW
FARNSWORTH FLOOR AMENDMENT
SENATE AMENDMENTS TO H.B. 2311
(Reference to Senate engrossed bill)

Amendment instruction key:
[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.
[Green underlining in brackets] indicates text added to new session law or text restoring existing law.
[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.
[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.
<<Green carets>> indicate a section added to the bill.
<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Title 18, Arizona Revised Statutes, is amended by adding
3 chapter 8, to read:

4

CHAPTER 8

5

ARTIFICIAL INTELLIGENCE

6

ARTICLE 1. GENERAL PROVISIONS

7

18-801. Definitions

8

IN THIS CHAPTER, UNLESS THE TEXT OTHERWISE REQUIRES:

9

1. "ACCOUNT HOLDER" MEANS AN INDIVIDUAL WHO HAS, OR OPENS, AN
10 ACCOUNT OR PROFILE TO USE A CONVERSATIONAL AI SERVICE.

11

2. "AGE-ASSURANCE METHOD" MEANS ANY TECHNICAL OR ADMINISTRATIVE
12 MECHANISM THAT IS USED SOLELY TO DETERMINE WHETHER AN ACCOUNT HOLDER IS A
13 MINOR.

14

3. "CONVERSATIONAL AI SERVICE":

15

(a) MEANS AN ARTIFICIAL INTELLIGENCE SOFTWARE APPLICATION, WEB
16 INTERFACE OR COMPUTER PROGRAM THAT IS ACCESSIBLE TO THE GENERAL PUBLIC AND
17 THAT PRIMARILY SIMULATES HUMAN CONVERSATION AND INTERACTION THROUGH
18 TEXTUAL, VISUAL OR AURAL COMMUNICATIONS.

19

(b) DOES NOT INCLUDE AN APPLICATION, WEB INTERFACE OR COMPUTER
20 PROGRAM THAT MEETS ANY OF THE FOLLOWING:

21

(i) IS PRIMARILY DESIGNED AND MARKETED FOR USE BY DEVELOPERS OR
22 RESEARCHERS.

23

(ii) IS A FEATURE WITHIN ANOTHER SOFTWARE APPLICATION, WEB
24 INTERFACE OR COMPUTER PROGRAM THAT IS NOT A CONVERSATIONAL AI SERVICE.

25

(iii) IS DESIGNED TO PROVIDE OUTPUTS RELATING TO A NARROW AND
26 DISCRETE TOPIC.

27

(iv) IS PRIMARILY DESIGNED AND MARKETED FOR COMMERCIAL USE BY
28 BUSINESS ENTITIES.

1 (v) INCORPORATES A SPEAKER AND VOICE COMMAND INTERFACE OR A TEXT
2 INTERFACE AND ACTS AS A TEXT-ACTIVATED OR VOICE-ACTIVATED VIRTUAL
3 ASSISTANT FOR A CONSUMER ELECTRONIC DEVICE.

4 (vi) IS USED BY A BUSINESS ENTITY SOLELY FOR INTERNAL PURPOSES.

5 (vii) IS USED BY A BUSINESS ENTITY SOLELY FOR CUSTOMER SERVICE OR
6 TO STRICTLY PROVIDE USERS WITH INFORMATION ABOUT AVAILABLE COMMERCIAL
7 SERVICES OR PRODUCTS PROVIDED BY THE BUSINESS ENTITY, CUSTOMER SERVICE
8 ACCOUNT INFORMATION OR OTHER INFORMATION STRICTLY RELATED TO THE BUSINESS
9 ENTITY'S CUSTOMER SERVICE.

10 (viii) IS USED BY A STATE OR LOCAL GOVERNMENT AGENCY SOLELY FOR
11 CUSTOMER SERVICE OR TO STRICTLY PROVIDE USERS WITH INFORMATION ABOUT
12 AVAILABLE SERVICES OR PRODUCTS PROVIDED BY THE AGENCY, CUSTOMER SERVICE
13 ACCOUNT INFORMATION OR OTHER INFORMATION STRICTLY RELATED TO THE AGENCY'S
14 CUSTOMER SERVICE.

15 (ix) IS USED SOLELY TO PROVIDE COMMERCE-RELATED OR TRANSACTIONAL
16 ASSISTANCE, INCLUDING PRODUCT OR SERVICE RECOMMENDATIONS, SHOPPING,
17 ORDERING, PAYMENTS, DELIVERY, RETURNS OR CUSTOMER SUPPORT.

18 4. "DIGITAL IDENTIFICATION SYSTEM" MEANS A PROCESS THAT USES
19 GOVERNMENT-ISSUED IDENTIFICATION, FACIAL RECOGNITION, FACIAL
20 AGE-ESTIMATION OR AGE-CLASSIFICATION TECHNOLOGY, BIOMETRICS OR ANOTHER
21 UNIQUELY IDENTIFYING CREDENTIAL TO AUTHENTICATE AN ACCOUNT HOLDER'S
22 REAL-WORLD IDENTITY OR ESTIMATE AN ACCOUNT HOLDER'S AGE.

23 5. "INDIVIDUAL" MEANS A NATURAL PERSON.

24 6. "MINOR" MEANS AN INDIVIDUAL UNDER CIRCUMSTANCES IN WHICH AN
25 OPERATOR HAS ACTUAL KNOWLEDGE OR REASONABLE CERTAINTY THAT THE INDIVIDUAL
26 IS UNDER EIGHTEEN YEARS OF AGE.

27 7. "MINOR ACCOUNT HOLDER" MEANS AN ACCOUNT HOLDER WHO IS A MINOR.

28 8. "OPERATOR":

29 (a) MEANS A PERSON THAT MAKES AVAILABLE A CONVERSATIONAL AI SERVICE
30 TO THE PUBLIC.

31 (b) DOES NOT INCLUDE A MOBILE APPLICATION STORE OR SEARCH ENGINE
32 SOLELY BECAUSE THE APPLICATION OR ENGINE PROVIDES ACCESS TO A
33 CONVERSATIONAL AI SERVICE.

34 9. "PERSON" MEANS A NATURAL PERSON OR LEGAL ENTITY.

35 10. "SEXUAL CONDUCT" HAS THE SAME MEANING PRESCRIBED IN SECTION
36 13-3551.

37 18-802. Artificial intelligence; account holder notices and
38 disclosures; conversational AI services; prohibited
39 uses; safety and privacy tools; minors; civil
40 penalty; enforcement by attorney general

41 A. EACH OPERATOR SHALL CLEARLY AND CONSPICUOUSLY DISCLOSE TO EACH
42 ACCOUNT HOLDER IN EITHER OF THE FOLLOWING WAYS THAT THE ACCOUNT HOLDER IS
43 INTERACTING WITH A CONVERSATIONAL AI SERVICE:

44 1. AS A PERSISTENT VISIBLE DISCLAIMER.

45 2. AT THE BEGINNING OF EACH SESSION AND APPEARING AT LEAST EVERY
46 THREE HOURS IN A CONTINUOUS CONVERSATIONAL AI SERVICE INTERACTION.

1 B. IF AN OPERATOR KNOWS THAT AN ACCOUNT HOLDER IS A MINOR, THE
2 OPERATOR MAY NOT PROVIDE THE ACCOUNT HOLDER WITH POINTS OR SIMILAR REWARDS
3 AT UNPREDICTABLE INTERVALS WITH THE INTENT TO ENCOURAGE INCREASED
4 ENGAGEMENT WITH THE CONVERSATIONAL AI SERVICE.

5 C. EACH OPERATOR SHALL INSTITUTE REASONABLE MEASURES TO PREVENT THE
6 CONVERSATIONAL AI SERVICE FROM DOING ANY OF THE FOLLOWING FOR AN ACCOUNT
7 HOLDER:

8 1. PRODUCING VISUAL MATERIAL OF SEXUAL CONDUCT.

9 2. GENERATING DIRECT STATEMENTS THAT THE ACCOUNT HOLDER SHOULD
10 ENGAGE IN SEXUAL CONDUCT.

11 3. GENERATING STATEMENTS THAT SEXUALLY OBJECTIFY THE ACCOUNT
12 HOLDER.

13 D. FOR MINOR ACCOUNT HOLDERS, THE OPERATOR SHALL INSTITUTE
14 REASONABLE MEASURES TO PREVENT THE CONVERSATIONAL AI SERVICE FROM
15 GENERATING STATEMENTS THAT WOULD LEAD A REASONABLE PERSON TO BELIEVE THAT
16 THE PERSON IS INTERACTING WITH A HUMAN, INCLUDING ANY OF THE FOLLOWING:

17 1. EXPLICIT CLAIMS THAT THE CONVERSATIONAL AI SERVICE IS SENTIENT
18 OR HUMAN.

19 2. STATEMENTS THAT SIMULATE EMOTIONAL DEPENDENCE.

20 3. STATEMENTS THAT SIMULATE ROMANTIC OR SEXUAL INNUENDOS.

21 4. ROLE-PLAYING OF ADULT-MINOR ROMANTIC RELATIONSHIPS.

22 E. EACH OPERATOR SHALL OFFER TOOLS FOR MINOR ACCOUNT HOLDERS AND,
23 IF THE ACCOUNT HOLDER IS UNDER THIRTEEN YEARS OF AGE, FOR THE ACCOUNT
24 HOLDER'S PARENT OR GUARDIAN TO MANAGE THE ACCOUNT HOLDER'S PRIVACY AND
25 ACCOUNT SETTINGS. AN OPERATOR SHALL ALSO OFFER RELATED TOOLS TO THE
26 PARENT OR GUARDIAN OF A MINOR ACCOUNT HOLDER WHO IS AT LEAST THIRTEEN
27 YEARS OF AGE, AS APPROPRIATE BASED ON RELEVANT RISKS. THE TOOLS MAY BE
28 LOCAL TO THE DEVICE OR ACCOUNT AND ~~[DO]~~ [MAY] NOT REQUIRE A DIGITAL
29 IDENTIFICATION SYSTEM.

30 F. EACH OPERATOR SHALL ADOPT A PROTOCOL FOR THE CONVERSATIONAL AI
31 SERVICE TO RESPOND TO A USER PROMPT REGARDING SUICIDAL IDEATION OR
32 SELF-HARM, INCLUDING MAKING REASONABLE EFFORTS TO PROVIDE A RESPONSE TO
33 THE ACCOUNT HOLDER THAT REFERS THE ACCOUNT HOLDER TO CRISIS SERVICE
34 PROVIDERS, SUCH AS A SUICIDE HOTLINE, CRISIS TEXT LINE OR OTHER
35 APPROPRIATE CRISIS SERVICE. THE OPERATOR SHALL INSTITUTE REASONABLE
36 MEASURES THAT PREVENT THE CONVERSATIONAL AI SERVICE FROM GENERATING
37 STATEMENTS THAT ENCOURAGE OR INSTRUCT AN ACCOUNT HOLDER TO COMMIT SUICIDE
38 OR SELF-HARM OR THAT GLORIFY SUICIDE OR SELF-HARM.

39 G. AN OPERATOR SHALL NOT KNOWINGLY AND INTENTIONALLY CAUSE OR
40 PROGRAM A CONVERSATIONAL AI SERVICE TO MAKE ANY REPRESENTATION OR
41 STATEMENT THAT EXPLICITLY INDICATES THAT THE CONVERSATIONAL AI SERVICE IS
42 DESIGNED TO PROVIDE PROFESSIONAL MENTAL OR BEHAVIORAL HEALTH CARE.

43 H. UNLESS A FEDERAL LAW EXPRESSLY REQUIRES, AN OPERATOR MAY NOT
44 ~~[REQUIRE]~~ [CONDITION ACCESS TO A CONVERSATIONAL AI SERVICE ON THE USE OF]
45 A DIGITAL IDENTIFICATION SYSTEM ~~[SOLELY TO DETERMINE WHETHER AN ACCOUNT~~
46 ~~HOLDER IS A MINOR]~~ [FOR AGE VERIFICATION]. IF THE OPERATOR VOLUNTARILY
47 OFFERS A DIGITAL IDENTIFICATION SYSTEM, THE OPERATOR SHALL MAKE AVAILABLE

1 A PRIVACY-PRESERVING ALTERNATIVE THAT PROVIDES EQUIVALENT ACCESS. AN
2 AGE-ASSURANCE METHOD MAY COLLECT ONLY THE MINIMUM AMOUNT OF DATA THAT IS
3 REASONABLY NECESSARY. THE COLLECTED DATA MAY NOT BE REPURPOSED FOR
4 ADVERTISING, PROFILING OR UNRELATED ANALYTICS AND MUST BE DELETED OR
5 IRREVERSIBLY DE-IDENTIFIED AFTER THE COMPLIANCE PURPOSE IS SATISFIED.
6 THIS SUBSECTION DOES NOT REQUIRE AN OPERATOR TO MANDATE ACCOUNT CREATION
7 OR PROHIBIT ANONYMOUS OR PSEUDONYMOUS USE.

8 I. AN OPERATOR SHALL IMPLEMENT REASONABLE SAFEGUARDS THAT PROTECT
9 PERSONAL OR AGE-RELATED DATA THAT IS COLLECTED SOLELY FOR COMPLIANCE WITH
10 THIS SECTION AND SHALL PROVIDE A SECURITY SYSTEM BREACH NOTIFICATION AS
11 PRESCRIBED IN SECTION 18-552. ANY DATA THAT IS COLLECTED SOLELY FOR
12 COMPLIANCE WITH THIS SECTION MAY NOT BE USED, SOLD OR SHARED FOR TARGETED
13 ADVERTISING, BEHAVIORAL PROFILING OR ANY SECONDARY MONETIZATION.

14 J. A GOVERNMENTAL ENTITY MAY NOT COMPEL AN OPERATOR TO DISCLOSE
15 PERSONAL OR AGE-RELATED DATA THAT IS COLLECTED SOLELY TO COMPLY WITH THIS
16 SECTION UNLESS THE DATA IS PURSUANT TO A WARRANT ISSUED BY A COURT OF
17 COMPETENT JURISDICTION ON A SHOWING OF PROBABLE CAUSE. AN OPERATOR THAT
18 RECEIVES A WARRANT FROM A GOVERNMENTAL ENTITY SHALL NOTIFY THE AFFECTED
19 ACCOUNT HOLDER WITHIN SEVENTY-TWO HOURS AFTER THE DISCLOSURE UNLESS THE
20 COURT ORDER SPECIFICALLY PROHIBITS THE NOTIFICATION.

21 K. AN OPERATOR MAY NOT TRANSFER, LICENSE OR MAKE AVAILABLE TO A
22 GOVERNMENTAL ENTITY ANY DATA, MODEL, ANALYTICS OR PROFILE THAT IS DERIVED
23 FROM COMPLYING WITH THIS SECTION, WHETHER DIRECTLY OR THROUGH A
24 THIRD-PARTY INTERMEDIARY, EXCEPT AS REQUIRED BY A WARRANT ISSUED AS
25 PRESCRIBED IN SUBSECTION J OF THIS SECTION.

26 L. ON OR BEFORE APRIL 1 OF EACH YEAR, EACH OPERATOR SHALL DO BOTH
27 OF THE FOLLOWING:

28 1. IF THE OPERATOR COLLECTS PERSONAL OR AGE-RELATED DATA FOR
29 COMPLIANCE WITH THIS SECTION, CERTIFY IN WRITING, UNDER PENALTY OF
30 PERJURY, THAT ALL OF THE DATA IS DESTROYED OR IRREVERSIBLY DE-IDENTIFIED
31 WITHIN THE TIME PERIOD REQUIRED BY SUBSECTION H OF THIS SECTION.

32 2. PUBLISH A PUBLICLY ACCESSIBLE REPORT, IN AGGREGATE FORM, THAT
33 IDENTIFIES ANY AGE-ASSURANCE METHODS THE OPERATOR USES AND THAT STATES
34 WHETHER A DIGITAL IDENTIFICATION SYSTEM IS OFFERED AND WHETHER ANY
35 ALTERNATIVE METHODS ARE AVAILABLE.

36 M. AN OPERATOR THAT VIOLATES THIS CHAPTER IS SUBJECT TO AN
37 INJUNCTION AND IS LIABLE FOR THE GREATER OF EITHER:

38 1. ACTUAL DAMAGES.

39 2. CIVIL PENALTIES OF \$1,000 PER VIOLATION, NOT TO EXCEED \$500,000
40 PER OPERATOR.

41 N. A VIOLATION OF THIS SECTION IS PUNISHABLE BY A CIVIL PENALTY, TO
42 BE SOUGHT BY THE ATTORNEY GENERAL ONLY. THIS SECTION DOES NOT CREATE A
43 PRIVATE RIGHT OF ACTION TO ENFORCE THIS SECTION OR TO SUPPORT A PRIVATE
44 RIGHT OF ACTION UNDER ANY OTHER LAW. THE ATTORNEY GENERAL MAY NOT ADOPT A
45 RULE OR ANY GUIDANCE OR ENFORCEMENT ACTION OR ENTER INTO A SETTLEMENT
46 AGREEMENT THAT EXPANDS A REQUIREMENT THAT IS INCLUDED IN THIS SECTION

1 BEYOND THE REQUIREMENTS THAT ARE EXPRESSLY INCLUDED IN THIS SECTION,
2 INCLUDING A REQUIREMENT FOR IDENTITY VERIFICATION OR BULK DATA REPORTING.

3 0. THIS SECTION:

4 1. DOES NOT CREATE LIABILITY FOR THE DEVELOPER OF AN ARTIFICIAL
5 INTELLIGENCE MODEL FOR ANY VIOLATION OF THIS SECTION BY A CONVERSATIONAL
6 AI SERVICE THAT IS MADE AVAILABLE TO THE PUBLIC BY A THIRD-PARTY OPERATOR.

7 2. SHALL BE CONSTRUED IN THE LEAST INTRUSIVE MANNER CONSISTENT WITH
8 ARTICLE II, SECTION 8, CONSTITUTION OF ARIZONA, AND MAY NOT BE USED TO
9 IMPLEMENT A SYSTEM THAT TRACKS ~~[ALL]~~ [ANY] OF AN ACCOUNT HOLDER'S ONLINE
10 ACTIVITY.

11 3. DOES NOT AUTHORIZE THE REGULATION OF LAWFUL POLITICAL, RELIGIOUS
12 OR OTHER PROTECTED SPEECH.

13 4. MAY NOT BE CITED OR USED AS A PREDICATE OR JUSTIFICATION TO
14 REQUIRE DIGITAL IDENTIFICATION FOR GENERAL INTERNET ACCESS, DEVICE ACCESS
15 OR ONLINE ACTIVITY THAT IS NOT RELATED TO A CONVERSATIONAL AI SERVICE.

16 5. MAY NOT BE CONSTRUED TO REQUIRE OR AUTHORIZE AN OPERATING SYSTEM
17 PROVIDER, APPLICATION STORE, INTERNET SERVICE PROVIDER OR DEVICE
18 MANUFACTURER TO IMPLEMENT AN AGE-ASSURANCE METHOD OR IDENTITY
19 AUTHENTICATION AT THE DEVICE, OPERATING SYSTEM OR NETWORK LEVEL ON BEHALF
20 OF AN OPERATOR.

21 [6. MAY NOT BE CITED OR USED TO CREATE OR ENFORCE A SOCIAL SCORING
22 SYSTEM, A SOCIAL CREDIT SYSTEM OR ANY SYSTEM THAT RATES, RANKS OR
23 RESTRICTS ACCESS TO A SERVICE BASED ON AN INDIVIDUAL'S BEHAVIORS,
24 EXPRESSIONS OR ASSOCIATIONS, WHETHER OR NOT RELATED TO A CONVERSATIONAL AI
25 SERVICE.]

26 Sec. 2. Effective date

27 Title 18, chapter 8, Arizona Revised Statutes, as added by this act,
28 is effective from and after September 30, 2027.

29 Enroll and engross to conform

30 Amend title to conform

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