

REFERENCE TITLE: adult content websites; blocking option

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2587

Introduced by
Representative Way

AN ACT

PROVIDING FOR TRANSFERRING AND RENUMBERING; AMENDING TITLE 44, CHAPTER 30, ARTICLE 1, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED, BY ADDING SECTION 44-7302; RELATING TO SEXUAL MATERIAL ON THE INTERNET.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Heading change; transfer and renumber

3 A. The chapter heading of title 18, chapter 7, Arizona Revised
4 Statutes, is changed from "GOVERNMENT INFORMATION TECHNOLOGY USE" to
5 "SEXUAL MATERIAL ON THE INTERNET".

6 B. Title 18, chapter 7, Arizona Revised Statutes, is transferred
7 and renumbered for placement in title 44, Arizona Revised Statutes, as
8 chapter 30. Title 18, chapter 7, article 1, Arizona Revised Statutes, is
9 transferred and renumbered for placement in title 44, chapter 30, Arizona
10 Revised Statutes, as article 1. Section 18-701, Arizona Revised Statutes,
11 is transferred and renumbered for placement in title 44, chapter 30,
12 article 1, Arizona Revised Statutes, as section 44-7301.

13 Sec. 2. Title 44, chapter 30, article 1, Arizona Revised Statutes,
14 as transferred and renumbered, is amended by adding section 44-7302, to
15 read:

16 44-7302. Internet service providers; adult content websites;
17 blocking option required; notice to subscribers;
18 enforcement; civil penalty; applicability;
19 definitions

20 A. EACH INTERNET SERVICE PROVIDER THAT PROVIDES INTERNET
21 CONNECTIVITY TO ONE OR MORE SUBSCRIBERS IN THIS STATE SHALL MAKE AVAILABLE
22 TO EACH SUBSCRIBER, AT NO ADDITIONAL COST, A VOLUNTARY OPTION TO ENABLE
23 THE SUBSCRIBER TO BLOCK ACCESS TO ADULT CONTENT WEBSITES.

24 B. THE BLOCKING OPTION REQUIRED BY SUBSECTION A OF THIS SECTION
25 MUST MEET ALL OF THE FOLLOWING:

26 1. BE USER-INITIATED AND OPT-IN ONLY AND NOT MAKE THE OPTION TO
27 BLOCK THE DEFAULT OPTION.

28 2. BE READILY ACCESSIBLE THROUGH THE SUBSCRIBER'S ONLINE ACCOUNT
29 MANAGEMENT PORTAL, MOBILE APPLICATION OR OTHER SIMILAR USER-FRIENDLY
30 INTERFACE PROVIDED BY THE INTERNET SERVICE PROVIDER.

31 3. ALLOW THE SUBSCRIBER TO ENABLE OR DISABLE THE BLOCKING OPTION AT
32 ANY TIME USING ONLY STANDARD ACCOUNT AUTHENTICATION AND WITHOUT REQUIRING
33 ADDITIONAL AGE VERIFICATION, IDENTIFICATION OR FEES.

34 4. EMPLOY COMMERCIALY REASONABLE AND TECHNOLOGICALLY FEASIBLE
35 METHODS TO IDENTIFY AND BLOCK ADULT CONTENT WEBSITES, WHICH MAY INCLUDE
36 MAINTAINING A CURATED DATABASE, USING THIRD-PARTY FILTERING SERVICES OR
37 LEVERAGING INDUSTRY-STANDARD TOOLS. METHODS USED PURSUANT TO THIS
38 PARAGRAPH MUST PRIORITIZE ACCURACY TO MINIMIZE OVER-BLOCKING OF PROTECTED
39 SPEECH AND MUST INCLUDE A SIMPLE MECHANISM FOR SUBSCRIBERS TO REPORT AND
40 CORRECT AN ERRONEOUS BLOCK.

41 5. PROHIBIT THE RETENTION, COLLECTION OR SHARING OF ANY PERSONALLY
42 IDENTIFIABLE INFORMATION RELATED TO THE SUBSCRIBER'S DECISION TO ENABLE OR
43 DISABLE THE OPTION OR THE SUBSCRIBER'S ACCESS PATTERNS BEYOND WHAT IS
44 NECESSARY FOR THE BLOCKING OPTION'S TECHNICAL OPERATION. ANY DATA

1 COLLECTED MUST BE DELETED PROMPTLY AFTER EACH USE AND MUST COMPLY WITH ALL
2 APPLICABLE FEDERAL AND STATE PRIVACY LAWS. ANY DATA RELATED TO THE
3 BLOCKING OPTION MAY NOT BE USED BY THE INTERNET SERVICE PROVIDER OR ANY
4 OTHER PERSON FOR MARKETING, PROFILING OR ANY OTHER PURPOSE.

5 C. AT THE TIME OF SERVICE ACTIVATION AND THROUGH ANNUAL
6 NOTIFICATIONS OR ACCOUNT STATEMENTS, EACH INTERNET SERVICE PROVIDER SHALL
7 PROVIDE CLEAR, CONCISE INFORMATION TO SUBSCRIBERS ABOUT THE AVAILABILITY
8 AND FUNCTIONALITY OF THE BLOCKING OPTION, INCLUDING INSTRUCTIONS FOR
9 ENABLING THE BLOCKING OPTION. THE NOTIFICATION AND INFORMATION MUST
10 EMPHASIZE THE VOLUNTARY NATURE OF THE BLOCKING OPTION AND THE BLOCKING
11 OPTION'S PURPOSE TO ASSIST SUBSCRIBERS IN PROTECTING MINORS.

12 D. THIS SECTION DOES NOT REQUIRE INTERNET SERVICE PROVIDERS TO
13 MONITOR, LOG OR ANALYZE SUBSCRIBERS' INTERNET USAGE, IMPOSE LIABILITY FOR
14 UNBLOCKED CONTENT OR VIOLATE FEDERAL LAWS GOVERNING NETWORK NEUTRALITY OR
15 CONTENT IMMUNITY.

16 E. THE ATTORNEY GENERAL MAY BRING AN ACTION TO ENFORCE THIS SECTION
17 AFTER PROVIDING THE INTERNET SERVICE PROVIDER WITH WRITTEN NOTICE AND AN
18 OPPORTUNITY TO CURE ANY ALLEGED NONCOMPLIANCE.

19 F. AN INTERNET SERVICE PROVIDER THAT WILFULLY AND KNOWINGLY
20 VIOLATES THIS SECTION, AFTER NOTICE AND FAILURE TO CURE, IS SUBJECT TO A
21 CIVIL PENALTY OF NOT MORE THAN \$5,000 FOR EACH VIOLATION AND NOT MORE THAN
22 \$50,000 PER CALENDAR YEAR.

23 G. IN DETERMINING THE AMOUNT OF A CIVIL PENALTY UNDER THIS SECTION,
24 THE COURT SHALL CONSIDER:

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

27 2. THE INTERNET SERVICE PROVIDER'S HISTORY OF COMPLIANCE OR PRIOR
28 VIOLATIONS.

29 3. THE AMOUNT NECESSARY TO DETER FUTURE VIOLATIONS WITHOUT UNDULY
30 BURDENING THE INTERNET SERVICE PROVIDER.

31 4. THE ECONOMIC IMPACT OF THE PENALTY ON THE INTERNET SERVICE
32 PROVIDER.

33 5. WHETHER THE INTERNET SERVICE PROVIDER ACTED IN GOOD FAITH AND
34 MADE REASONABLE EFFORTS TO COMPLY.

35 6. ANY OTHER FACTORS THAT JUSTICE MAY REQUIRE.

36 H. IT IS AN AFFIRMATIVE DEFENSE TO AN ALLEGATION OF NONCOMPLIANCE
37 UNDER THIS SECTION THAT THE INTERNET SERVICE PROVIDER CAN DEMONSTRATE A
38 GOOD FAITH EFFORT TO COMPLY WITH THIS SECTION, INCLUDING SUBSTANTIAL
39 COMPLIANCE WITH COMMERCIALY REASONABLE METHODS.

40 I. THIS SECTION:

41 1. DOES NOT ESTABLISH A PRIVATE RIGHT OF ACTION, EXCEPT THAT AN
42 AGGRIEVED SUBSCRIBER MAY REPORT POTENTIAL VIOLATIONS TO THE ATTORNEY
43 GENERAL.

1 2. APPLIES ONLY TO INTERNET CONNECTIVITY SERVICES PROVIDED TO
2 SUBSCRIBERS IN THIS STATE AND DOES NOT IMPOSE REQUIREMENTS ON SERVICES OR
3 USERS OUTSIDE OF THIS STATE.

4 3. DOES NOT APPLY TO:

5 (a) BONA FIDE NEWS, PUBLIC INTEREST, EDUCATIONAL, SCIENTIFIC,
6 ARTISTIC OR LITERARY BROADCASTS, WEBSITES, VIDEOS, REPORTS OR EVENTS.

7 (b) THE RIGHTS OF ANY NEWS-GATHERING ORGANIZATIONS, LIBRARIES,
8 SCHOOLS OR OTHER ENTITIES THAT ARE PROTECTED UNDER FEDERAL LAW.

9 (c) OBSCENE CONTENT OR CONTENT THAT IS OTHERWISE NOT PROTECTED BY
10 THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION. THIS SECTION DOES
11 NOT EXPAND ANY LIABILITY FOR OBSCENE CONTENT.

12 J. FOR THE PURPOSES OF THIS SECTION:

13 1. "ADULT CONTENT WEBSITE" MEANS AN INTERNET WEBSITE, INCLUDING A
14 SOCIAL MEDIA PLATFORM, ON WHICH MORE THAN ONE-THIRD OF THE TOTAL MATERIAL
15 PUBLISHED OR DISTRIBUTED CONSTITUTES SEXUAL MATERIAL THAT IS HARMFUL TO
16 MINORS.

17 2. "INTERNET SERVICE PROVIDER":

18 (a) MEANS A PERSON THAT PROVIDES CONSUMERS IN THIS STATE WITH
19 INTERNET CONNECTIVITY, WHETHER BY WIRELESS OR WIRELINE MEANS, INCLUDING A
20 MOBILE WIRELESS SERVICE PROVIDER.

21 (b) DOES NOT INCLUDE PROVIDERS SOLELY OFFERING SERVICES OUTSIDE
22 THIS STATE.

23 3. "SEXUAL MATERIAL THAT IS HARMFUL TO MINORS" HAS THE SAME MEANING
24 PRESCRIBED IN SECTION 44-7301.

25 Sec. 3. Legislative findings

26 The legislature finds that:

27 1. This state has a compelling interest in protecting minors from
28 exposure to sexual material that is harmful to them, as recognized in
29 established precedents in Ginsburg v. New York; 390 U.S. 629 (1968) and
30 consistent with the existing laws in this state.

31 2. Section 44-7302, Arizona Revised Statutes, as added by this act,
32 protects minors through the least restrictive means by requiring internet
33 service providers to offer subscribers a voluntary, user-initiated option
34 to block access to adult content websites without imposing default
35 restrictions, mandatory blocking or undue burdens on adults' access to
36 constitutionally protected speech.

37 3. Section 44-7302, Arizona Revised Statutes, as added by this act,
38 is narrowly tailored to avoid vagueness, overbreadth or chilling effects
39 on protected expression, providing flexibility in implementation, strong
40 privacy safeguards and exemptions for legitimate content.

1 4. Section 44-7302, Arizona Revised Statutes, as added by this act,
2 does not compel speech, moderate content or impose liability on internet
3 service providers for third-party material, in compliance with section 230
4 of the Communications Decency Act of 1996 (P.L. 103-414; 108 Stat. 4279)
5 and First Amendment principles.
6 5. The requirements of section 44-7302, Arizona Revised Statutes,
7 as added by this act, apply only to services provided to subscribers in
8 this state and do not regulate interstate commerce beyond Arizona's
9 borders.