

PROPOSED
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2991
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 44, Arizona Revised Statutes, is amended by
3 adding chapter 42, to read:

4 CHAPTER 42

5 TECHNOLOGY CONTENT PROTECTION FOR MINORS

6 ARTICLE 1. GENERAL PROVISIONS

7 44-8041. Definitions

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "AGE CATEGORY":

10 (a) MEANS THE CATEGORY OF AN ACCOUNT HOLDER BASED ON AGE OR AN
11 ESTIMATED AGE.

12 (b) INCLUDES A DESCRIPTION OF THE USER AS AN ADULT, A MINOR OR
13 WITHIN A DETERMINED AGE RANGE.

14 2. "AGE SIGNAL":

15 (a) MEANS A SIGNAL THAT INDICATES AN ACCOUNT HOLDER'S AGE CATEGORY.

16 (b) INCLUDES THE GENERAL METHODS THAT ARE USED TO IDENTIFY THE AGE
17 CATEGORY AND AN AGREEMENT BY THE ACCOUNT HOLDER WHO IS A MINOR OR THE
18 MINOR ACCOUNT HOLDER'S PARENT TO SHARE THE ACCOUNT.

19 3. "APPLICATION":

20 (a) MEANS A SOFTWARE PROGRAM THAT:

21 (i) IS DESIGNED TO BE RUN ON A CONNECTED DEVICE.

22 (ii) PERFORMS OR HELPS A USER PERFORM SPECIFIC TASKS ON A CONNECTED
23 DEVICE.

24 (iii) IS DISTRIBUTED THROUGH AN APPLICATION DISTRIBUTION PROVIDER.

25 (b) DOES NOT INCLUDE ANY OF THE FOLLOWING:

26 (i) INTERNET WEBSITES.

27 (ii) INTERNET BROWSERS.

28 (iii) SOFTWARE WITH A PRIMARY PURPOSE OF EXTENDING THE
29 FUNCTIONALITY OF AN INTERNET BROWSER.

30 4. "APPLICATION DISTRIBUTOR":

31 (a) MEANS A SOFTWARE APPLICATION THAT DISTRIBUTES APPLICATIONS FROM
32 DEVELOPERS TO USERS ON A CONNECTED DEVICE.

33 (b) DOES NOT INCLUDE INTERNET BROWERS.

34 5. "APPLICATION DISTRIBUTION PROVIDER" MEAN AN ENTITY, COMPANY OR
35 ORGANIZATION THAT OWNS, OPERATES OR CONTROLS AN APPLICATION DISTRIBUTOR.

36 6. "CONNECTED DEVICE":

37 (a) MEANS A DEVICE THAT ENABLES USERS TO CONNECT TO THE INTERNET
38 AND DOWNLOAD SOFTWARE APPLICATIONS.

39 (b) INCLUDES ANY OF THE FOLLOWING:

1 (i) A SMARTPHONE.
2 (ii) A TABLET.
3 (iii) A GAMING CONSOLE.
4 (iv) A VIRTUAL REALITY DEVICE.
5 7. "COVERED APPLICATION":
6 (a) MEANS AN APPLICATION THAT IS INTENDED ONLY FOR ADULTS OR
7 PROVIDES A DIFFERENT EXPERIENCE FOR ADULTS THAN FOR MINORS.
8 (b) INCLUDES A DEVELOPER THAT PROVIDES DIFFERENT ACCOUNT TYPES,
9 CONTENT OR FEATURES OR ENGAGES IN DIFFERENT ADVERTISING OR DATA PRACTICES
10 DEPENDING ON A USER'S AGE.
11 (c) DOES NOT INCLUDE ANY OF THE FOLLOWING:
12 (i) AN APPLICATION DISTRIBUTOR.
13 (ii) AN INTERNET BROWSER.
14 (iii) AN ONLINE SEARCH ENGINE.
15 8. "DEVELOPER" MEANS ANY PERSON, ENTITY, COMPANY OR ORGANIZATION
16 THAT CREATES, OWNS OR CONTROLS AN APPLICATION.
17 44-8041. Application distribution providers and developers of
18 a covered application and requirements; attorney
19 general; violation; civil penalty
20 A. AN APPLICATION DISTRIBUTION PROVIDER:
21 1. SHALL:
22 (a) REQUEST THE AGE OF AN INDIVIDUAL WHO IS CREATING AN ACCOUNT.
23 (b) PROVIDE A DEVELOPER OF A COVERED APPLICATION WITH THE TECHNICAL
24 ABILITY TO IDENTIFY AN AGE SIGNAL IF A MINOR ACCOUNT HOLDER OR THE MINOR
25 ACCOUNT HOLDER'S PARENT HAS AGREED TO SHARE THE AGE SIGNAL.
26 2. MAY:
27 (a) USE COMMERCIALY REASONABLE EFFORTS TO OBTAIN THE AGE CATEGORY
28 OF AN ACCOUNT HOLDER WITH A REASONABLE LEVEL OF CERTAINTY.
29 (b) PROVIDE ACCOUNT HOLDERS WITH A MECHANISM TO OBTAIN THE ACCOUNT
30 HOLDER'S AGE CATEGORY AND THE ABILITY TO REQUEST AN UPDATE IF THE
31 APPLICATION DISTRIBUTION PROVIDER BELIEVES THE ACCOUNT HOLDER'S AGE
32 CATEGORY IS INCORRECT.
33 B. AN APPLICATION DISTRIBUTION PROVIDER THAT OPERATES IN GOOD
34 FAITH, TAKING INTO CONSIDERATION THE AVAILABLE TECHNOLOGY, TO PROVIDE AN
35 ACCOUNT HOLDER'S AGE SIGNAL IS NOT LIABLE FOR ANY OF THE FOLLOWING:
36 1. IDENTIFYING AN ERRONEOUS AGE SIGNAL.
37 2. UNLESS A DEVELOPER OF A COVERED APPLICATION AND THE APPLICATION
38 DISTRIBUTION PROVIDER ARE CONTROLLED BY THE SAME ENTITY, ANY CONDUCT BY A
39 DEVELOPER OF A COVERED APPLICATION THAT RECEIVES THE AGE SIGNAL.
40 3. FAILING TO PROVIDE TECHNICAL ABILITY TO IDENTIFY AN AGE SIGNAL
41 DUE TO ANY REASONABLE TECHNICAL LIMITATIONS, INCLUDING OUTAGES THAT
42 PREVENT THE PROVISION OF THE AGE SIGNAL ON REQUEST.
43 4. FOR NOT PROVIDING AN AGE SIGNAL TO A DEVELOPER THAT DOES NOT
44 ADHERE TO REASONABLE SAFETY STANDARDS AND APPLICATION DISTRIBUTOR
45 POLICIES.

1 C. AN APPLICATION DISTRIBUTION PROVIDER:
2 1. SHALL:
3 (a) PROVIDE AN ACCOUNT HOLDER'S PARENT OR A DEVELOPER OF A COVERED
4 APPLICATION WITH THE ABILITY TO PREVENT AN ACCOUNT HOLDER WHO IS A MINOR
5 FROM ACQUIRING OR USING THE DEVELOPER'S COVERED APPLICATION FROM THE
6 APPLICATION DISTRIBUTOR PROVIDER.
7 (b) PROVIDE THE CAPABILITY TO A DEVELOPER TO DISCLOSE THE
8 DEVELOPER'S RELEVANT PARENTAL CONTROLS FOR A COVERED APPLICATION THROUGH A
9 CENTRALIZED PRODUCT PAGE OR A USER INTERFACE THAT PROVIDES RELEVANT
10 INFORMATION ABOUT THE COVERED APPLICATION.
11 (c) COMPLY WITH THE OBLIGATIONS PRESCRIBED IN SUBSECTIONS E, F AND
12 G OF THIS SECTION FOR ITS OWN COVERED APPLICATIONS FOR WHICH THE
13 APPLICATION DISTRIBUTION PROVIDER IS ALSO THE DEVELOPER.
14 2. MAY NOT USE DATA COLLECTED FROM A THIRD-PARTY COVERED
15 APPLICATION IN THE COURSE OF COMPLIANCE WITH THIS SECTION TO GIVE THE
16 APPLICATION DISTRIBUTION PROVIDER PREFERENCE RELATIVE TO THE THIRD-PARTY
17 COVERED APPLICATIONS OR TO OTHERWISE USE THE DATA IN AN ANTICOMPETITIVE
18 MANNER.
19 D. AN APPLICATION DISTRIBUTION PROVIDER THAT MAKES A GOOD FAITH
20 EFFORT TO COMPLY WITH THIS SECTION, TAKING INTO CONSIDERATION THE
21 AVAILABLE TECHNOLOGY, IS NOT LIABLE UNDER THIS SECTION OR FOR ACTIONS
22 TAKEN IN AN ATTEMPT TO COMPLY WITH THIS SECTION THAT INCLUDE ANY OF THE
23 FOLLOWING:
24 1. IDENTIFYING AN ERRONEOUS AGE SIGNAL.
25 2. ANY CONDUCT BY A DEVELOPER OF A COVERED APPLICATION THAT
26 RECEIVES ANY AGE SIGNAL.
27 3. FAILING TO PROVIDE AN AGE SIGNAL DUE TO ANY REASONABLE TECHNICAL
28 LIMITATIONS OR OUTAGES THAT PREVENT THE PROVISION OF THE AGE SIGNAL ON
29 REQUEST.
30 E. A DEVELOPER OF A COVERED APPLICATION IS NOT LIABLE FOR AN
31 ERRONEOUS AGE SIGNAL PROVIDED BY AN APPLICATION DISTRIBUTION PROVIDER IF
32 THE DEVELOPER OF A COVERED APPLICATION MAKES A REASONABLE EFFORT, TAKING
33 INTO CONSIDERATION AVAILABLE TECHNOLOGY, TO PROPERLY USE THE AGE SIGNAL
34 AND TO CARRY OUT OTHER AGE ASSURANCES AS NEEDED AND IN PROPORTION TO THE
35 RISKS PRESENTED TO AN ACCOUNT HOLDER BY THE USE OF THE DEVELOPER'S COVERED
36 APPLICATION.
37 F. AS AGREED ON BETWEEN A DEVELOPER OF A COVERED APPLICATION AND AN
38 APPLICATION DISTRIBUTION PROVIDER, THE DEVELOPER OF A COVERED APPLICATION
39 IS SOLELY LIABLE TO CORRECTLY IDENTIFY WHETHER THE DEVELOPER OF A COVERED
40 APPLICATION'S APPLICATION IS A COVERED APPLICATION UNDER THIS SECTION.
41 G. THE ATTORNEY GENERAL HAS EXCLUSIVE AUTHORITY TO ENFORCE THIS
42 SECTION.
43 H. THE ATTORNEY GENERAL MAY INITIATE AN ACTION AND IMPOSE A CIVIL
44 PENALTY OF NOT MORE THAN \$1,000 AGAINST A PERSON FOR EACH VIOLATION UNDER
45 THIS SECTION.

- 1 I. THIS SECTION DOES NOT:
- 2 1. CREATE A PRIVATE RIGHT OF ACTION.
- 3 2. REQUIRE A DEVELOPER TO DETERMINE WHETHER AN ACCOUNT HOLDER IS AN
- 4 ADULT OR A MINOR IF THE DEVELOPER AND AN APPLICATION DISTRIBUTION PROVIDER
- 5 ARE CONTROLLED BY THE SAME ENTITY.
- 6 Sec. 2. Short title
- 7 This act may be cited as the "Mobile Ecosystem Responsibility Act".
- 8 Amend title to conform

JEFF WENINGER

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