

PROPOSED
SENATE AMENDMENTS TO H.B. 2991
(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 41, chapter 1, article 5, Arizona Revised
3 Statutes, is amended by adding section 41-191.14, to read:

4 41-191.14. Technology content protection for minors grant
5 fund; attorney general; annual report

6 A. THE TECHNOLOGY CONTENT PROTECTION FOR MINORS GRANT FUND IS
7 ESTABLISHED CONSISTING OF MONIES FROM CIVIL PENALTIES, ATTORNEY FEES AND
8 LITIGATION COSTS THAT ARE RECOVERED BY THE ATTORNEY GENERAL PURSUANT TO
9 SECTION 44-8047. THE ATTORNEY GENERAL SHALL ADMINISTER THE FUND. MONIES
10 IN THE FUND ARE CONTINUOUSLY APPROPRIATED AND ARE EXEMPT FROM THE
11 PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

12 B. MONIES IN THE FUND MAY NOT BE TRANSFERRED TO OR OTHERWISE MADE
13 AVAILABLE TO ANY OTHER STATE FUND OR ACCOUNT AND MAY NOT BE USED FOR
14 OPERATING EXPENSES OF THE ATTORNEY GENERAL'S OFFICE OR STAFF SALARIES.

15 C. THE ATTORNEY GENERAL SHALL USE THE MONIES IN THE FUND SOLELY TO
16 AWARD GRANTS TO NONPROFIT ORGANIZATIONS FOR THE FOLLOWING:

17 1. OUTREACH PROGRAMS THAT PROVIDE EDUCATION TO PARENTS, GUARDIANS
18 AND MINORS ABOUT ONLINE SAFETY, DIGITAL LITERACY AND THE EFFECTS OF SOCIAL
19 MEDIA ON THE MENTAL HEALTH OF MINORS.

20 2. PROGRAMS THAT PROVIDE RESOURCES OR SERVICES TO MINORS WHO HAVE
21 EXPERIENCED HARM AS A RESULT OF VIOLATIONS OF CHAPTER 42 OF THIS TITLE.

22 3. RESEARCH ON THE EFFECTS OF SOCIAL MEDIA ON THE MENTAL AND
23 PHYSICAL HEALTH OF MINORS.

24 4. LAW ENFORCEMENT PROGRAMS THAT INVESTIGATE VIOLATIONS OF CHAPTER
25 42 OF THIS TITLE AND TECHNOLOGY-FACILITATED HARM TO MINORS.

26 5. PROGRAMS THAT PROVIDE MENTAL HEALTH COUNSELING, TREATMENT OR
27 SUPPORT SERVICES TO MINORS WHO HAVE EXPERIENCED PSYCHOLOGICAL OR EMOTIONAL
28 HARM AS A RESULT OF USING SOCIAL MEDIA AND VIOLATIONS OF CHAPTER 42 OF
29 THIS TITLE.

30 6. PROGRAMS THAT PROVIDE PREVENTION EDUCATION, VICTIM SERVICES OR
31 LAW ENFORCEMENT SUPPORT RELATED TO THE HUMAN TRAFFICKING OR SEXUAL
32 EXPLOITATION OF MINORS FACILITATED THROUGH SOCIAL MEDIA PLATFORMS.

33 D. THE ATTORNEY GENERAL SHALL ESTABLISH GRANT ELIGIBILITY CRITERIA,
34 APPLICATION PROCEDURES AND REPORTING REQUIREMENTS FOR RECIPIENTS OF GRANTS
35 AWARDED PURSUANT TO THIS SECTION SUBJECT TO JOINT LEGISLATIVE BUDGET
36 COMMITTEE APPROVAL.

37 E. ON OR BEFORE JANUARY 15, APRIL 15, JULY 15 AND OCTOBER 15 OF
38 EACH YEAR, THE ATTORNEY GENERAL SHALL COMPILE A REPORT THAT INCLUDES AN
39 ACCOUNTING OF ALL THE MONIES SPENT FROM THE FUND, INCLUDING:

40 1. RECEIPTS.

41 2. DISBURSEMENTS.

42 3. THE CURRENT BALANCE OF THE FUND.

43 4. THE NAME OF EACH GRANT RECIPIENT.

44 5. THE AMOUNT AWARDED TO EACH GRANT RECIPIENT.

45 6. THE PURPOSE FOR EACH GRANT AWARDED.

1 F. THE ATTORNEY GENERAL SHALL SUBMIT THE REPORT TO ALL OF THE
2 FOLLOWING:

- 3 1. THE GOVERNOR.
- 4 2. THE PRESIDENT OF THE SENATE.
- 5 3. THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.
- 6 4. THE MINORITY LEADER OF THE SENATE.
- 7 5. THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.
- 8 6. THE DIRECTOR OF THE JOINT LEGISLATIVE BUDGET COMMITTEE.
- 9 7. THE SECRETARY OF STATE.

10 Sec. 2. Title 44, Arizona Revised Statutes, is amended by adding
11 chapter 42, to read:

12 CHAPTER 42
13 TECHNOLOGY CONTENT
14 ARTICLE 1. SOCIAL MEDIA

15 44-8041. Definitions

16 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

17 1. "ANONYMOUS AGE VERIFICATION" MEANS A COMMERCIALY REASONABLE
18 METHOD THAT IS USED BY A GOVERNMENT AGENCY OR A BUSINESS FOR THE PURPOSE
19 OF AGE VERIFICATION THAT IS CONDUCTED BY A NONGOVERNMENTAL, INDEPENDENT
20 THIRD PARTY THAT IS ORGANIZED UNDER THE LAWS OF ANY STATE OF THE UNITED
21 STATES THAT BOTH:

22 (a) HAS ITS PRINCIPAL PLACE OF BUSINESS IN ANY STATE OF THE UNITED
23 STATES.

24 (b) IS NOT OWNED OR CONTROLLED BY A COMPANY THAT IS FORMED IN A
25 FOREIGN COUNTRY, A GOVERNMENT OF A FOREIGN COUNTRY OR ANY OTHER ENTITY
26 FORMED IN A FOREIGN COUNTRY.

27 2. "APPLICATION" MEANS A SOFTWARE APPLICATION OR ELECTRONIC SERVICE
28 THAT A USER MAY RUN OR DIRECT ON A COMPUTER, A MOBILE DEVICE OR ANY OTHER
29 GENERAL PURPOSE COMPUTING DEVICE.

30 3. "APPLICATION STORE" MEANS A PUBLICLY AVAILABLE WEBSITE, SOFTWARE
31 APPLICATION, ELECTRONIC SERVICE OR PLATFORM THAT DISTRIBUTES AND
32 FACILITATES THE DOWNLOAD OF APPLICATIONS FROM THIRD-PARTY DEVELOPERS TO
33 USERS OF A COMPUTER, A MOBILE DEVICE OR ANY OTHER GENERAL PURPOSE
34 COMPUTING DEVICE.

35 4. "CHILD" MEANS AN INDIVIDUAL WHO IS LESS THAN SIXTEEN YEARS OF
36 AGE.

37 5. "COMMERCIAL ENTITY" INCLUDES A CORPORATION, A LIMITED LIABILITY
38 COMPANY, A PARTNERSHIP, A LIMITED PARTNERSHIP, A SOLE PROPRIETORSHIP AND
39 ANY OTHER LEGALLY RECOGNIZED ENTITY.

40 6. "COVERED COMPANY" MEANS A PERSON THAT OWNS, CONTROLS OR OPERATES
41 AN APPLICATION STORE OR OPERATING SYSTEM THAT SERVICES CUSTOMERS IN THIS
42 STATE.

1 7. "DAILY ACTIVE USERS" MEANS THE NUMBER OF UNIQUE USERS IN THE
2 UNITED STATES WHO USED THE SOCIAL MEDIA PLATFORM AT LEAST EIGHTY PERCENT
3 OF THE DAYS DURING EITHER:

4 (a) THE PREVIOUS TWELVE-MONTH PERIOD.

5 (b) THE PREVIOUS ONE-MONTH PERIOD IF THE SOCIAL MEDIA PLATFORM DID
6 NOT EXIST DURING THE PREVIOUS TWELVE-MONTH PERIOD.

7 8. "DEVELOPER" MEANS A PERSON THAT CREATES, OWNS OR CONTROLS A
8 PUBLIC-FACING WEBSITE, ONLINE SERVICE, ONLINE APPLICATION OR MOBILE
9 APPLICATION.

10 9. "DISTRIBUTE" MEANS TO ISSUE, SELL, GIVE, PROVIDE, DELIVER,
11 TRANSFER, TRANSMIT, CIRCULATE OR DISSEMINATE BY ANY MEANS.

12 10. "HARMFUL TO MINORS" HAS THE SAME MEANING PRESCRIBED IN SECTION
13 13-3501.

14 11. "INFINITE SCROLLING" MEANS CONTENT THAT IS CONTINUOUSLY LOADING
15 OR CONTENT THAT LOADS AS THE USER SCROLLS DOWN THE WEBPAGE WITHOUT THE
16 NEED TO OPEN A SEPARATE WEBPAGE.

17 12. "OPERATING SYSTEM" MEANS AN ENTITY THAT DEVELOPS, MAINTAINS OR
18 DISTRIBUTES AN OPERATING SYSTEM ON A COMPUTER, A MOBILE DEVICE OR ANY
19 OTHER GENERAL PURPOSE COMPUTING DEVICE.

20 13. "PERSONALIZED RECOMMENDATION SYSTEM":

21 (a) MEANS A FULLY OR PARTIALLY AUTOMATED SYSTEM USED TO SUGGEST,
22 PROMOTE OR RANK A FEED OF A USER-GENERATED CONTENT BASED ON THE USER'S
23 ACTIVITY ON THE COVERED PLATFORM.

24 (b) DOES NOT INCLUDE A RECOMMENDATION SYSTEM THAT SUGGESTS,
25 PROMOTES OR RANKS CONTENT BASED SOLELY ON THE USER'S LANGUAGE, CITY OR
26 TOWN OR AGE.

27 14. "PRECISE GEOLOCATION":

28 (a) MEANS INFORMATION DERIVED FROM TECHNOLOGY, INCLUDING GLOBAL
29 POSITIONING SYSTEM LEVEL LATITUDE AND LONGITUDE COORDINATES OR OTHER
30 MECHANISMS, THAT DIRECTLY IDENTIFIES THE SPECIFIC LOCATION OF A NATURAL
31 PERSON WITH PRECISION AND ACCURACY WITHIN A RADIUS OF ONE THOUSAND SEVEN
32 HUNDRED FIFTY FEET.

33 (b) DOES NOT INCLUDE THE CONTENT OF COMMUNICATIONS OR ANY DATA
34 GENERATED BY OR CONNECTED TO ADVANCED UTILITY METERING INFRASTRUCTURE
35 SYSTEMS OR EQUIPMENT FOR USE BY A UTILITY.

36 15. "PUBLISH" MEANS TO COMMUNICATE OR MAKE INFORMATION AVAILABLE TO
37 ANOTHER PERSON ON A PUBLICLY AVAILABLE WEBSITE OR APPLICATION.

38 16. "SOCIAL MEDIA PLATFORM":

39 (a) MEANS AN ONLINE FORUM, WEBSITE OR APPLICATION THAT SATISFIES
40 EACH OF THE FOLLOWING CRITERIA:

41 (i) ALLOWS A USER TO UPLOAD CONTENT OR VIEW THE CONTENT OR ACTIVITY
42 OF OTHER USERS.

43 (ii) EMPLOYS ALGORITHMS THAT ANALYZE USER DATA OR INFORMATION ON
44 USERS TO SELECT CONTENT FOR USERS.

45 (iii) HAS INFINITE SCROLLING OR SEAMLESS CONTENT OR THE USE OF
46 WEBPAGES WITH NO VISIBLE OR APPARENT END OR PAGE BREAKS, HAS PUSH
47 NOTIFICATIONS OR ALERTS SENT BY AN ONLINE FORUM, WEBSITE OR APPLICATION TO
48 INFORM A USER ABOUT SPECIFIC ACTIVITIES OR EVENTS RELATED TO THE USER'S

1 ACCOUNT, DISPLAYS PERSONAL INTERACTIVE METRICS THAT INDICATE THE NUMBER OF
2 TIMES OTHER USERS HAVE CLICKED A BUTTON TO INDICATE THE USERS' REACTIONS
3 TO CONTENT OR HAVE SHARED OR REPOSTED THE CONTENT, HAS AUTO-PLAY VIDEO OR
4 VIDEO THAT BEGINS TO PLAY WITHOUT THE USER FIRST CLICKING ON THE VIDEO OR
5 ON A PLAY BUTTON FOR THAT VIDEO OR HAS LIVE-STREAMING OR HAS A FUNCTION
6 THAT ALLOWS A USER OR ADVERTISER TO BROADCAST LIVE VIDEO CONTENT IN
7 REAL-TIME.

8 (b) DOES NOT INCLUDE AN ONLINE SERVICE, WEBSITE OR APPLICATION
9 WHERE THE EXCLUSIVE FUNCTION IS EMAIL OR DIRECT MESSAGING CONSISTING OF
10 TEXT, PHOTOGRAPHS, PICTURES, IMAGES OR VIDEOS THAT ARE SHARED ONLY BETWEEN
11 THE SENDER AND THE RECIPIENTS AND THAT ARE NOT DISPLAYED OR POSTED
12 PUBLICLY OR TO OTHER USERS THAT ARE NOT SPECIFICALLY IDENTIFIED BY THE
13 SENDER AS THE RECIPIENTS.

14 17. "STANDARD AGE VERIFICATION" MEANS ANY COMMERCIALLY REASONABLE
15 METHOD OF AGE VERIFICATION THAT IS APPROVED BY THE COMMERCIAL ENTITY.

16 18. "SUBSTANTIAL PORTION" MEANS MORE THAN THIRTY-THREE AND ONE
17 THIRD PERCENT OF THE TOTAL MATERIAL ON A WEBSITE OR APPLICATION.

18 44-8042. Covered company duties

19 A COVERED COMPANY SHALL:

20 1. TAKE COMMERCIALLY REASONABLE STEPS TO DETERMINE OR ESTIMATE THE
21 AGE FOR:

22 (a) NEW USERS, AT ACCOUNT CREATION.

23 (b) EXISTING USERS, WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF
24 THIS SECTION.

25 2. OBTAIN PARENTAL OR GUARDIAN CONSENT BEFORE ALLOWING A CHILD TO
26 EITHER:

27 (a) DOWNLOAD AN APPLICATION DISTRIBUTED OR MADE ACCESSIBLE THROUGH
28 THE COVERED COMPANY'S APPLICATION STORE, IF THE COVERED COMPANY PROVIDES
29 AN APPLICATION STORE.

30 (b) ACCESS AN APPLICATION PRE-LOADED ONTO A DEVICE FOR THE FIRST
31 TIME, IF THE COVERED COMPANY PROVIDES AN OPERATING SYSTEM.

32 3. IF THE COVERED COMPANY PROVIDES AN APPLICATION STORE, CONNECT
33 THE DEVELOPER OF AN APPLICATION THAT A CHILD DOWNLOADS FROM THE COVERED
34 COMPANY'S APPLICATION STORE WITH THE CHILD'S APPROVING PARENT OR GUARDIAN
35 TO NOTIFY THE PARENT OR GUARDIAN OF THE FEATURES PRESCRIBED IN SECTION
36 44-8043.

37 4. ON REQUEST, PROVIDE A DEVELOPER, INCLUDING A DEVELOPER OF THE
38 PRE-LOADED APPLICATION, WITH AN AGE SIGNAL THROUGH A REAL-TIME APPLICATION
39 PROGRAMMING INTERFACE ON AN ONGOING BASIS REGARDING WHETHER PARENTAL OR
40 GUARDIAN CONSENT HAS BEEN PROVIDED AND WHETHER AN INDIVIDUAL IS:

41 (a) LESS THAN THIRTEEN YEARS OF AGE.

42 (b) AT LEAST THIRTEEN YEARS OF AGE BUT LESS THAN SIXTEEN YEARS OF
43 AGE.

44 (c) AT LEAST SIXTEEN YEARS OF AGE BUT LESS THAN EIGHTEEN YEARS OF
45 AGE.

46 (d) AT LEAST EIGHTEEN YEARS OF AGE.

1 44-8043. Developer duties; social media platform duties;
2 minor account default settings
3 A. A DEVELOPER SHALL:
4 1. ON AN INDIVIDUAL'S ACCOUNT CREATION OR FIRST ACCESS, REQUEST
5 FROM A COVERED COMPANY AN AGE SIGNAL AND, IF THE INDIVIDUAL IS A CHILD, A
6 PARENTAL CONSENT SIGNAL FOR THE INDIVIDUAL AND MAY SUBSEQUENTLY REQUEST
7 ADDITIONAL AGE SIGNALS.
8 2. USE THE AGE SIGNAL AND PARENTAL CONSENT SIGNAL FROM A COVERED
9 COMPANY TO:
10 (a) ENFORCE LEGALLY REQUIRED MINIMUM AGE RESTRICTIONS.
11 (b) ENSURE COMPLIANCE WITH ALL LAWS.
12 (c) PROVIDE ANY AGE-APPROPRIATE DEFAULTS, SAFEGUARDS OR EXPERIENCES
13 AS REQUIRED BY THIS CHAPTER.
14 B. IN ADDITION TO THE REQUIREMENTS PRESCRIBED IN SUBSECTION A OF
15 THIS SECTION, IF A DEVELOPER OPERATES A SOCIAL MEDIA PLATFORM, THE
16 DEVELOPER SHALL COMPLY WITH THE ADDITIONAL REQUIREMENTS OF THIS SECTION.
17 C. IF APPLICABLE AND TECHNICALLY FEASIBLE, A SOCIAL MEDIA PLATFORM
18 SHALL PROVIDE READILY AVAILABLE FEATURES FOR A PARENT OR GUARDIAN TO
19 OVERSEE THE PARENT'S OR GUARDIAN'S CHILD'S USE OF THE APPLICATION AS
20 APPROPRIATE TO THE RISKS THAT ARISE FROM THE CHILD'S USE OF THE
21 DEVELOPER'S APPLICATION. THE FEATURES MUST INCLUDE:
22 1. THE ABILITY TO VIEW METRICS REFLECTING THE AMOUNT OF TIME THAT
23 THE CHILD IS USING THE APPLICATION AND SET DAILY TIME LIMITS ON THE
24 CHILD'S USE.
25 2. THE ABILITY TO SEE WHICH INDIVIDUALS OR ACCOUNTS ARE
26 AFFIRMATIVELY LINKED TO THE CHILD'S ACCOUNT, INCLUDING THE CHILD'S
27 FRIENDS, FOLLOWERS OR ACCOUNTS THAT THE CHILD IS FOLLOWING.
28 3. THE ABILITY TO DETERMINE WHETHER THE CHILD HAS LIMITED THE
29 PUBLIC VISIBILITY OF THE CHILD'S ACCOUNT OR INFORMATION AND CONTENT THAT
30 IS UPLOADED TO THE APPLICATION.
31 4. THE ABILITY TO SEE WHICH INDIVIDUALS THE CHILD HAS BLOCKED.
32 5. THE ABILITY TO SUBMIT A REPORT TO THE APPLICATION CONCERNING A
33 POTENTIAL VIOLATION OF THE DEVELOPER'S TERMS AND POLICIES.
34 6. THE ABILITY TO DISABLE THE DISPLAY OF PERSONALIZED
35 RECOMMENDATION SYSTEMS FOR A CHILD.
36 D. A SOCIAL MEDIA PLATFORM MUST IMPLEMENT MINOR ACCOUNT DEFAULT
37 SETTINGS FOR A USER THAT THE DEVELOPER KNOWS IS A MINOR. FOR A MINOR USER
38 WHO IS A CHILD, ONLY THE CHILD'S PARENT OR GUARDIAN MAY MODIFY THE MINOR
39 ACCOUNT DEFAULT SETTINGS. FOR A MINOR USER WHO IS AT LEAST SIXTEEN YEARS
40 OF AGE, THE MINOR USER OR THE MINOR'S PARENT MAY MODIFY THE MINOR ACCOUNT
41 DEFAULT SETTINGS. THE MINOR ACCOUNT DEFAULT SETTINGS MUST:
42 1. DISPLAY A NOTIFICATION TO A USER WHOM THE SOCIAL MEDIA PLATFORM
43 KNOWS IS A MINOR IF THE USER HAS SPENT ONE CUMULATIVE HOUR ON THE
44 APPLICATION DURING ONE CALENDAR DAY. THE NOTIFICATION SHALL INFORM THE
45 MINOR USER OF THE CUMULATIVE DAILY TIME SPENT ON THE APPLICATION.

1 4. ENSURE THAT A THIRD PARTY CONDUCTING ANONYMOUS AGE VERIFICATION
2 PURSUANT TO THIS SECTION:

3 (a) DOES NOT RETAIN PERSONAL IDENTIFYING INFORMATION USED TO VERIFY
4 AGE WHEN THE AGE OF A PERSON SEEKING ACCESS HAS BEEN VERIFIED.

5 (b) DOES NOT USE PERSONAL IDENTIFYING INFORMATION THAT IS USED TO
6 VERIFY AGE FOR ANY OTHER PURPOSE.

7 (c) KEEPS ANONYMOUS ANY PERSONAL IDENTIFYING INFORMATION USED TO
8 VERIFY AGE AND DOES NOT SHARE OR OTHERWISE COMMUNICATE THE INFORMATION TO
9 ANY PERSON.

10 (d) PROTECTS PERSONAL IDENTIFYING INFORMATION USED TO VERIFY AGE
11 FROM UNAUTHORIZED OR ILLEGAL ACCESS, DESTRUCTION, USE, MODIFICATION OR
12 DISCLOSURE THROUGH REASONABLE SECURITY PROCEDURES AND PRACTICES
13 APPROPRIATE TO THE NATURE OF THE PERSONAL INFORMATION.

14 44-8046. Civil action; statute of limitations

15 A. A MINOR OR THE MINOR'S PARENT WHO HAS BEEN HARMED BY A VIOLATION
16 OF THIS CHAPTER MAY BRING A CIVIL ACTION AGAINST THE COVERED COMPANY,
17 DEVELOPER OR COMMERCIAL ENTITY.

18 B. A COURT OF COMPETENT JURISDICTION MAY AWARD A PREVAILING
19 PLAINTIFF ANY OR ALL OF THE FOLLOWING:

20 1. ACTUAL DAMAGES OR \$1,000 FOR EACH VIOLATION, WHICHEVER IS
21 GREATER.

22 2. PUNITIVE DAMAGES IF THE VIOLATION WAS EGREGIOUS.

23 3. REASONABLE ATTORNEY FEES.

24 4. LITIGATION COSTS.

25 C. NOTWITHSTANDING ANY OTHER LAW, A CIVIL ACTION FOR A CLAIM UNDER
26 THIS SECTION MUST BE BROUGHT WITHIN ONE YEAR AFTER THE DATE THAT THE
27 COMPLAINANT KNEW OR REASONABLY SHOULD HAVE KNOWN OF THE VIOLATION.

28 44-8047. Attorney general; enforcement; penalties

29 A. IN ADDITION TO ANY OTHER REMEDY AVAILABLE UNDER STATE LAW, THE
30 ATTORNEY GENERAL MAY BRING AN ACTION AGAINST A COVERED COMPANY, DEVELOPER
31 OR COMMERCIAL ENTITY TO:

32 1. RECOVER A CIVIL PENALTY OF NOT MORE THAN \$75,000 FOR EACH
33 VIOLATION.

34 2. RESTRAIN OR ENJOIN THE COVERED COMPANY, DEVELOPER OR COMMERCIAL
35 ENTITY FROM VIOLATING THIS CHAPTER.

36 3. SEEK INJUNCTIVE RELIEF.

37 4. RECOVER REASONABLE ATTORNEY FEES.

38 5. RECOVER LITIGATION COSTS AND REASONABLE COSTS FOR INVESTIGATING
39 THE VIOLATION.

40 B. THE ATTORNEY GENERAL SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146
41 AND 35-147, MONIES COLLECTED PURSUANT TO THIS SECTION IN THE TECHNOLOGY
42 CONTENT PROTECTION FOR MINORS GRANT FUND ESTABLISHED BY SECTION
43 44-1531.03.

44 44-8048. Immunity from liability

45 A. A DEVELOPER OR COVERED COMPANY IS IMMUNE FROM LIABILITY FOR A
46 VIOLATION OF THIS CHAPTER IF THE DEVELOPER OR COVERED COMPANY DEMONSTRATES
47 THAT THE DEVELOPER OR COVERED COMPANY BOTH:

48 1. RELIED IN GOOD FAITH ON BOTH:

1 (a) THE APPLICABLE AGE SIGNAL AND, AGE SIGNAL INDICATES THAT THE
2 USER IS A CHILD AND THE PARENTAL OR GUARDIAN CONSENT INFORMATION RECEIVED
3 THROUGH THE COVERED COMPANY'S DATA SHARING METHODS.

4 (b) THE NOTIFICATION PROVIDED BY THE COVERED COMPANY THAT
5 VERIFIABLE PARENTAL OR GUARDIAN CONSENT WAS OBTAINED IF THE AGE SIGNAL
6 INDICATED THAT THE USER IS A CHILD.

7 2. IF A DEVELOPER, COMPLIED WITH THE DEFAULT ACCOUNT SETTINGS
8 REQUIREMENTS DESCRIBED IN SECTION 44-8043 SUBSECTIONS C AND D.

9 B. IN DETERMINING AN APPLICATION'S AGE RATING AND CONTENT
10 DESCRIPTION, A DEVELOPER IS NOT LIABLE FOR A VIOLATION OF THIS CHAPTER IF
11 THE DEVELOPER USES WIDELY ADOPTED INDUSTRY STANDARDS TO DETERMINE THE
12 APPLICATION'S AGE CATEGORY AND CONTENT DESCRIPTION AND APPLIES THOSE
13 STANDARDS CONSISTENTLY AND IN GOOD FAITH.

14 C. A DEVELOPER IS NOT LIABLE FOR TRANSMITTING AN INTERNAL AGE
15 SIGNAL TO A COVERED COMPANY FOR THE PURPOSES OF RECONCILING CONFLICTING
16 AGE SIGNALS PURSUANT TO SECTION 44-8044.

17 D. THE IMMUNITY DESCRIBED IN THIS SECTION BOTH:

18 1. APPLIES ONLY TO ACTIONS BROUGHT UNDER THIS CHAPTER.

19 2. DOES NOT LIMIT A DEVELOPER OR COVERED COMPANY'S LIABILITY UNDER
20 ANY OTHER APPLICABLE LAW.

21 E. THIS SECTION DOES NOT REPLACE ANY OTHER AVAILABLE REMEDY OR
22 RIGHT IN STATE OR FEDERAL LAW.

23 44-8049. Covered company compliance; nondiscrimination; use
24 of data

25 A. THIS CHAPTER DOES NOT MODIFY, IMPAIR OR SUPERSEDE THE OPERATION
26 OF ANY ANTITRUST LAWS, UNLESS OTHERWISE SPECIFIED.

27 B. A COVERED COMPANY SHALL COMPLY WITH THIS CHAPTER IN A
28 NONDISCRIMINATORY MANNER, INCLUDING BY COMPLYING WITH BOTH OF THE
29 FOLLOWING:

30 1. A COVERED COMPANY SHALL IMPOSE THE SAME RESTRICTIONS AND
31 OBLIGATIONS ON ITS OWN APPLICATIONS AND APPLICATION DISTRIBUTION AS THE
32 COVERED COMPANY IMPOSES ON THIRD-PARTY APPLICATIONS AND APPLICATION
33 DISTRIBUTORS.

34 2. A COVERED COMPANY MAY NOT USE DATA THAT IS COLLECTED FROM THIRD
35 PARTIES, OR CONSENT MECHANISMS DEPLOYED FOR THIRD PARTIES, IN THE COURSE
36 OF COMPLIANCE WITH THIS CHAPTER TO COMPETE AGAINST THOSE THIRD PARTIES,
37 GIVE THE COVERED COMPANY'S SERVICES PREFERENCE RELATIVE TO THOSE OF THIRD
38 PARTIES OR TO OTHERWISE USE THIS DATA OR CONSENT MECHANISM IN AN
39 ANTICOMPETITIVE MANNER.

40 Sec. 3. Severability

41 If a provision of this act or its application to any person or
42 circumstance is held invalid, the invalidity does not affect other
43 provisions or applications of the act that can be given effect without the
44 invalid provision or application, and to this end the provisions of this
45 act are severable.

46 Sec. 4. Effective date

Senate Amendments to H.B. 2991

1 Section 44-1531.03, Arizona Revised Statutes, and title 44, chapter
2 42, Arizona Revised Statutes, as added by this act, are effective one year
3 after the effective date of this act."

Amend title to conform

SHAWNNA BOLICK

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