



ARIZONA STATE SENATE
Fifty-Seventh Legislature, Second Regular Session

VETOED
AMENDED

FACT SHEET FOR H.B. 2133

sexual material; consent; synthetic depiction

Purpose

Requires commercial entities that publish or distribute sexual material on the internet to obtain age and consent verification from individuals depicted in the material. Subjects commercial entities that do not obtain such verification to civil liability for damages.

Background

Statute requires commercial entities that publish or distribute sexual material on an internet website to use age verification methods to ensure that persons who attempt to access the material are at least 18 years old. Age verification requirements do not apply to: 1) websites where less than one-third of the content is sexual material; 2) a bona fide news broadcast or public internet broadcast, website video, report or event; and 3) material that has serious literary, artistic, political or scientific value for minors when taken as a whole. Age verification methods must not allow for identifying information to be transmitted to any government entity and a commercial entity may not retain any identifying information. Entities that fail to implement age verification methods or that unlawfully retain identifying information may be subject to civil penalties ([A.R.S. § 18-701](#)).

It is unlawful for a person to intentionally disclose an image of another person who is identifiable from the image itself, or from information displayed in connection with the image, if: 1) the person in the image is depicted in a state of nudity or is engaged in specific sexual activities; 2) the depicted person has a reasonable expectation of privacy; and 3) the image is disclosed with the intent to harm, harass, intimidate, threaten or coerce the depicted person. A violation is classified as a class 5 felony, or a class 4 felony if the disclosure occurs through electronic means, or a class 1 misdemeanor if the disclosure is threatened but does not actually occur. An *image* is defined as a photograph, videotape, film, digital recording or *realistic pictorial representation*, which means an image that is created or modified to reasonably appear to be an actual image of an identifiable person depicted in a state of nudity or engaged in specific sexual activities that did not actually occur ([A.R.S. § 13-1425](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires a commercial entity that knowingly and intentionally publishes or distributes sexual material on an internet website, and allows for such publication or distribution, to require that each person who uploads or places the sexual material on an internet website use reasonable verification methods to verify that:
 - a) each individual depicted in the material provided explicit informed consent to the creation, distribution and publication of the material and was at least 18 years old at the time of its creation; or

- b) the sexual material was created before the enactment of the federal Child Protection and Obscenity Enforcement Act of 1988, by way of:
 - i. an affidavit from the uploader or custodian of records;
 - ii. contemporaneous publication or copyright records;
 - iii. technical metadata; or
 - iv. any other evidence that reasonably establishes the date the sexual material was first fixed in a tangible medium.
- 2. Requires commercial entities to maintain records of the verification for at least seven years.
- 3. Requires commercial entities to implement reasonable measures to prevent the uploading of sexual material that does not have verified consent, including automated detection tools where feasible.
- 4. Prohibits a commercial entity from causing or allowing any identifying information to be transmitted to any government entity.
- 5. Stipulates that these requirements do not apply to:
 - a) a news or public interest broadcast or publication;
 - b) material that is destituted for bona fide scientific, medical or educational purposes;
 - c) an internet service provider, affiliate or subsidiary of an internet service provider, search engine or cloud service provider that solely provides access or connection to or from a website or other information or content on the internet, or a facility, system or network not under that provider's control, including transmission, downloading, intermediate storage, access software or other services, to the extent that the provider is not responsible for the creation or direct hosting of the sexual material;
 - d) a motion picture that was produced before the general effective date and that was rated by the Motion Picture Association or the Motion Picture Association of America; and
 - e) a television program or television series that was produced before the general effective date.
- 6. Allows the AG or a person who is depicted in the sexual material without consent to bring a civil action for enforcement.
- 7. Subjects a commercial entity that publishes or distributes sexual material on the internet without complying with verification requirements to:
 - a) a civil penalty of \$10,000 for each day of the violation;
 - b) actual damages;
 - c) costs and reasonable attorney fees; and
 - d) additional relief, including injunctive relief.
- 8. Allows the AG to seek additional civil penalties of up to \$250,000 if a minor is depicted in the sexual material.
- 9. Provides an exception to these requirements and penalties if it is clear to a reasonable viewer that the image, recording or video has been:
 - a) digitally manipulated; and
 - b) created for the purposes of parody, comedy, artistic expression or criticism of matters of public concern.

10. Provides this same exemption for disclosed images that depict states of nudity or specific sexual activities of an identifiable person.
11. Defines *reasonable verification methods* as any commercially reasonable method that is regularly used by businesses to verify consent, age or the date the sexual material was created, without requiring or allowing the use of any government issued-digital identification system, including an affidavit that attests to the age of each depicted person or that attests to the material being created before the enactment of the federal Child Protection and Obscenity Enforcement Act of 1988, verification through an independent third-party or any other commercially reasonable method.
12. Defines *commercial entity, consent, direct hosting, distribute, publish, sexual material and television program or television series*.
13. Makes technical and conforming changes.
14. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Specifies that commercial entities are subject to consent verification requirements if the entities directly publish or distribute sexual material on the internet, and allow for such material to be published, rather than if they directly publish the material or allow the material to be published.

Amendments Adopted by Committee of the Whole

1. Removes the prohibition against commercial entities retaining any identifying information of a person depicted in sexual material for verification purposes.
2. Removes the ability of the AG to inspect such records on request.
3. Expands acceptable verification methods to include providing proof that the sexual material was created before the enactment of the federal Child Protection and Obscenity Enforcement Act of 1988.
4. Provides that such proof may include:
 - a) an affidavit from the uploader or custodian of the records;
 - b) contemporaneous publication or copyright records;
 - c) technical metadata; or
 - d) any other evidence that reasonably establishes the date the sexual material was first fixed in a tangible medium.
5. Exempts commercial entities from requirements relating to consent verification if it is clear to a reasonable viewer that an image, recording or video has been digitally manipulated and is created for the purposes of parody, comedy, artistic expression or criticism of matters of public concern.
6. Applies this same exemption to the unlawful disclosure of images depicting states of nudity or specific sexual activities.

7. Removes the definition of *synthetic depiction* from statute relating to the unlawful disclosure of nude images and modifies the definitions of *image* and *identifiable person*.

Amendments Adopted by Conference Committee

1. Exempts rated motion pictures and television programs produced before the general effective date from consent verification requirements.
2. Adds a definition for *television program or television series* and modifies the definition of *sexual material*.
3. Makes technical changes.

Governor's Veto Message

The Governor indicates in her [veto message](#) that H.B. 2133 would have a chilling effect on free speech and violates First Amendment rights to engage in satirical discourse about elected officials.

House Action

JUD	1/21/26	DP	7-1-0-1
AII	1/29/26	DPA	5-0-2-0
3 rd Read	2/23/26		41-16-3

Senate Action

JUDE	3/4/26	DPA	4-3-0
3 rd Read	4/8/26		16-12-2

Vetoed by the Governor 6/29/26

Prepared by Senate Research

June 24, 2026

ZD/ci