

Conference Engrossed

digital goods; seller's requirements; enforcement

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

HOUSE BILL 2010

AN ACT

AMENDING TITLE 44, CHAPTER 10, ARTICLE 5, ARIZONA REVISED STATUTES, BY
ADDING SECTION 44-1484; RELATING TO ADVERTISING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 44, chapter 10, article 5, Arizona Revised
3 Statutes, is amended by adding section 44-1484, to read:

4 44-1484. Digital goods; advertising disclosures; unlawful
5 practice; definitions

6 A. IT IS UNLAWFUL FOR A SELLER OF A DIGITAL GOOD TO OFFER FOR SALE
7 OR ADVERTISE A DIGITAL GOOD TO A PURCHASER USING THE TERMS "BUY" OR
8 "PURCHASE" OR ANY OTHER TERM THAT A REASONABLE PERSON WOULD UNDERSTAND TO
9 CONFER AN UNRESTRICTED OWNERSHIP INTEREST IN THAT DIGITAL GOOD, OR
10 ALONGSIDE AN OPTION FOR A TIME-LIMITED RENTAL, UNLESS EITHER OF THE
11 FOLLOWING OCCURS:

12 1. AT THE TIME OF EACH TRANSACTION, THE SELLER:

13 (a) MAKES AVAILABLE TO THE PURCHASER:

14 (i) A COMPLETE LIST OF RESTRICTIONS AND CONDITIONS FOR THE LICENSE,
15 INCLUDING ANY CIRCUMSTANCES UNDER WHICH ACCESS MAY BE REVOKED.

16 (ii) NOTICE THAT THE LICENSE MAY BE FOR A PRODUCT THAT WAS ALTERED
17 FROM THE PRODUCT'S ORIGINAL VERSION.

18 (b) RECEIVES AN AFFIRMATIVE ACKNOWLEDGEMENT FROM THE PURCHASER THAT
19 THE PURCHASER RECEIVED ALL OF THE FOLLOWING FROM THE SELLER:

20 (i) A LICENSE TO ACCESS THE DIGITAL GOOD.

21 (ii) A NOTICE THAT THE SELLER MAY REVOKE ACCESS TO THE LICENSE IF
22 THE PURCHASER VIOLATES ANY OF THE LICENSE RESTRICTIONS OR CONDITIONS.

23 (iii) A NOTICE THAT THE SELLER MAY UNILATERALLY REVOKE ACCESS TO
24 THE DIGITAL GOOD IF THE SELLER NO LONGER HOLDS THE RIGHT TO PROVIDE ACCESS
25 TO THE DIGITAL GOOD OR THE SERVICE IS SHUT DOWN OR DISCONTINUED OR ON THE
26 OCCURRENCE OF ANY OF THE CIRCUMSTANCES THAT WERE SPECIFIED BY THE SELLER.

27 2. BEFORE EXECUTING EACH TRANSACTION, THE SELLER PROVIDES TO THE
28 PURCHASER A CLEAR AND CONSPICUOUS STATEMENT THAT BOTH:

29 (a) STATES IN PLAIN LANGUAGE THAT BUYING OR PURCHASING A DIGITAL
30 GOOD IS A LICENSE.

31 (b) INCLUDES A HYPERLINK, QR CODE OR OTHER SIMILAR METHOD TO ACCESS
32 A DESCRIPTION OF THE TERMS AND CONDITIONS OF THE LICENSE.

33 B. ANY AFFIRMATIVE ACKNOWLEDGMENT FROM THE PURCHASER OR CLEAR AND
34 CONSPICUOUS STATEMENT PRESCRIBED BY SUBSECTION A OF THIS SECTION MUST BE
35 DISTINCT AND SEPARATE FROM ANY OTHER TERMS AND CONDITIONS OF THE
36 TRANSACTION THAT THE PURCHASER ACKNOWLEDGES OR AGREES TO.

37 C. AFTER THE TRANSACTION IS COMPLETED, IF THE TERMS OF THE LICENSE
38 CHANGE IN A WAY THAT PERMANENTLY AND MATERIALLY DEPRIVES THE PURCHASER'S
39 ACCESS AND DOES NOT PROVIDE ALTERNATIVE ACCESS TO SUBSTANTIALLY SIMILAR
40 CONTENT, THE SELLER SHALL MAKE REASONABLE EFFORTS TO NOTIFY THE PURCHASER
41 BY USING THE CONTACT INFORMATION THE PURCHASER PROVIDED AT THE TIME OF
42 PURCHASE AND SHALL OFFER A PRORATED REFUND ONLY FOR DIGITAL GOODS THAT
43 WERE PURCHASED FOR \$20 OR MORE. THE PRORATED REFUND SHALL BE CALCULATED
44 ON A STRAIGHT-LINE DECLINING BASIS AT A RATE OF TWENTY PERCENT OF THE
45 ORIGINAL PURCHASE PRICE PER YEAR FROM THE DATE OF PURCHASE, WITH NO REFUND

1 AVAILABLE AFTER THE EXPIRATION OF FIVE YEARS FROM THE DATE OF PURCHASE.
2 A SELLER SATISFIES THIS SUBSECTION BY OFFERING ALTERNATIVE ACCESS TO THE
3 DIGITAL GOOD.

4 D. THIS SECTION DOES NOT:

5 1. REQUIRE A PERSON TO DOWNLOAD A DIGITAL GOOD.

6 2. PROHIBIT A PERSON FROM STORING A DIGITAL GOOD ON A SERVER FOR
7 ACCESS THROUGH THE INTERNET.

8 3. PROHIBIT A SELLER FROM IMPLEMENTING DIGITAL RIGHTS MANAGEMENT
9 TECHNOLOGY TO A DIGITAL GOOD THAT IS ADVERTISED OR OFFERED TO A PERSON
10 PURSUANT TO THIS SECTION.

11 4. PRESCRIBE THE TECHNICAL SPECIFICATIONS OR FORMATS UNDER WHICH A
12 SELLER MUST MAKE A DIGITAL GOOD AVAILABLE FOR DOWNLOAD.

13 5. APPLY TO ANY OF THE FOLLOWING:

14 (a) A SUBSCRIPTION-BASED SERVICE THAT ADVERTISES OR OFFERS FOR SALE
15 ACCESS TO ANY DIGITAL GOOD SOLELY FOR THE DURATION OF THE SUBSCRIPTION.

16 (b) A DIGITAL GOOD THAT IS ADVERTISED OR OFFERED TO A PERSON
17 WITHOUT MONETARY CONSIDERATION.

18 (c) A DIGITAL GOOD THAT IS ADVERTISED OR OFFERED TO A PERSON AND
19 THAT THE SELLER CANNOT REVOKE ACCESS TO AFTER THE TRANSACTION, INCLUDING
20 BY MAKING A VERSION OF THE DIGITAL GOOD AVAILABLE AT THE TIME OF PURCHASE
21 FOR PERMANENT OFFLINE DOWNLOAD TO AN EXTERNAL STORAGE SOURCE OR DEVICE TO
22 BE USED WITHOUT A CONNECTION TO THE INTERNET.

23 (d) A BLOCKCHAIN-BASED ASSET, INCLUDING A NON-FUNGIBLE TOKEN, WHERE
24 OWNERSHIP IS DECENTRALIZED AND NOT SUBJECT TO UNILATERAL REVOCATION BY THE
25 SELLER.

26 (e) AN EDUCATIONAL OR NONCOMMERCIAL DIGITAL GOOD THAT IS PROVIDED
27 BY A PUBLIC LIBRARY, EDUCATIONAL INSTITUTION OR OPEN-SOURCE PLATFORM.

28 E. A VIOLATION OF THIS SECTION IS AN UNLAWFUL PRACTICE PURSUANT TO
29 SECTION 44-1522. THE ATTORNEY GENERAL MAY INVESTIGATE AND TAKE
30 APPROPRIATE ACTION AS PROVIDED BY CHAPTER 10, ARTICLE 7 OF THIS TITLE.

31 F. FOR THE PURPOSES OF THIS SECTION:

32 1. "BLOCKCHAIN-BASED ASSET" MEANS A DIGITAL GOOD WHOSE OWNERSHIP
33 AND ACCESS ARE VERIFIED THROUGH A DECENTRALIZED LEDGER TECHNOLOGY,
34 INCLUDING BLOCKCHAIN TECHNOLOGY AS DEFINED IN SECTION 44-7061, AND THAT
35 CANNOT BE UNILATERALLY REVOKED OR ALTERED BY THE SELLER AFTER THE
36 TRANSACTION.

37 2. "CLEAR AND CONSPICUOUS":

38 (a) MEANS IN A MANNER THAT CLEARLY CALLS ATTENTION TO THE LANGUAGE.

39 (b) INCLUDES:

40 (i) USING LARGER TYPE THAN THE SURROUNDING TEXT.

41 (ii) USING CONTRASTING TYPE, FONT OR COLOR TO THE SURROUNDING TEXT
42 OF THE SAME SIZE.

43 (iii) SETTING OFF THE SURROUNDING TEXT BY USING SYMBOLS OR OTHER
44 MARKS.

1 3. "DIGITAL APPLICATION OR GAME" MEANS AN APPLICATION OR GAME THAT
2 A PERSON ACCESSES AND MANIPULATES USING A SPECIALIZED ELECTRONIC GAMING
3 DEVICE, COMPUTER, MOBILE DEVICE, TABLET OR OTHER DEVICE WITH A DISPLAY
4 SCREEN, INCLUDING ANY ADD-ONS OR ADDITIONAL CONTENT FOR THAT APPLICATION
5 OR GAME.

6 4. "DIGITAL AUDIOVISUAL WORK":

7 (a) MEANS A SERIES OF RELATED IMAGES AND ACCOMPANYING SOUNDS THAT
8 WHEN SHOWN IN SUCCESSION IMPART AN IMPRESSION OF MOTION.

9 (b) INCLUDES ANY OF THE FOLLOWING:

10 (i) MOTION PICTURES.

11 (ii) MUSICALS.

12 (iii) VIDEOS.

13 (iv) NEWS AND ENTERTAINMENT PROGRAMS.

14 (v) LIVE EVENTS.

15 5. "DIGITAL AUDIO WORK" MEANS A WORK THAT RESULTS FROM THE FIXATION
16 OF A SERIES OF MUSICAL, SPOKEN OR OTHER SOUNDS THAT ARE TRANSFERRED
17 ELECTRONICALLY, INCLUDING ANY OF THE FOLLOWING:

18 (a) PRERECORDED OR LIVE SONGS.

19 (b) MUSIC.

20 (c) ORAL READINGS OF BOOKS OR OTHER WRITTEN MATERIALS.

21 (d) SPEECHES.

22 (e) RINGTONES OR OTHER SOUND RECORDINGS.

23 6. "DIGITAL BOOK" MEANS A WORK THAT IS GENERALLY RECOGNIZED IN THE
24 ORDINARY AND USUAL SENSE AS A BOOK OF FICTION OR NONFICTION AND THAT IS
25 TRANSFERRED ELECTRONICALLY.

26 7. "DIGITAL CODE":

27 (a) MEANS A CODE THAT PROVIDES THE PERSON WHO HOLDS THE CODE A
28 RIGHT TO OBTAIN AN ADDITIONAL DIGITAL GOOD OR A DIGITAL AUDIOVISUAL WORK,
29 DIGITAL AUDIO WORK OR DIGITAL BOOK THAT MAY BE OBTAINED BY ANY MEANS,
30 INCLUDING TANGIBLE FORMS AND ELECTRONIC MAIL, REGARDLESS OF WHETHER THE
31 CODE IS DESIGNATED AS SONG CODE, VIDEO CODE OR BOOK CODE.

32 (b) INCLUDES ANY OF THE FOLLOWING:

33 (i) CODES THAT ARE USED TO ACCESS OR OBTAIN ANY SPECIFIED DIGITAL
34 GOODS OR ANY ADDITIONAL DIGITAL GOODS THAT HAVE BEEN PREVIOUSLY PURCHASED.

35 (ii) PROMOTION CARDS OR CODES THAT ARE PURCHASED BY A RETAILER OR
36 OTHER BUSINESS ENTITY FOR USE BY THE RETAILER'S OR ENTITY'S CUSTOMERS.

37 8. "DIGITAL GOOD":

38 (a) INCLUDES ANY OF THE FOLLOWING, WHETHER ELECTRONICALLY OR
39 DIGITALLY DELIVERED OR ACCESSED:

40 (i) A DIGITAL AUDIOVISUAL WORK.

41 (ii) A DIGITAL AUDIO WORK.

42 (iii) A DIGITAL BOOK.

43 (iv) A DIGITAL CODE.

44 (v) A DIGITAL APPLICATION OR GAME.

1 (b) DOES NOT INCLUDE ANY OF THE FOLLOWING:
2 (i) A CABLE TELEVISION SERVICE.
3 (ii) A SATELLITE RELAY TELEVISION SERVICE.
4 (iii) ANY OTHER DISTRIBUTION OF TELEVISION, VIDEO OR RADIO SERVICE.
5 Sec. 2. Short title
6 This act may be cited as the "Making Internet Non-ownership
7 Understandable for Streaming Act or the MINUS ACT".