

REFERENCE TITLE: digital goods; seller's requirements; enforcement

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

# HB 2010

Introduced by  
Representative Kupper

## AN ACT

AMENDING TITLE 44, CHAPTER 10, ARTICLE 5, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 44-1584; 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 44-1584, to read:

4 44-1584. Digital goods; advertising disclosures; unlawful  
5 practice; civil penalty; private right of action;  
6 definitions

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

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

14 (a) PROVIDES TO THE PURCHASER:

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

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

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

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

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

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

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

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

32 (b) INCLUDES A HYPERLINK, QR CODE OR OTHER SIMILAR METHOD TO ACCESS  
33 THE TERMS AND CONDITIONS OF THE LICENSE, INCLUDING THE FULL DETAILS ABOUT  
34 THE LICENSE AND LICENSE REVOCATION POLICIES.

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

39 C. AFTER THE TRANSACTION IS COMPLETED, IF THE TERMS OF THE LICENSE  
40 CHANGE IN A WAY THAT MATERIALLY AFFECTS THE PURCHASER'S ACCESS, THE SELLER  
41 SHALL PROVIDE NOTICE TO THE PURCHASER AND OFFER A PRORATED REFUND OR  
42 ALTERNATIVE ACCESS OPTION.

43 D. THIS SECTION DOES NOT:

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

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

3           3. APPLY TO ANY OF THE FOLLOWING:

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

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

8           (c) A DIGITAL GOOD THAT IS ADVERTISED OR OFFERED TO A PERSON AND  
9 THAT THE SELLER CANNOT REVOKE ACCESS TO AFTER THE TRANSACTION, INCLUDING  
10 MAKING THE DIGITAL GOOD AVAILABLE AT THE TIME OF PURCHASE FOR PERMANENT  
11 OFFLINE DOWNLOAD TO AN EXTERNAL STORAGE SOURCE TO BE USED WITHOUT A  
12 CONNECTION TO THE INTERNET.

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

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

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

21           F. IN ADDITION TO ANY OTHER REMEDIES, A PERSON WHO VIOLATES THIS  
22 SECTION IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN \$2,500 FOR EACH  
23 VIOLATION.

24           G. A PURCHASER WHO IS AGGRIEVED BY A VIOLATION OF THIS SECTION MAY  
25 BRING A CIVIL ACTION TO RECOVER ACTUAL DAMAGES, REASONABLE ATTORNEY FEES  
26 AND COURT COSTS. IF THE VIOLATION IS WILFUL OR KNOWING, THE COURT MAY  
27 AWARD TREBLE DAMAGES.

28           H. FOR THE PURPOSES OF THIS SECTION:

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

34           2. "CLEAR AND CONSPICUOUS":

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

36           (b) INCLUDES:

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

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

40           (iii) SETTING OFF THE SURROUNDING TEXT BY USING SYMBOLS OR OTHER  
41 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".