PREFILED JAN 06 2026

REFERENCE TITLE: bullion depository; establishment

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

HB 2123

Introduced by
Representative Fink

AN ACT

AMENDING TITLE 6, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 18; RELATING TO FINANCIAL INSTITUTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Title 6, Arizona Revised Statutes, is amended by adding chapter 18, to read:

CHAPTER 18

ARIZONA BULLION DEPOSITORY

ARTICLE 1. GENERAL PROVISIONS

6-1801. Definitions

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "BULLION":

(a) MEANS REFINED PRECIOUS GOLD METAL AND SILVER METAL THAT IS:

(i) IN ANY SHAPE OR FORM.

(ii) VALUED PRIMARILY BASED ON THE METAL CONTENT OF THE GOLD OR SILVER AND NOT ON THE FORM OR FUNCTION OF THE GOLD OR SILVER.

(b) INCLUDES GOLD COIN AND SILVER COIN. FOR THE PURPOSES OF THIS SUBDIVISION:

(i) "GOLD COIN" MEANS GOLD METAL THAT IS IN THE SHAPE OF A BAR OR OTHER PHYSICAL FORM AND THAT IS CERTIFIED AT LEAST 99.5 PERCENT PURE GOLD METAL.

(ii) "SILVER COIN" MEANS SILVER METAL THAT IS IN THE SHAPE OF A BAR OR OTHER PHYSICAL FORM AND THAT IS CERTIFIED AT LEAST 99.9 PERCENT PURE SILVER METAL.

2. "DEPOSITORY" MEANS THE ARIZONA BULLION DEPOSITORY ESTABLISHED BY SECTION 6-1802.

3. "ELECTRONIC PAYMENT SYSTEM":

(a) MEANS AN ELECTRONIC PLATFORM OR PAYMENT SYSTEM THAT USES GOLD OR SILVER SPECIE AS THE BASIS FOR TRANSACTIONS AND THAT DOES ALL OF THE FOLLOWING:

(i) USES BULLION HELD IN A DEPOSITORY FOR ELECTRONIC TRANSACTIONS.

(ii) ALLOWS FOR THE REDEMPTION OF BULLION BY SYSTEM PARTICIPANTS.

(iii) ENABLES ACCOUNT HOLDERS TO MAKE PAYMENTS TO PARTICIPATING VENDORS.

(iv) IS AUTHORIZED AND APPROVED BY THE STATE TREASURER TO PROVIDE ACCOUNTS THAT HOLD BULLION AND THAT ALLOW USERS TO BUY, SELL, SAVE OR SPEND BULLION AS A FORM OF LEGAL TENDER.

(b) INCLUDES TRANSACTIONAL GOLD OR SILVER. FOR THE PURPOSES OF THIS SUBDIVISION, "TRANSACTIONAL GOLD OR SILVER" MEANS REPRESENTATION, IN THE EXACT UNITS OF METAL IN FRACTIONAL TROY OUNCES OF GRAMS OF BULLION, THAT:

(i) MAY BE TRANSFERRED THROUGH ELECTRONIC OR WRITTEN INSTRUCTION BY THE OWNER.

(ii) MAY BE USED TO MAKE OR RECEIVE PAYMENTS OR TO TRANSFER VALUE WITHIN THIS STATE OR BETWEEN PARTIES THAT CONSENT TO ITS USE.

(iii) IS FULLY BACKED BY SPECIE HELD IN A DEPOSITORY AND REDEEMABLE ON DEMAND BY THE HOLDER IN THE UNDERLYING BULLION OR SPECIE.

4. "LEGAL TENDER" MEANS A MEDIUM OF EXCHANGE, INCLUDING SPECIE, THAT IS RECOGNIZED BY THIS STATE FOR THE PAYMENT OF DEBTS, TAXES, FEES AND OTHER OBLIGATIONS.

5. "SOCIAL CREDIT SCORING SYSTEM" MEANS A SYSTEM OF RECORDKEEPING, DATA COLLECTION OR SCORING THAT EVALUATES, MONITORS OR RANKS AN INDIVIDUAL'S OR ENTITY'S BEHAVIOR, BELIEFS, ASSOCIATIONS OR COMPLIANCE WITH GOVERNMENT OR CORPORATE STANDARDS AND THAT CONDITIONS ACCESS TO SERVICES, BENEFITS OR OPPORTUNITIES BASED ON THAT EVALUATION.

6. "SPECIE" MEANS COIN OR BULLION OF GOLD OR SILVER THAT HAS INTRINSIC VALUE AND IS USED OR INTENDED FOR USE AS CURRENCY.

6-1802. Arizona bullion depository; administration; electronic payment system; annual report

A. THE ARIZONA BULLION DEPOSITORY IS ESTABLISHED. THE STATE TREASURER SHALL ADMINISTER THE DEPOSITORY. THE DEPOSITORY SERVES AS THE CUSTODIAN, GUARDIAN AND ADMINISTRATOR OF BULLION AND SPECIE THAT MAY BE TRANSFERRED TO OR OTHERWISE ACQUIRED BY THIS STATE OR RESIDENTS OF THIS STATE. THE DEPOSITORY SHALL PROVIDE A SECURE LOCATION FOR STORING BULLION. RESIDENTS OF THIS STATE MAY USE THE DEPOSITORY TO DEPOSIT BULLION FOR ELECTRONIC USE.

B. THE STATE TREASURER MAY CONTRACT WITH A THIRD PARTY TO ADMINISTER THE DAILY OPERATIONS OF THE DEPOSITORY AND IMPLEMENT THE DEPOSITORY SECURITY, STORAGE, TRANSACTIONAL AND ADMINISTRATIVE PROCEDURES IN ACCORDANCE WITH THIS CHAPTER AND RULES ADOPTED PURSUANT TO THIS CHAPTER.

C. THE STATE TREASURER SHALL CONTRACT WITH A THIRD-PARTY VENDOR IN THIS STATE TO AUTHORIZE AND APPROVE ONE OR MORE ELECTRONIC PAYMENT SYSTEMS. THE THIRD-PARTY VENDOR MUST COMPLY WITH ALL STATE AND FEDERAL FINANCIAL LAWS. THE INFORMATION OF RESIDENTS OF THIS STATE WHO USE THE ELECTRONIC PAYMENT SYSTEM MAY NOT BE USED IN ANY SOCIAL CREDIT SCORING SYSTEM.

D. FOR THE PURPOSES OF SUBSECTION B AND C OF THIS SECTION, THE THIRD PARTY SHALL PROVIDE VAULT FACILITIES WITHIN THE UNITED STATES FOR THE STORAGE OF BULLION THAT:

1. COMPLIES WITH THE REQUIREMENTS PRESCRIBED BY THE LONDON BULLION MARKET ASSOCIATION OR AN EQUIVALENT BEST PRACTICES GUIDELINES.

2. PROVIDES ACCOUNTS THAT DO BOTH OF THE FOLLOWING:

(a) HOLD BULLION.

(b) ALLOW ACCOUNT HOLDERS TO BUY, SELL, SAVE OR SPEND BULLION.

E. THE DEPOSITORY SHALL ENSURE THAT EACH DEPOSIT MADE IN THE DEPOSITORY IS INSURED UNDER AN ALL-RISK INSURANCE POLICY THAT IS ISSUED BY A NONGOVERNMENTAL OPERATED INSURER FOR ONE HUNDRED PERCENT OF THE FULL REPLACEMENT VALUE OF THE DEPOSIT.

F. ON OR BEFORE JUNE 30 OF EACH YEAR, THE STATE TREASURER SHALL SUBMIT A REPORT TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE

SPEAKER OF THE HOUSE OF REPRESENTATIVES THAT INCLUDES ALL OF THE FOLLOWING:

1. THE STATUS AND OPERATIONS OF THE DEPOSITORY.

2. THE IMPLEMENTATION AND USAGE OF THE ELECTRONIC PAYMENT SYSTEM.

3. THE ECONOMIC IMPACT OF RECOGNIZING GOLD AND SILVER AS LEGAL TENDER.

6-1803. Rules

THE STATE TREASURER MAY ADOPT RULES AS NECESSARY TO IMPLEMENT THIS CHAPTER. THE RULES MUST:

1. ENSURE THE SECURITY OF THE SPECIE, BULLION, TRANSACTIONAL CURRENCY, TRANSACTIONS AND RELATED DATA.

2. PREVENT FRAUD.

3. PREVENT ANY RELEASE OF DEPOSITORY ACCOUNT OR DEPOSITORY ACCOUNT HOLDER RELATED DATA SUBJECT TO ORDER OF A COURT WITH PROPER JURISDICTION.

4. ESTABLISH THE FEES NECESSARY TO IMPLEMENT THIS CHAPTER.

6-1804. Legal tender

A. GOLD AND SILVER SPECIE ARE RECOGNIZED AS A LEGAL TENDER IN THIS STATE AND MAY BE USED FOR THE PAYMENT OF EITHER OF THE FOLLOWING:

1. IF MUTUALLY AGREED ON, DEBTS BETWEEN PRIVATE PARTIES.

2. IF THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE AGREES TO ACCEPT SPECIE AS A FORM OF PAYMENT OF TAXES, FEES OR OTHER OBLIGATIONS OWED TO THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE.

B. THE PURCHASE, SALE OR EXCHANGE OF ANY TYPE OF SPECIE OR BULLION DOES NOT CREATE ANY TAX LIABILITY. EXCHANGING ONE FORM OF LEGAL TENDER FOR ANOTHER FORM OF LEGAL TENDER DOES NOT CREATE TAX LIABILITY.

C. A PERSON OR ENTITY IN THIS STATE MAY NOT BE COMPELLED TO ACCEPT GOLD OR SILVER SPECIE AS A FORM OF PAYMENT EXCEPT AS PROVIDED IN THIS SECTION.