

REFERENCE TITLE: pornography; distribution; requirements; attorney general

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

# HB 2900

Introduced by  
Representative Powell

AN ACT

AMENDING TITLE 44, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 27; RELATING TO TRADE PRACTICES.

(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 9, Arizona Revised Statutes, is  
3 amended by adding article 27, to read:

4 ARTICLE 27. PORNOGRAPHY

5 44-1383. Commercial entity; pornography distribution and sale  
6 prohibition; definitions

7 A. A COMMERCIAL ENTITY MAY NOT KNOWINGLY AND INTENTIONALLY PRODUCE,  
8 PUBLISH, SELL OR OFFER FOR SALE PORNOGRAPHY OR COMMERCIALY DISTRIBUTE  
9 PORNOGRAPHY IN THIS STATE.

10 B. FOR THE PURPOSES OF SUBSECTION A OF THIS SECTION, A COMMERCIAL  
11 ENTITY ACTS IN THIS STATE IF THE COMMERCIAL ENTITY DOES ANY OF THE  
12 FOLLOWING:

13 1. PRODUCES PORNOGRAPHY IN THIS STATE.

14 2. SELLS, OFFERS FOR SALE OR COMMERCIALY DISTRIBUTES PORNOGRAPHY  
15 IN THIS STATE.

16 3. PUBLISHES OR COMMERCIALY DISTRIBUTES PORNOGRAPHY THROUGH AN  
17 INTERNET WEBSITE OR DIGITAL SERVICE THAT IS ACCESSIBLE IN THIS STATE AND  
18 IS INTENDED TO REACH OR IS DIRECTED TO INDIVIDUALS IN THIS STATE.

19 C. THIS SECTION DOES NOT:

20 1. IMPOSE CIVIL LIABILITY ON AN INDIVIDUAL SOLELY FOR THE PRIVATE  
21 POSSESSION, PRIVATE VIEWING OR PRIVATE RECEIPT OF PORNOGRAPHY.

22 2. APPLY TO A BONA FIDE NEWS OR PUBLIC INTEREST WEBSITE, VIDEO,  
23 REPORT OR EVENT.

24 3. AFFECT THE RIGHTS OF A NEWS GATHERING ORGANIZATION.

25 D. AN INTERNET SERVICE PROVIDER OR THE INTERNET SERVICE PROVIDER'S  
26 AFFILIATES OR SUBSIDIARIES OR A SEARCH ENGINE OR A CLOUD SERVICE PROVIDER  
27 IS NOT IN VIOLATION OF THIS SECTION FOR PROVIDING ACCESS OR CONNECTION TO  
28 OR FROM A WEBSITE OR OTHER INFORMATION OR CONTENT ON THE INTERNET THAT IS  
29 NOT WITHIN THE INTERNET SERVICE PROVIDER'S OR THE AFFILIATE OR SUBSIDIARY  
30 OF THE INTERNET SERVICE PROVIDER OR A SEARCH ENGINE OR A CLOUD SERVICE  
31 PROVIDER'S CONTROL.

32 E. IF THE ATTORNEY GENERAL BELIEVES THAT A COMMERCIAL ENTITY  
33 KNOWINGLY VIOLATED THIS SECTION AND AN ACTION IS IN THE PUBLIC INTEREST,  
34 THE ATTORNEY GENERAL MAY BRING AN ACTION IN SUPERIOR COURT IN THE COUNTY  
35 IN WHICH THE COMMERCIAL ENTITY'S PRINCIPAL PLACE OF BUSINESS IS LOCATED TO  
36 ENJOIN THE VIOLATION AND TO RECOVER A CIVIL PENALTY AND OBTAIN OTHER  
37 RELIEF THE COURT CONSIDERS APPROPRIATE.

38 F. IF THE ATTORNEY GENERAL DOES NOT FILE A CLAIM AGAINST A  
39 COMMERCIAL ENTITY THAT KNOWINGLY VIOLATED THIS SECTION, A PRIVATE PERSON  
40 MAY BRING AN ACTION IN THE NAME OF THIS STATE. THE ACTION MAY BE  
41 DISMISSED ONLY BY ORDER OF THE COURT AND WITH WRITTEN CONSENT OF THE  
42 ATTORNEY GENERAL. ON THE SAME DAY THAT THE COMPLAINT IS FILED, THE  
43 PLAINTIFF SHALL SERVE ON THE ATTORNEY GENERAL BY CERTIFIED MAIL, RETURN  
44 RECEIPT REQUESTED, A COPY OF THE COMPLAINT AND A WRITTEN DISCLOSURE OF  
45 SUBSTANTIALLY ALL MATERIAL EVIDENCE AND INFORMATION THAT THE PLAINTIFF

1 POSSESSES. THE ATTORNEY GENERAL MAY INTERVENE AND PROCEED WITH THE ACTION  
2 WITHIN ONE HUNDRED TWENTY DAYS AFTER THE ATTORNEY GENERAL RECEIVES THE  
3 COMPLAINT, MATERIAL EVIDENCE AND INFORMATION. BEFORE THE EXPIRATION OF  
4 THE ONE HUNDRED TWENTY-DAY PERIOD, THE ATTORNEY GENERAL SHALL EITHER  
5 PROCEED WITH THE ACTION OR NOTIFY THE COURT THAT THE ATTORNEY GENERAL  
6 DECLINES TO TAKE OVER THE ACTION, IN WHICH CASE THE PERSON BRINGING THE  
7 ACTION MAY CONDUCT THE ACTION. AFTER A PERSON BRINGS AN ACTION UNDER THIS  
8 SUBSECTION, NO OTHER PERSON MAY BRING A RELATED ACTION THAT IS BASED ON  
9 THE FACTS UNDERLYING THE PENDING ACTION.

10 G. THE COURT MAY IMPOSE A CIVIL PENALTY FOR A VIOLATION OF THIS  
11 SECTION IN AN AMOUNT EQUAL TO NOT MORE THAN THE TOTAL OF EITHER OF THE  
12 FOLLOWING:

13 1. \$10,000 PER DAY THAT THE COMMERCIAL ENTITY PRODUCES, PUBLISHES,  
14 SELLS, OFFERS FOR SALE OR COMMERCIALY DISTRIBUTES PORNOGRAPHY IN  
15 VIOLATION OF THIS SECTION.

16 2. \$10,000 PER INSTANCE IN WHICH THE COMMERCIAL ENTITY SELLS,  
17 OFFERS FOR SALE OR COMMERCIALY DISTRIBUTES PORNOGRAPHY IN VIOLATION OF  
18 THIS SECTION.

19 H. THE COURT SHALL DETERMINE THE AMOUNT OF A CIVIL PENALTY THAT IS  
20 IMPOSED PURSUANT TO THIS SECTION BASED ON ALL OF THE FOLLOWING FACTORS:

21 1. THE SERIOUSNESS OF THE VIOLATION, INCLUDING THE NATURE,  
22 CIRCUMSTANCES AND EXTENT OF THE VIOLATION.

23 2. THE HISTORY OF PREVIOUS VIOLATIONS.

24 3. THE AMOUNT NECESSARY TO DETER A FUTURE VIOLATION.

25 4. THE ECONOMIC IMPACT ON THE ENTITY.

26 5. THE COMMERCIAL ENTITY'S KNOWLEDGE THAT THE ACT CONSTITUTED A  
27 VIOLATION OF THIS SECTION.

28 6. ANY OTHER MATTER THAT JUSTICE MAY REQUIRE.

29 I. THE ATTORNEY GENERAL OR PRIVATE PLAINTIFF MAY RECOVER REASONABLE  
30 AND NECESSARY ATTORNEY FEES AND COSTS THAT ARE INCURRED IN AN ACTION UNDER  
31 THIS SECTION.

32 J. IN AN ACTION THAT IS BROUGHT OR MAINTAINED PURSUANT TO THIS  
33 SECTION, ALL PERSONALLY IDENTIFIABLE INFORMATION OF INDIVIDUALS WHO  
34 ACCESSED OR ATTEMPTED TO ACCESS THE MATERIAL, INCLUDING THE INDIVIDUAL'S  
35 NAME, SHALL BE REDACTED BEFORE THE INFORMATION IS PRODUCED.

36 K. FOR THE PURPOSES OF THIS SECTION:

37 1. "COMMERCIAL ENTITY" INCLUDES A CORPORATION, LIMITED LIABILITY  
38 COMPANY, PARTNERSHIP, LIMITED PARTNERSHIP, SOLE PROPRIETORSHIP OR OTHER  
39 LEGALLY RECOGNIZED BUSINESS ENTITY.

40 2. "COMMERCIALY DISTRIBUTE" MEANS TO ISSUE, SELL, GIVE, PROVIDE,  
41 DELIVER, TRANSFER, TRANSMUTE, CIRCULATE, DISSEMINATE, STREAM OR TRANSMIT  
42 BY ANY MEANS FOR MONEY OR OTHER THING OF VALUE, DIRECTLY OR INDIRECTLY.

43 3. "NEWS GATHERING ORGANIZATION" INCLUDES AN EMPLOYEE WHO WAS  
44 ACTING WITHIN THE COURSE AND SCOPE OF EMPLOYMENT AND CAN PROVIDE  
45 DOCUMENTATION OF EMPLOYMENT AT ANY OF THE FOLLOWING EMPLOYERS:

- 1 (a) A NEWSPAPER.  
2 (b) A NEWS PUBLICATION OF ANY KIND.  
3 (c) A NEWS SOURCE FOR PRINTED OR ONLINE PUBLICATIONS.  
4 (d) A MOBILE NEWS PLATFORM OR CURRENT NEWS OF A PUBLIC INTEREST.  
5 (e) A RADIO BROADCAST STATION.  
6 (f) A TELEVISION BROADCAST STATION.  
7 (g) A CABLE TELEVISION OPERATOR OR WIRE SERVICE.  
8 5. "PORNOGRAPHY" MEANS ANY PICTURE, IMAGE, GRAPHIC IMAGE FILE,  
9 FILM, VIDEOTAPE OR OTHER VISUAL DEPICTION THAT:  
10 (a) TAKEN AS A WHOLE:  
11 (i) APPEALS TO THE PRURIENT INTEREST IN NUDITY, SEX OR EXCRETION.  
12 (ii) LACKS SERIOUS LITERARY, ARTISTIC, POLITICAL OR SCIENTIFIC  
13 VALUE.  
14 (b) DEPICTS, DESCRIBES OR REPRESENTS AN ACTUAL OR SIMULATED SEXUAL  
15 ACT OR SEXUAL CONTACT THAT INCLUDES PERVERTED SEXUAL ACTS OR LEWD  
16 EXHIBITION OF GENITALS WITH THE OBJECTIVE INTENT TO AROUSE, TITILLATE OR  
17 GRATIFY THE SEXUAL DESIRES OF AN INDIVIDUAL.  
18 6. "PRODUCE" MEANS TO CREATE, FILM, RECORD, MANUFACTURE, COMPOSE,  
19 COMPILE OR GENERATE AN ITEM FOR COMMERCIAL DISTRIBUTION.  
20 7. "PUBLISH" MEANS TO COMMUNICATE OR MAKE INFORMATION AVAILABLE TO  
21 AN INDIVIDUAL OR ENTITY THAT INCLUDES A PUBLICLY AVAILABLE INTERNET  
22 WEBSITE OR DIGITAL SERVICE.