

House Engrossed Senate Bill

~~gender transition procedures; informed consent~~
(now: defamation; elements)

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SENATE BILL 1099

AN ACT

AMENDING TITLE 12, CHAPTER 6, ARTICLE 6, ARIZONA REVISED STATUTES, BY
ADDING SECTION 12-651.01; RELATING TO CIVIL ACTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 12, chapter 6, article 6, Arizona Revised
3 Statutes, is amended by adding section 12-651.01, to read:

4 12-651.01. Defamation; statute of limitations; definitions

5 A. A PERSON COMMITS DEFAMATION IF THE PLAINTIFF IS A PRIVATE
6 FIGURE, THE MATTER IS OF PRIVATE CONCERN AND THE PLAINTIFF SHOWS ALL OF
7 THE FOLLOWING EXIST:

8 1. THE PERSON PUBLISHES A STATEMENT THAT IS:

9 (a) PROVABLE AS FALSE.

10 (b) REASONABLY PERCEIVED AS STATING ACTUAL FACTS ABOUT THE
11 PLAINTIFF RATHER THAN IMAGINATIVE EXPRESSION OR RHETORICAL HYPERBOLE.

12 2. THE PERSON MAKES THE STATEMENT WITH KNOWLEDGE OF ITS FALSITY,
13 ACTS WITH RECKLESS DISREGARD OF THE STATEMENT'S FALSITY OR NEGLIGENTLY
14 FAILS TO ASCERTAIN THE STATEMENT'S FALSITY.

15 3. THE STATEMENT, WHEN EXAMINED WITHIN THE FULL CONTEXT IN WHICH IT
16 WAS MADE, INJURES THE PLAINTIFF'S REPUTATION BY DOING ANY OF THE
17 FOLLOWING:

18 (a) IDENTIFYING THE PLAINTIFF BY NAME.

19 (b) INCLUDING A DESCRIPTION OF OR REFERENCE TO THE PLAINTIFF SO
20 THAT THOSE WHO HEAR OR READ THE STATEMENT REASONABLY UNDERSTAND THE
21 PLAINTIFF TO BE THE SUBJECT OF THE STATEMENT.

22 (c) IMPLYING A CLEARLY DEFAMATORY MEANING THAT, WHEN EXAMINED
23 WITHIN ITS CONTEXT, CAUSES THE AVERAGE PERSON TO PERCEIVE A DEFAMATORY
24 MESSAGE.

25 B. A PERSON COMMITS DEFAMATION IF THE PLAINTIFF IS A PRIVATE
26 FIGURE, THE MATTER IS OF PUBLIC CONCERN AND THE PLAINTIFF SHOWS ALL OF THE
27 FOLLOWING EXIST:

28 1. THE PERSON PUBLISHES A STATEMENT THAT THE PERSON KNOWS TO BE
29 FALSE, ACTS WITH RECKLESS DISREGARD OF THE STATEMENT'S FALSITY OR
30 NEGLIGENTLY FAILS TO ASCERTAIN THE STATEMENT'S FALSITY.

31 2. THE PERSON PUBLISHES A STATEMENT THAT, WHEN EXAMINED WITHIN THE
32 FULL CONTEXT IN WHICH IT WAS MADE, INJURES THE PLAINTIFF'S REPUTATION BY
33 DOING ANY OF THE FOLLOWING:

34 (a) IDENTIFYING THE PLAINTIFF BY NAME.

35 (b) INCLUDING A DESCRIPTION OF OR REFERENCE TO THE PLAINTIFF SO
36 THAT THOSE WHO HEAR OR READ THE STATEMENT REASONABLY UNDERSTAND THE
37 PLAINTIFF TO BE THE SUBJECT OF THE STATEMENT.

38 (c) IMPLYING A CLEARLY DEFAMATORY MEANING THAT, WHEN EXAMINED
39 WITHIN ITS CONTEXT, CAUSES THE AVERAGE PERSON TO PERCEIVE A DEFAMATORY
40 MESSAGE.

41 3. THE PUBLISHED STATEMENT IS BOTH:

42 (a) PROVABLE AS FALSE.

43 (b) REASONABLY PERCEIVED AS STATING ACTUAL FACTS ABOUT THE
44 PLAINTIFF RATHER THAN IMAGINATIVE EXPRESSION OR RHETORICAL HYPERBOLE.

1 C. A PERSON COMMITS DEFAMATION IF THE PLAINTIFF IS A PUBLIC FIGURE,
2 THE MATTER IS OF PUBLIC CONCERN AND THE PLAINTIFF SHOWS ALL OF THE
3 FOLLOWING EXIST:

4 1. THE PERSON PUBLISHES A STATEMENT THAT THE PERSON KNOWS TO BE
5 FALSE OR ACTS WITH RECKLESS DISREGARD OF THE STATEMENT'S TRUTH.

6 2. THE PERSON PUBLISHES A STATEMENT THAT, WHEN EXAMINED WITHIN THE
7 FULL CONTEXT IN WHICH IT WAS MADE, INJURES THE PLAINTIFF'S REPUTATION BY:

8 (a) IDENTIFYING THE PLAINTIFF BY NAME.

9 (b) INCLUDING A DESCRIPTION OF OR REFERENCE TO THE PLAINTIFF SO
10 THAT THOSE WHO HEAR OR READ THE STATEMENT REASONABLY UNDERSTAND THE
11 PLAINTIFF TO BE THE SUBJECT OF THE STATEMENT.

12 (c) IMPLYING A CLEARLY DEFAMATORY MEANING THAT, WHEN EXAMINED
13 WITHIN ITS CONTEXT, CAUSES THE AVERAGE PERSON TO PERCEIVE A DEFAMATORY
14 MESSAGE.

15 3. THE STATEMENT IS BOTH:

16 (a) PROVABLE AS FALSE.

17 (b) REASONABLY PERCEIVED AS STATING ACTUAL FACTS ABOUT THE
18 PLAINTIFF RATHER THAN IMAGINATIVE EXPRESSION OR RHETORICAL HYPERBOLE.

19 D. A DEFAMATION ACTION UNDER THIS SECTION INVOLVING A DEFAMATORY
20 STATEMENT THAT IS PUBLISHED ON THE INTERNET SHALL BE COMMENCED WITHIN ONE
21 YEAR FROM THE DATE THE PERSON REMOVES THE DEFAMATORY STATEMENT FROM THE
22 INTERNET SITE OR INTERNET-BASED PLATFORM WHERE THE PERSON ORIGINALLY
23 PUBLISHED THE DEFAMATORY STATEMENT. A STATEMENT THAT IS PUBLISHED ON THE
24 INTERNET IS CONSIDERED REPUBLISHED EACH DAY THAT THE STATEMENT REMAINS ON
25 THE INTERNET.

26 E. FOR THE PURPOSES OF THIS SUBSECTION:

27 1. "INTERNET" HAS THE SAME MEANING PRESCRIBED IN SECTION 18-501.

28 2. "INTERNET-BASED PLATFORM" INCLUDES:

29 (a) A DIGITAL SERVICE THAT FACILITATES USER INTERACTION, CONTENT
30 CREATION OR INFORMATION EXCHANGE.

31 (b) A SOCIAL MEDIA SERVICE.

32 (c) A CONTENT SHARING SERVICE.

33 (d) A CLOUD BASED SERVICE.