

REFERENCE TITLE: **electronic devices; filters; harmful material**

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

# **HB 2115**

Introduced by  
Representatives Udall: John, Toma

**AN ACT**

**AMENDING TITLE 44, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 29;  
RELATING TO PERSONAL ELECTRONIC DEVICES.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 44, Arizona Revised Statutes, is amended by adding  
3 chapter 29, to read:

4 CHAPTER 29

5 PERSONAL ELECTRONIC DEVICES

6 ARTICLE 1. GENERAL PROVISIONS

7 44-7201. Definitions

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "ACTIVATE" MEANS THE PROCESS OF POWERING ON A DEVICE AND  
10 ASSOCIATING IT WITH A NEW USER ACCOUNT.

11 2. "DEVICE" MEANS A TABLET OR A SMARTPHONE.

12 3. "FILTER" MEANS SOFTWARE THAT IS INSTALLED ON A DEVICE AND THAT  
13 IS CAPABLE OF PREVENTING THE DEVICE FROM ACCESSING OR DISPLAYING MATERIAL  
14 THAT IS HARMFUL TO MINORS THROUGH THE INTERNET OR ANY APPLICATIONS OWNED  
15 AND CONTROLLED BY THE MANUFACTURER AND INSTALLED ON THE DEVICE.

16 4. "HARMFUL TO MINORS" HAS THE SAME MEANING PRESCRIBED IN SECTION  
17 13-3501.

18 5. "INTERNET" MEANS THE GLOBAL INFORMATION SYSTEM THAT IS  
19 LOGICALLY LINKED TOGETHER BY A GLOBALLY UNIQUE ADDRESS SPACE BASED ON THE  
20 INTERNET PROTOCOL, OR ITS SUBSEQUENT EXTENSIONS, THAT IS ABLE TO SUPPORT  
21 COMMUNICATIONS USING THE TRANSMISSION CONTROL PROTOCOL OR INTERNET  
22 PROTOCOL SUITE, OR ITS SUBSEQUENT EXTENSIONS, OR OTHER INTERNET  
23 PROTOCOL-COMPATIBLE PROTOCOLS, AND THAT PROVIDES, USES OR MAKES  
24 ACCESSIBLE, EITHER PUBLICLY OR PRIVATELY, HIGH-LEVEL SERVICES LAYERED ON  
25 COMMUNICATIONS AND RELATED INFRASTRUCTURE.

26 6. "MANUFACTURER" MEANS A PERSON TO WHOM BOTH OF THE FOLLOWING  
27 APPLY:

28 (a) IS ENGAGED IN THE BUSINESS OF MANUFACTURING A DEVICE.

29 (b) HAS A STATUTORY AGENT THAT IS DESIGNATED WITH THE CORPORATION  
30 COMMISSION PURSUANT TO TITLE 10 OR 29.

31 7. "MINOR" MEANS AN INDIVIDUAL WHO IS UNDER EIGHTEEN YEARS OF AGE  
32 AND WHO IS NOT EMANCIPATED, MARRIED OR A MEMBER OF THE UNITED STATES ARMED  
33 FORCES.

34 8. "SMARTPHONE" MEANS AN ELECTRONIC DEVICE THAT COMBINES A CELLULAR  
35 TELEPHONE WITH A HANDHELD COMPUTER AND THAT TYPICALLY OFFERS INTERNET  
36 ACCESS, DATA STORAGE, TEXT AND EMAIL CAPABILITIES.

37 9. "TABLET" MEANS AN INTERNET-READY DEVICE THAT IS EQUIPPED WITH AN  
38 OPERATING SYSTEM, TOUCHSCREEN DISPLAY AND RECHARGEABLE BATTERY AND THAT  
39 HAS THE ABILITY TO SUPPORT ACCESS TO A CELLULAR NETWORK.

40 44-7202. Filter required

41 A MANUFACTURER SHALL MANUFACTURE A DEVICE THAT, WHEN ACTIVATED IN  
42 THIS STATE, AUTOMATICALLY ENABLES A FILTER THAT:

43 1. PREVENTS THE USER FROM ACCESSING OR DOWNLOADING MATERIAL THAT IS  
44 HARMFUL TO MINORS ON ALL OF THE FOLLOWING:

45 (a) MOBILE DATA NETWORKS.

1 (b) APPLICATIONS THAT ARE OWNED AND CONTROLLED BY THE MANUFACTURER.

2 (c) WIRED INTERNET NETWORKS.

3 (d) WIRELESS INTERNET NETWORKS.

4 2. NOTIFIES THE USER OF THE DEVICE WHEN THE FILTER BLOCKS THE  
5 DEVICE FROM DOWNLOADING AN APPLICATION OR ACCESSING A WEBSITE.

6 3. PROVIDES AN OPPORTUNITY TO UNBLOCK A FILTERED APPLICATION OR  
7 WEBSITE BY USING A PASSCODE.

8 4. REASONABLY PRECLUDES A USER OTHER THAN A USER WITH A PASSCODE  
9 THE OPPORTUNITY TO DEACTIVATE, MODIFY OR UNINSTALL THE FILTER.

10 44-7203. Manufacturer liability

11 A. A MANUFACTURER IS SUBJECT TO CIVIL AND CRIMINAL LIABILITY IF ALL  
12 OF THE FOLLOWING APPLY:

13 1. THE DEVICE IS ACTIVATED IN THIS STATE.

14 2. ON ACTIVATION, THE DEVICE DOES NOT ENABLE A FILTER THAT COMPLIES  
15 WITH SECTION 44-7202.

16 3. A MINOR ACCESSES MATERIAL THAT IS HARMFUL TO MINORS ON THE  
17 DEVICE.

18 B. FOR THE PURPOSES OF ASSESSING A PENALTY UNDER SECTION 44-7205, A  
19 MANUFACTURER IS CONSIDERED TO HAVE COMMITTED A SEPARATE VIOLATION FOR EACH  
20 DEVICE.

21 C. THIS SECTION DOES NOT APPLY TO A MANUFACTURER THAT MAKES A GOOD  
22 FAITH EFFORT TO PROVIDE A DEVICE THAT, ON ACTIVATION OF THE DEVICE IN THIS  
23 STATE, AUTOMATICALLY ENABLES A GENERALLY ACCEPTED AND COMMERCIALY  
24 REASONABLE METHOD OF FILTRATION IN ACCORDANCE WITH SECTION 44-7202 AND  
25 INDUSTRY STANDARDS.

26 44-7204. Individual liability

27 A. A PERSON IS SUBJECT TO CIVIL LIABILITY FOR ENABLING A PASSCODE  
28 TO REMOVE A FILTER ON A DEVICE THAT IS IN THE POSSESSION OF A MINOR IF THE  
29 MINOR ACCESSES MATERIAL THAT IS HARMFUL TO MINORS ON THE DEVICE.

30 B. THIS SECTION DOES NOT APPLY TO THE MINOR'S PARENT OR LEGAL  
31 GUARDIAN.

32 44-7205. Enforcement: attorney general

33 A. IF THE ATTORNEY GENERAL HAS REASON TO BELIEVE THAT A PERSON HAS  
34 VIOLATED OR IS VIOLATING THIS CHAPTER, THE ATTORNEY GENERAL, ACTING IN THE  
35 PUBLIC INTEREST, MAY BRING AN ACTION IN THE NAME OF THIS STATE AGAINST THE  
36 PERSON TO DO ANY OF THE FOLLOWING:

37 1. ENJOIN ANY ACTION THAT CONSTITUTES A VIOLATION OF THIS CHAPTER  
38 BY ISSUING A TEMPORARY RESTRAINING ORDER OR PRELIMINARY OR PERMANENT  
39 INJUNCTION.

40 2. RECOVER A CIVIL PENALTY OF NOT MORE THAN \$5,000 PER VIOLATION,  
41 NOT TO EXCEED A TOTAL OF \$50,000.

42 3. RECOVER THE ATTORNEY GENERAL'S REASONABLE EXPENSES,  
43 INVESTIGATIVE COSTS AND ATTORNEY FEES.

44 4. OBTAIN OTHER APPROPRIATE RELIEF AS PROVIDED FOR UNDER THIS  
45 CHAPTER.

1 B. THE ATTORNEY GENERAL MAY ISSUE SUBPOENAS TO ANY PERSON AND  
2 CONDUCT HEARINGS IN ANY INVESTIGATION OR INQUIRY RELATED TO A POSSIBLE  
3 VIOLATION OF THIS CHAPTER.

4 C. THE ATTORNEY GENERAL MAY SEEK THE REVOCATION OF ANY LICENSE OR  
5 CERTIFICATE AUTHORIZING A MANUFACTURER TO ENGAGE IN BUSINESS IN THIS  
6 STATE.

7 44-7206. Civil action; parent or legal guardian; relief

8 A. A PARENT OR LEGAL GUARDIAN OF A MINOR WHO ACCESSES MATERIAL THAT  
9 IS HARMFUL TO MINORS IN VIOLATION OF SECTION 44-7202 MAY BRING A PRIVATE  
10 CAUSE OF ACTION IN ANY COURT OF COMPETENT JURISDICTION AGAINST:

- 11 1. A MANUFACTURER THAT FAILS TO COMPLY WITH SECTION 44-7202.  
12 2. A PERSON WHO ENABLES A PASSCODE TO REMOVE A FILTER FROM A DEVICE  
13 IN THE MINOR'S POSSESSION THAT RESULTS IN THE MINOR'S EXPOSURE TO MATERIAL  
14 THAT IS HARMFUL TO MINORS.

15 B. THE PARENT OR LEGAL GUARDIAN OF A MINOR WHO BRINGS AN ACTION  
16 UNDER THIS SECTION MAY RECOVER:

- 17 1. ACTUAL DAMAGES OR, IN THE COURT'S DISCRETION WHERE ACTUAL  
18 DAMAGES ARE DIFFICULT TO ASCERTAIN DUE TO THE NATURE OF THE INJURY,  
19 LIQUIDATED DAMAGES IN THE AMOUNT OF \$50,000 FOR EACH VIOLATION.  
20 2. PUNITIVE DAMAGES IN AN AMOUNT DETERMINED BY THE COURT, IF THE  
21 COURT FINDS THE VIOLATION IS KNOWING AND WILFUL.  
22 3. NOMINAL DAMAGES.  
23 4. ANY OTHER RELIEF AS THE COURT DEEMS APPROPRIATE, INCLUDING COURT  
24 COSTS AND EXPENSES.  
25 5. ATTORNEY FEES.

26 C. THIS SECTION DOES NOT PRECLUDE A CLASS ACTION LAWSUIT AGAINST A  
27 MANUFACTURER THAT KNOWINGLY AND WILFULLY VIOLATES SECTION 44-7202.

28 44-7207. Unlawful filter removal; violation; classification;  
29 penalty

30 A. EXCEPT FOR THE MINOR'S PARENT OR LEGAL GUARDIAN, IT IS UNLAWFUL  
31 FOR A PERSON TO ENABLE A PASSCODE TO REMOVE THE FILTER ON A DEVICE IN THE  
32 POSSESSION OF A MINOR.

33 B. A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A FINE OF NOT  
34 MORE THAN \$5,000, EXCEPT THAT FOR A SECOND OR SUBSEQUENT VIOLATION OF THIS  
35 SECTION THE PERSON IS GUILTY OF A CLASS 6 FELONY AND IS SUBJECT TO A FINE  
36 OF NOT MORE THAN \$50,000.

37 Sec. 2. Effective date

38 This act is effective from and after December 31, 2022.