

House Engrossed Senate Bill  
social media platforms; standards; notification

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

# SENATE BILL 1106

AN ACT

AMENDING TITLE 18, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 7; RELATING  
TO SOCIAL MEDIA.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 18, Arizona Revised Statutes, is amended by adding  
3 chapter 7, to read:

4 CHAPTER 7

5 SOCIAL MEDIA PLATFORMS

6 ARTICLE 1. GENERAL PROVISIONS

7 18-701. Definitions

8 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "ALGORITHM" MEANS A MATHEMATICAL SET OF RULES THAT SPECIFIES HOW  
10 A GROUP OF DATA BEHAVES AND THAT WILL ASSIST IN RANKING SEARCH RESULTS AND  
11 MAINTAINING ORDER OR THAT IS USED IN SORTING OR RANKING CONTENT OR  
12 MATERIAL BASED ON RELEVANCY OR OTHER FACTORS INSTEAD OF USING PUBLISHED  
13 TIME OR CHRONOLOGICAL ORDER OF THE CONTENT OR MATERIAL.

14 2. "CANDIDATE" HAS THE SAME MEANING PRESCRIBED IN SECTION 16-901.

15 3. "CENSOR" INCLUDES ANY ACTION TAKEN BY AN EMPLOYEE OF THIS STATE  
16 IN THE EMPLOYEE'S OFFICIAL CAPACITY:

17 (a) TO DELETE, REGULATE, RESTRICT, EDIT, ALTER, INHIBIT THE  
18 PUBLICATION OR REPUBLICATION OF, OR SUSPEND A RIGHT TO POST, REMOVE OR  
19 POST AN ADDENDUM TO ANY CONTENT OR MATERIAL POSTED BY A USER.

20 (b) TO INHIBIT THE ABILITY OF A USER TO BE VIEWABLE BY OR TO  
21 INTERACT WITH ANOTHER USER OF THE SOCIAL MEDIA PLATFORM.

22 (c) TO ADD OR TAKE AWAY CREDIBILITY TO POLITICAL SPEECH THAT COULD  
23 HAVE THE EFFECT OF SWAYING POLITICAL VIEWS, INCLUDING FACT-CHECKING,  
24 ISSUING WARNINGS, FLAGGING, HIGHLIGHTING OR CAUTIONING USERS TO BELIEVE OR  
25 DISBELIEVE CONTENT BASED ON POLITICAL VIEWS.

26 4. "DEPLATFORM" MEANS THE ACT OR PRACTICE BY A SOCIAL MEDIA  
27 PLATFORM OF PERMANENTLY DELETING OR BANNING A USER OR TEMPORARILY DELETING  
28 OR BANNING A USER FOR MORE THAN FOURTEEN DAYS FROM THE SOCIAL MEDIA  
29 PLATFORM.

30 5. "JOURNALISTIC ENTERPRISE" MEANS AN ENTITY DOING BUSINESS IN THIS  
31 STATE THAT DOES ANY OF THE FOLLOWING:

32 (a) PUBLISHES MORE THAN ONE HUNDRED THOUSAND WORDS THAT ARE  
33 AVAILABLE ONLINE WITH AT LEAST FIFTY THOUSAND PAID SUBSCRIBERS OR ONE  
34 HUNDRED THOUSAND MONTHLY ACTIVE USERS.

35 (b) PUBLISHES AT LEAST ONE HUNDRED HOURS OF AUDIO OR VIDEO THAT IS  
36 AVAILABLE ONLINE WITH AT LEAST ONE HUNDRED MILLION VIEWERS ANNUALLY.

37 (c) OPERATES A CABLE CHANNEL THAT PROVIDES MORE THAN FORTY HOURS OF  
38 CONTENT PER WEEK TO MORE THAN ONE HUNDRED THOUSAND CABLE TELEVISION  
39 SUBSCRIBERS.

40 (d) OPERATES UNDER A BROADCAST LICENSE ISSUED BY THE FEDERAL  
41 COMMUNICATIONS COMMISSION.

42 6. "POSTPRIORITIZATION":

43 (a) MEANS ANY ACTION TAKEN BY A SOCIAL MEDIA PLATFORM TO PLACE,  
44 FEATURE OR PRIORITIZE CERTAIN CONTENT OR MATERIAL AHEAD OF, BELOW OR IN A

1 MORE OR LESS PROMINENT POSITION THAN OTHER CONTENT OR MATERIAL IN A  
2 NEWSFEED, FEED OR VIEW OR IN SEARCH RESULTS.

3 (b) DOES NOT INCLUDE ANY ACTION TAKEN BY A SOCIAL MEDIA PLATFORM TO  
4 PLACE, FEATURE OR PRIORITIZE THE CONTENT AND MATERIAL OF A THIRD PARTY,  
5 INCLUDING OTHER USERS, BASED ON PAYMENTS BY THAT THIRD PARTY TO THE SOCIAL  
6 MEDIA PLATFORM.

7 7. "SOCIAL MEDIA PLATFORM":

8 (a) MEANS PUBLIC OR SEMIPUBLIC INTERNET-BASED SERVICE OR  
9 APPLICATION THAT MEETS ALL OF THE FOLLOWING:

10 (i) OPERATES AS A SOLE PROPRIETORSHIP, PARTNERSHIP, LIMITED  
11 LIABILITY COMPANY, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY.

12 (ii) DOES BUSINESS IN THIS STATE.

13 (iii) HAS ANNUAL GROSS REVENUES OF MORE THAN \$100,000,000 DIRECTLY  
14 FROM THE OPERATION OF THE SOCIAL MEDIA PLATFORM AND NOT FROM THE SELLING  
15 OF GOODS AND SERVICES, AS ADJUSTED IN JANUARY OF EACH ODD-NUMBERED YEAR TO  
16 REFLECT ANY INCREASE IN THE CONSUMER PRICE INDEX AND HAS AT LEAST ONE  
17 HUNDRED MILLION MONTHLY INDIVIDUAL PLATFORM PARTICIPANTS GLOBALLY.

18 (iv) PRIMARILY FUNCTIONS TO CONNECT USERS IN ORDER TO ALLOW USERS  
19 TO INTERACT SOCIALLY WITH EACH OTHER WITHIN THE PLATFORM. EMAIL OR DIRECT  
20 MESSAGING SERVICES DOES NOT MEET THIS CRITERION ON THE BASIS OF THAT  
21 FUNCTION ALONE.

22 (v) ALLOWS USERS TO CREATE A PUBLIC OR SEMIPUBLIC PROFILE FOR THE  
23 PURPOSES OF LOGGING IN TO AND USING THE PLATFORM, POPULATE A PUBLIC LIST  
24 OF OTHER USERS WITH WHOM AN INDIVIDUAL SHARES A SOCIAL CONNECTION WITHIN  
25 THE PLATFORM, AND POST CONTENT THAT IS VIEWABLE BY OTHER USERS.

26 (b) DOES NOT INCLUDE A BROADBAND INTERNET ACCESS SERVICE PROVIDER  
27 OR AN ONLINE SERVICE, APPLICATION, CLOUD SERVICES PROVIDER OR WEBSITE:

28 (i) THAT CONSISTS PRIMARILY OF NEWS, SPORTS, ENTERTAINMENT,  
29 E-COMMERCE OR INFORMATION OR CONTENT THAT IS NOT USER-GENERATED BUT IS  
30 PRESELECTED BY THE PROVIDER.

31 (ii) FOR WHICH ANY CHAT, COMMENTS OR INTERACTIVE FUNCTIONALITY IS  
32 INCIDENTAL TO, DIRECTLY RELATED TO OR DEPENDENT ON THE PROVISION OF THE  
33 CONTENT DESCRIBED IN ITEM (i) OF THIS SUBDIVISION.

34 (c) DOES NOT INCLUDE CLOUD STORAGE, SHARED DOCUMENT COLLABORATION  
35 AND OTHER CLOUD COMPUTING SERVICES.

36 8. "USER" MEANS A PERSON WHO RESIDES OR IS DOMICILED IN THIS STATE  
37 AND WHO HAS AN ACCOUNT ON A SOCIAL MEDIA PLATFORM, REGARDLESS OF WHETHER  
38 THE PERSON POSTS OR HAS POSTED CONTENT OR MATERIAL TO THE SOCIAL MEDIA  
39 PLATFORM.

40 18-702. Candidates; deplatforming prohibited; civil penalties

41 A. A SOCIAL MEDIA PLATFORM MAY DEPLATFORM A CANDIDATE WHO IS KNOWN  
42 BY THE SOCIAL MEDIA PLATFORM TO BE A CANDIDATE, BEGINNING ON THE DATE OF  
43 THE CANDIDATE'S QUALIFICATION AND ENDING ON THE DATE OF THE ELECTION OR  
44 THE DATE THE CANDIDATE CEASES TO BE A CANDIDATE AS ALLOWED UNDER THE

1 COMMUNICATIONS DEGENCY ACT OF 1996 (P.L. 104-104; 110 STAT. 133; 47 UNITED  
2 STATES CODE 230).

3 B. IF THE SECRETARY OF STATE FINDS THAT A SOCIAL MEDIA PLATFORM HAS  
4 VIOLATED SUBSECTION A OF THIS SECTION, THE SECRETARY OF STATE MAY IMPOSE A  
5 CIVIL PENALTY ON THE SOCIAL MEDIA PLATFORM OF \$250,000 PER DAY FOR A  
6 CANDIDATE FOR STATEWIDE OFFICE WHO WAS DEPLATFORMED BY THE SOCIAL MEDIA  
7 PLATFORM AND \$25,000 PER DAY FOR A CANDIDATE FOR ANY OTHER OFFICE WHO WAS  
8 DEPLATFORMED BY THE SOCIAL MEDIA PLATFORM.

9 18-703. Censorship standards

10 A SOCIAL MEDIA PLATFORM SHALL PUBLISH THE STANDARDS, INCLUDING  
11 DETAILED DEFINITIONS, THAT THE SOCIAL MEDIA PLATFORM USES FOR DETERMINING  
12 HOW IT WILL DEPLATFORM THE SOCIAL MEDIA PLATFORM'S USERS.

13 18-704. Penalties; exceptions

14 A. AN EMPLOYEE WHO VIOLATES THIS CHAPTER SHALL BE SUBJECT TO  
15 REMOVAL FROM STATE SERVICE, REDUCTION IN GRADE, DEBARMENT FROM STATE  
16 EMPLOYMENT FOR A PERIOD NOT TO EXCEED FIVE YEARS, SUSPENSION, REPRIMAND OR  
17 A CIVIL PENALTY NOT TO EXCEED \$1,000.

18 B. THIS CHAPTER DOES NOT PROHIBIT AN EMPLOYEE FROM ENGAGING IN  
19 LAWFUL ACTIONS WITHIN THE OFFICIAL AUTHORITY OF THE EMPLOYEE FOR THE  
20 PURPOSE OF EITHER:

21 1. EXERCISING LEGITIMATE LAW ENFORCEMENT FUNCTIONS DIRECTLY RELATED  
22 TO ACTIVITIES TO COMBAT CHILD PORNOGRAPHY, HUMAN TRAFFICKING OR THE  
23 ILLEGAL TRANSPORTING OF OR TRANSACTING IN CONTROLLED SUBSTANCES.

24 2. SAFEGUARDING OR PREVENTING THE UNLAWFUL DISSEMINATION OF  
25 PROPERLY CLASSIFIED STATE SECURITY INFORMATION.