

House Engrossed

social media protections; minors

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE BILL 2858

AN ACT

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

(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 ONLINE PROVIDER REQUIREMENTS FOR MINORS

6 ARTICLE 1. GENERAL PROVISIONS

7 18-701. Online service, product or feature providers; minors;
8 social media platforms; definitions

9 A. EACH SOCIAL MEDIA PLATFORM IN THIS STATE THAT PROVIDES AN ONLINE
10 SERVICE, PRODUCT OR FEATURE THAT IS LIKELY TO BE ACCESSED BY A MINOR MUST
11 DO ALL OF THE FOLLOWING:

12 1. ESTABLISH DEFAULT SETTINGS FOR THE ONLINE SERVICE, PRODUCT OR
13 FEATURE THAT PROVIDE A HIGH DEGREE OF PRIVACY PROTECTIONS TO EACH USER OF
14 THE ONLINE SERVICE, PRODUCT OR FEATURE.

15 2. ALLOW EACH MINOR WHO USES AN ONLINE SERVICE, PRODUCT OR FEATURE
16 TO OPT OUT OF THE COLLECTION AND USE OF THE MINOR'S PERSONAL INFORMATION
17 BEYOND WHAT IS NECESSARY, AS DISCLOSED TO THE MINOR.

18 3. PROHIBIT THE PERSONAL INFORMATION OF A MINOR WHO USES AN ONLINE
19 SERVICE, PRODUCT OR FEATURE FROM BEING USED BY ANY PERSON OR ENTITY TO
20 TARGET ADVERTISING TO THE MINOR BASED ON THE MINOR'S PERSONAL INFORMATION,
21 EXCEPT THE MINOR'S AGE AND LOCATION.

22 B. FOR THE PURPOSES OF THIS SECTION:

23 1. "DE-IDENTIFIED DATA" MEANS DATA THAT CANNOT REASONABLY BE USED
24 TO INFER INFORMATION ABOUT, OR OTHERWISE BE LINKED TO, AN IDENTIFIED OR
25 IDENTIFIABLE INDIVIDUAL OR A DEVICE LINKED TO THE INDIVIDUAL, IF THE
26 CONTROLLER THAT POSSESSES THE DATA HAS DONE ALL OF THE FOLLOWING:

27 (a) TAKEN REASONABLE MEASURES TO ENSURE THAT THE DATA CANNOT BE
28 ASSOCIATED WITH AN INDIVIDUAL.

29 (b) PUBLICLY COMMITTED TO PROCESS THE DATA ONLY IN A DE-IDENTIFIED
30 FASHION AND DOES NOT ATTEMPT TO RE-IDENTIFY THE DATA.

31 (c) CONTRACTUALLY OBLIGATED ANY RECIPIENTS OF THE DATA TO SATISFY
32 THE CRITERIA SET FORTH IN SUBDIVISIONS (a) AND (b) OF THIS PARAGRAPH.

33 2. ONLINE SERVICE, PRODUCT OR FEATURE DOES NOT INCLUDE:

34 (a) TELECOMMUNICATIONS SERVICE AS DEFINED IN 47 UNITED STATES CODE
35 SECTION 153.

36 (b) BROADBAND INTERACTIVE ACCESS SERVICE AS DEFINED IN 47 CODE OF
37 FEDERAL REGULATIONS SECTION 54.400.

38 3. "PERSONAL INFORMATION":

39 (a) MEANS ANY INFORMATION THAT IS LINKED OR REASONABLY LINKABLE TO
40 AN IDENTIFIED OR IDENTIFIABLE INDIVIDUAL.

41 (b) DOES NOT INCLUDE DE-IDENTIFIED DATA OR PUBLICLY AVAILABLE
42 INFORMATION.

43 4. "SOCIAL MEDIA PLATFORM":

44 (a) MEANS A PUBLIC OR SEMIPUBLIC INTERNET-BASED SERVICE OR
45 APPLICATION THAT MEETS ALL OF THE FOLLOWING:

1 (i) IS USED BY A CONSUMER IN THIS STATE.
2 (ii) SUBSTANTIAL FUNCTION OF THE PUBLIC OR SEMIPUBLIC
3 INTERNET-BASED SERVICE OR APPLICATION IS TO CONNECT USERS IN ORDER TO
4 ALLOW USERS TO INTERACT SOCIALLY WITH EACH OTHER WITHIN THE SERVICE OR
5 APPLICATION.
6 (iii) THE PUBLIC OR SEMIPUBLIC INTERNET-BASED SERVICE OR
7 APPLICATION ALLOWS USERS TO CONSTRUCT A PUBLIC OR SEMIPUBLIC PROFILE FOR
8 PURPOSES OF SIGNING INTO AND USING THE PUBLIC OR SEMIPUBLIC INTERNET-BASED
9 SERVICE OR APPLICATION, POPULATE A LIST OF OTHER USERS WITH WHOM AN
10 INDIVIDUAL SHARES A SOCIAL CONNECTION WITHIN THE SYSTEM AND CREATE OR POST
11 CONTENT VIEWABLE BY OTHER USERS, INCLUDING ON MESSAGE BOARDS, IN CHAT
12 ROOMS OR THROUGH A LANDING PAGE OR MAIN FEED THAT PRESENTS THE USER WITH
13 CONTENT GENERATED BY OTHER USERS.
14 (b) DOES NOT INCLUDE A PUBLIC OR SEMIPUBLIC INTERNET-BASED SERVICE
15 OR APPLICATION THAT MEETS ANY OF THE FOLLOWING:
16 (i) EXCLUSIVELY PROVIDES EMAIL.
17 (ii) PRIMARILY CONSISTS OF NEWS, SPORTS, ENTERTAINMENT, INTERACTIVE
18 VIDEO GAMES, ELECTRONIC COMMERCE OR CONTENT THAT IS PRESELECTED BY THE
19 PROVIDER OR FOR WHICH ANY CHAT, COMMENTS OR INTERACTIVE FUNCTIONALITY IS
20 INCIDENTAL TO, DIRECTLY RELATED TO OR DEPENDENT ON THE PROVISION OF SUCH
21 CONTENT.
22 (iii) IS USED BY AND UNDER THE DIRECTION OF AN EDUCATIONAL ENTITY,
23 INCLUDING A LEARNING MANAGEMENT SYSTEM OR A STUDENT ENGAGEMENT PROGRAM.
24 (iv) FACILITATES ACADEMIC OR SCHOLARLY RESEARCH.
25 Sec. 2. Short title
26 This act shall be known and cited as the "Protecting Children on
27 Social Media Act".
28 Sec. 3. Effective date
29 Section 18-701, Arizona Revised Statutes, as added by this act, is
30 effective ninety days after the general effective date.