

REFERENCE TITLE: social media protections; minors

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

HB 2858

Introduced by
Representative Blattman

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

12 1. ESTABLISH DEFAULT SETTINGS FOR THE ONLINE SERVICE, PRODUCT OR
13 FEATURE THAT PROVIDE THE MAXIMUM DEGREE OF PRIVACY PROTECTIONS TO EACH
14 USER OF 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 3. PROHIBIT THE PERSONAL INFORMATION OF A MINOR WHO USES AN ONLINE
18 SERVICE, PRODUCT OR FEATURE FROM BEING USED BY ANY PERSON OR ENTITY TO
19 TARGET ADVERTISING TO THE MINOR.

20 4. ACCEPT A FIDUCIARY DUTY ON EACH ONLINE PLATFORM THAT COLLECTS A
21 MINOR'S PERSONAL INFORMATION THAT PRIORITIZES THE MINOR'S INTERESTS OVER
22 THOSE OF THE ONLINE PLATFORM.

23 5. DEVELOP CONTENT FILTERS FOR USERS TO LIMIT CYBERBULLYING ON THE
24 PROVIDER'S SOCIAL MEDIA PLATFORM.

25 B. EACH BUSINESS IN THIS STATE THAT PROVIDES OR ALLOWS ACCESS TO A
26 SOCIAL MEDIA PLATFORM MUST DO BOTH OF THE FOLLOWING:

27 1. USE PROTECTIONS THAT PROHIBIT ANY USER ON THE PLATFORM WHO IS AT
28 LEAST EIGHTEEN YEARS OF AGE FROM SENDING A MESSAGE IN THE PLATFORM TO A
29 MINOR WHO IS UNDER EIGHTEEN YEARS OF AGE.

30 2. PROHIBIT A MINOR WHO IS UNDER SIXTEEN YEARS OF AGE FROM USING
31 THE SOCIAL MEDIA PLATFORM WITHOUT FIRST RECEIVING AN APPROVAL TO USE THE
32 SOCIAL MEDIA PLATFORM FROM THE MINOR'S PARENT OR GUARDIAN.

33 C. FOR THE PURPOSES OF THIS SECTION:

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

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

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

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

44 2. "PERSONAL INFORMATION":

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

3 (b) DOES NOT INCLUDE DE-IDENTIFIED DATA OR PUBLICLY AVAILABLE
4 INFORMATION.

5 3. "SOCIAL MEDIA PLATFORM":

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

8 (i) IS USED BY A CONSUMER IN THIS STATE.

9 (ii) IS PRIMARILY INTENDED TO CONNECT AND ALLOW USERS TO SOCIALLY
10 INTERACT WITHIN THAT SERVICE OR APPLICATION.

11 (iii) ENABLES A USER TO CONSTRUCT A PUBLIC OR SEMIPUBLIC PROFILE TO
12 SIGN INTO AND USE THAT SERVICE OR APPLICATION, POPULATE A PUBLIC LIST OF
13 OTHER USERS WITH WHOM THE USER SHARES A SOCIAL CONNECTION WITHIN THAT
14 SERVICE OR APPLICATION AND CREATE OR POST CONTENT THAT IS VIEWABLE BY
15 OTHER USERS, INCLUDING ON MESSAGE BOARDS, IN CHAT ROOMS OR THROUGH A
16 LANDING PAGE OR MAIN FEED.

17 (iv) PRESENTS THE USER WITH CONTENT GENERATED BY OTHER USERS.

18 (b) DOES NOT INCLUDE A PUBLIC OR SEMIPUBLIC INTERNET-BASED SERVICE
19 OR APPLICATION THAT MEETS ALL OF THE FOLLOWING:

20 (i) EXCLUSIVELY PROVIDES EMAIL OR DIRECT MESSAGING SERVICES.

21 (ii) PRIMARILY CONSISTS OF NEWS, SPORTS, ENTERTAINMENT, INTERACTIVE
22 VIDEO GAMES, ELECTRONIC COMMERCE OR CONTENT THAT IS PRESELECTED BY THE
23 PROVIDER OR FOR WHICH ANY CHAT, COMMENTS OR INTERACTIVE FUNCTIONALITY IS
24 INCIDENTAL TO, DIRECTLY RELATED TO OR DEPENDENT ON THE PROVISION OF SUCH
25 CONTENT.

26 (iii) IS USED BY AND UNDER THE DIRECTION OF AN EDUCATIONAL ENTITY,
27 INCLUDING A LEARNING MANAGEMENT SYSTEM OR A STUDENT ENGAGEMENT PROGRAM.

28 Sec. 2. Short title

29 This act shall be known and cited as the "Protecting Children on
30 Social Media Act".