

Senate Engrossed

social media platforms; standards; notification

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SENATE BILL 1124

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

10 2. "CENSOR" INCLUDES ANY ACTION TAKEN BY AN EMPLOYEE OF THIS STATE
11 IN THE EMPLOYEE'S OFFICIAL CAPACITY:

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

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

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

21 3. "DEPLATFORM" MEANS THE ACT OR PRACTICE BY A SOCIAL MEDIA
22 PLATFORM OF PERMANENTLY DELETING OR BANNING A USER OR TEMPORARILY DELETING
23 OR BANNING A USER FOR MORE THAN FOURTEEN DAYS FROM THE SOCIAL MEDIA
24 PLATFORM.

25 4. "SOCIAL MEDIA PLATFORM":

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

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

30 (ii) DOES BUSINESS IN THIS STATE.

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

36 (iv) PRIMARILY FUNCTIONS TO CONNECT USERS IN ORDER TO ALLOW USERS
37 TO INTERACT SOCIALLY WITH EACH OTHER WITHIN THE PLATFORM. EMAIL OR DIRECT
38 MESSAGING SERVICES DO NOT MEET THIS CRITERION ON THE BASIS OF THAT
39 FUNCTION ALONE.

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

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

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

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

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

9 5. "USER" MEANS A PERSON WHO RESIDES OR IS DOMICILED IN THIS STATE
10 AND WHO HAS AN ACCOUNT ON A SOCIAL MEDIA PLATFORM, REGARDLESS OF WHETHER
11 THE PERSON POSTS OR PREVIOUSLY POSTED CONTENT OR MATERIAL TO THE SOCIAL
12 MEDIA PLATFORM.

13 18-702. Candidates; deplatforming prohibited; civil penalty

14 A. A SOCIAL MEDIA PLATFORM MAY DEPLATFORM A CANDIDATE WHO IS KNOWN
15 BY THE SOCIAL MEDIA PLATFORM TO BE A CANDIDATE, BEGINNING ON THE DATE OF
16 THE CANDIDATE'S QUALIFICATION AND ENDING ON THE DATE OF THE ELECTION OR
17 THE DATE THE CANDIDATE CEASES TO BE A CANDIDATE AS ALLOWED UNDER THE
18 COMMUNICATIONS DECENCY ACT OF 1996 (P.L. 104-104; 110 STAT. 133; 47 UNITED
19 STATES CODE 230).

20 B. IF THE SECRETARY OF STATE FINDS THAT A SOCIAL MEDIA PLATFORM HAS
21 VIOLATED SUBSECTION A OF THIS SECTION, THE SECRETARY OF STATE MAY IMPOSE A
22 CIVIL PENALTY ON THE SOCIAL MEDIA PLATFORM OF \$250,000 PER DAY FOR A
23 CANDIDATE FOR STATEWIDE OFFICE WHO WAS DEPLATFORMED BY THE SOCIAL MEDIA
24 PLATFORM AND \$25,000 PER DAY FOR A CANDIDATE FOR ANY OTHER OFFICE WHO WAS
25 DEPLATFORMED BY THE SOCIAL MEDIA PLATFORM.

26 18-703. Censorship standards

27 A SOCIAL MEDIA PLATFORM SHALL PUBLISH THE STANDARDS, INCLUDING
28 DETAILED DEFINITIONS, THAT THE SOCIAL MEDIA PLATFORM USES FOR DETERMINING
29 HOW IT WILL CENSOR OR DEPLATFORM THE SOCIAL MEDIA PLATFORM'S USERS.

30 18-704. Penalties; exceptions

31 A. AN EMPLOYEE WHO VIOLATES THIS CHAPTER IS SUBJECT TO REMOVAL FROM
32 STATE SERVICE, REDUCTION IN GRADE, DEBARMENT FROM STATE EMPLOYMENT FOR A
33 PERIOD OF NOT MORE THAN FIVE YEARS, SUSPENSION, REPRIMAND OR A CIVIL
34 PENALTY NOT TO EXCEED \$1,000.

35 B. THIS CHAPTER DOES NOT PROHIBIT AN EMPLOYEE FROM ENGAGING IN
36 LAWFUL ACTIONS WITHIN THE OFFICIAL AUTHORITY OF THE EMPLOYEE FOR THE
37 PURPOSE OF EITHER:

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

41 2. SAFEGUARDING OR PREVENTING THE UNLAWFUL DISSEMINATION OF
42 PROPERLY CLASSIFIED STATE SECURITY INFORMATION.