



ARIZONA STATE SENATE
Fifty-Sixth Legislature, First Regular Session

AMENDED
FACT SHEET FOR S.B. 1503

explicit content; age verification; internet

Purpose

Requires a commercial entity that intentionally or knowingly publishes or distributes material harmful to minors on the internet to verify that any person attempting to access the material is at least 18 years old, as outlined, and subjects a commercial entity to civil liability for damages resulting from a minor's access to the material.

Background

The *internet* is collectively the myriad of computer and telecommunications facilities, including equipment and operating software, that comprise the interconnected worldwide network of networks that employ the transmission control protocol or internet protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio ([A.R.S. § 18-541](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires a commercial entity that intentionally or knowingly publishes or distributes material harmful to minors on the internet from a website that contains a substantial portion of such material to verify that any person attempting to access the material is at least 18 years old.
2. Allows verification to be made either:
 - a) by using a commercially available database that is regularly used by businesses or governmental entities for the purposes of age and identity verification; or
 - b) through any other commercially reasonable method of age and identity verification.
3. Subjects a commercial entity that violates the outlined requirements to civil liability for damages resulting from a minor's access to material harmful to minors, including reasonable attorney fees and costs.
4. Stipulates that the outlined requirements do not impose an obligation or a liability on a provider or user of an interactive computer service on the internet.
5. Defines *material harmful to minors* as any description or representation of nudity, sexual conduct, sexual excitement or sadomasochistic abuse that:
 - a) appeals to the prurient, shameful or morbid interest of minors;

- b) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
 - c) is, when taken as a whole, lacking in serious literary, artistic, political or scientific value for minors.
6. Defines *internet*, *interactive computer service* and *substantial portion*.
 7. Makes conforming changes.
 8. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

1. Requires a commercial entity, rather than a person, that intentionally or knowingly publishes or distributes material harmful to minors, rather than explicit sexual materials, on the internet from a website that contains a substantial portion of such material to verify that any person attempting to access the material is at least 18 years old.
2. Allows verification to be made either:
 - a) by using a commercially available database that is regularly used for the purposes of age and identity verification; or
 - b) through any other commercially reasonable method of age and identity verification.
3. Subjects a commercial entity that violates the outlined requirements to civil liability for damages resulting from a minor's access to material harmful to minors, including reasonable attorney fees and costs.
4. Stipulates that the outlined requirements do not impose an obligation or a liability on a provider or user of an interactive computer service on the internet.
5. Removes provisions relating to retaining identifying information and defining *explicit sexual material*.
6. Defines *interactive computer service*, *material harmful to minors* and *substantial portion*.
7. Makes conforming changes.

Senate Action

TAT 2/13/23 DP 5-2-0

Prepared by Senate Research
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KJA/sr