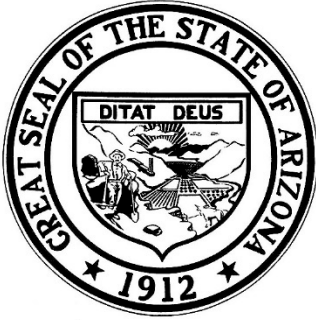


HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB 2861**

Livingston Floor Amendment

-
1. Applies the regulations to social media platforms that provided online services or products to minors regardless of if such platforms are likely to be accessed by minors.
 2. Adds that the Attorney General has the exclusive authority to enforce the regulations and that a violation does not create a private right of action.
 3. Requires each social media platform in this state that provides an online service to a minor to allow each minor to opt out of the collection and use of their personal information beyond what is *reasonably necessary and proportionate to provide the online service, product or feature*, as disclosed to the minor.
 4. Specifies that a *social media platform* does not include a cloud service provider.
 5. Includes a definition of *minor*.
 6. Extends the delayed effective date to 180 days after the general effect date.
 7. Makes clarifying changes.

Amendment explanation prepared by J. Bassham

Phone Number 6-5725

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2/25/2025

SUBSTITUTE FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2861

I move the following SUBSTITUTE amendment to the APPROPRIATIONS Committee Amendment to HOUSE BILL 2861 (Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

~~[GREEN STRIKEOUT IN BRACKETS]~~ indicates new text removed from statute or previously enacted session law.

~~[Green strikeout in brackets]~~ indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<~~Green strikeout in carets~~>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

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; attorney general
9 enforcement; definitions

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

13 1. ESTABLISH ~~[DEFAULT]~~ SETTINGS FOR THE ONLINE SERVICE, PRODUCT OR
14 FEATURE THAT PROVIDE A HIGH DEGREE OF PRIVACY PROTECTIONS TO EACH ~~[USER~~
15 ~~OF]~~ [MINOR WHO USES] THE ONLINE SERVICE, PRODUCT OR FEATURE.

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

20 3. ~~[PROHIBIT THE PERSONAL INFORMATION OF A MINOR WHO USES AN ONLINE~~
21 ~~SERVICE, PRODUCT OR FEATURE FROM BEING USED BY ANY PERSON OR ENTITY TO]~~
22 [NOT] TARGET ADVERTISING TO THE MINOR BASED ON THE MINOR'S PERSONAL
23 INFORMATION, EXCEPT THE MINOR'S AGE AND LOCATION.

24 [B. THE ATTORNEY GENERAL HAS THE EXCLUSIVE AUTHORITY TO ENFORCE A
25 VIOLATION OF THIS SECTION. THIS SECTION DOES NOT CREATE A PRIVATE RIGHT
26 OF ACTION TO ENFORCE A VIOLATION OF THIS SECTION.]

27 ~~[B.]~~ [C.] FOR THE PURPOSES OF THIS SECTION:

1 1. "DE-IDENTIFIED DATA" MEANS DATA THAT CANNOT REASONABLY BE ~~[USED~~
2 ~~TO INFER INFORMATION ABOUT, OR OTHERWISE BE]~~ LINKED TO ~~[,--]~~ AN IDENTIFIED
3 OR IDENTIFIABLE INDIVIDUAL OR A DEVICE LINKED TO THE INDIVIDUAL, IF THE
4 CONTROLLER THAT POSSESSES THE DATA HAS DONE ALL OF THE FOLLOWING:
5 (a) TAKEN REASONABLE MEASURES TO ENSURE THAT THE DATA CANNOT BE
6 ASSOCIATED WITH AN INDIVIDUAL.
7 (b) PUBLICLY COMMITTED TO PROCESS THE DATA ONLY IN A DE-IDENTIFIED
8 FASHION AND DOES NOT ATTEMPT TO RE-IDENTIFY THE DATA.
9 (c) CONTRACTUALLY OBLIGATED ANY RECIPIENTS OF THE DATA TO SATISFY
10 THE CRITERIA SET FORTH IN SUBDIVISIONS (a) AND (b) OF THIS PARAGRAPH.
11 ~~[2. "MINOR" MEANS AN INDIVIDUAL WHO IS UNDER EIGHTEEN YEARS AND WHO~~
12 ~~RESIDES IN THIS STATE.]~~
13 ~~[2.]~~ ~~[3.]~~ ONLINE SERVICE, PRODUCT OR FEATURE DOES NOT INCLUDE:
14 (a) A TELECOMMUNICATIONS SERVICE AS DEFINED IN 47 UNITED STATES
15 CODE SECTION 153.
16 (b) A BROADBAND INTERACTIVE ACCESS SERVICE AS DEFINED IN 47 CODE OF
17 FEDERAL REGULATIONS SECTION 54.400.
18 ~~[3.]~~ ~~[4.]~~ "PERSONAL INFORMATION":
19 (a) MEANS ANY INFORMATION THAT IS LINKED OR REASONABLY LINKABLE TO
20 AN IDENTIFIED OR IDENTIFIABLE INDIVIDUAL.
21 (b) DOES NOT INCLUDE DE-IDENTIFIED DATA OR PUBLICLY AVAILABLE
22 INFORMATION.
23 ~~[4.]~~ ~~[5.]~~ "SOCIAL MEDIA PLATFORM":
24 (a) MEANS A PUBLIC OR SEMIPUBLIC INTERNET-BASED SERVICE OR
25 APPLICATION THAT MEETS ALL OF THE FOLLOWING:
26 (i) IS USED BY A CONSUMER IN THIS STATE.
27 (ii) ~~[SUBSTANTIAL]~~ ~~[PRIMARY]~~ FUNCTION OF THE PUBLIC OR SEMIPUBLIC
28 INTERNET-BASED SERVICE OR APPLICATION IS TO CONNECT USERS IN ORDER TO
29 ALLOW USERS TO INTERACT SOCIALLY WITH EACH OTHER WITHIN THE SERVICE OR
30 APPLICATION.
31 (iii) THE PUBLIC OR SEMIPUBLIC INTERNET-BASED SERVICE OR
32 APPLICATION ALLOWS USERS TO CONSTRUCT A PUBLIC OR SEMIPUBLIC PROFILE FOR
33 PURPOSES OF SIGNING INTO AND USING THE PUBLIC OR SEMIPUBLIC INTERNET-BASED
34 SERVICE OR APPLICATION, TO POPULATE A LIST OF OTHER USERS WITH WHOM AN
35 INDIVIDUAL SHARES A SOCIAL CONNECTION WITHIN THE SYSTEM AND TO CREATE OR
36 POST CONTENT VIEWABLE BY OTHER USERS, INCLUDING ON MESSAGE BOARDS, IN CHAT
37 ROOMS OR THROUGH A LANDING PAGE OR MAIN FEED THAT PRESENTS THE USER WITH
38 CONTENT GENERATED BY OTHER USERS.
39 (b) DOES NOT INCLUDE ~~[A CLOUD SERVICE PROVIDER OR]~~ A PUBLIC OR
40 SEMIPUBLIC INTERNET-BASED SERVICE OR APPLICATION THAT MEETS ANY OF THE
41 FOLLOWING:
42 (i) EXCLUSIVELY PROVIDES EMAIL.
43 (ii) PRIMARILY CONSISTS OF NEWS, SPORTS, ENTERTAINMENT, INTERACTIVE
44 VIDEO GAMES, ELECTRONIC COMMERCE OR CONTENT THAT IS PRESELECTED BY THE
45 PROVIDER OR FOR WHICH ANY CHAT, COMMENTS OR INTERACTIVE FUNCTIONALITY IS
46 INCIDENTAL TO, DIRECTLY RELATED TO OR DEPENDENT ON THE PROVISION OF SUCH
47 CONTENT.

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

3 (iv) FACILITATES ACADEMIC OR SCHOLARLY RESEARCH.

4 Sec. 2. Effective date

5 This act is effective [~~ninety~~] [one hundred eighty] days after the
6 general effective date.

7 Sec. 3. Short title

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

10 Enroll and engross to conform

11 Amend title to conform

DAVID LIVINGSTON

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