

Stricken language would be deleted from and underlined language would be added to present law.
Act 900 of the Regular Session

State of Arkansas
95th General Assembly
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As Engrossed: H4/10/25

A Bill

SENATE BILL 611

By: Senator Dees

By: Representative Eubanks

For An Act To Be Entitled

AN ACT TO AMEND THE SOCIAL MEDIA SAFETY ACT; AND FOR
OTHER PURPOSES.

Subtitle

TO AMEND THE SOCIAL MEDIA SAFETY ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 4-88-1401 is amended to read as follows:
4-88-1401. Definitions.

As used in this subchapter:

(1) "Account holder" means an individual who ~~creates an account~~
primarily uses, manages, or otherwise controls an account or a profile to use
a social media platform;

(2) "Arkansas user" means an individual who is a resident of the
State of Arkansas and who accesses or attempts to access a social media
platform while present in this state by accessing the social media platform
using an Arkansas internet protocol address or otherwise known or believed to
be in this state while using the social media platform, including without
limitation through the use of a virtual privacy network that gives the
appearance that the individual is not located in this state when he or she is
in this state;

(3)(A) "Commercial entity" means a corporation, limited
liability company, partnership, limited partnership, sole proprietorship, or
other legally recognized entity.

(B) "Commercial entity" includes a third-party vendor;

(4) "Content sharing" means the distribution or display of user-



generated content or third-party content, including without limitation text, images, video, or audio, to other users or the public via a covered social media platform;

(5)(A) "Covered social media platform" means a social media platform, messaging service, or other online platform that requires an internet connection to be accessed and is used or is likely being used by a minor.

(B) "Covered social media platform" does not include an email service provider, not-for-profit organization, public or private school, business-to-business software, common carrier, or broadband internet service;

(6) "Digital user community" means a group of users who can engage with the same content by following or subscribing, or repeatedly seeking out, the same content producers, themes, or ideas;

~~(4)(7)~~ "Digitized identification card" means a data file available on a mobile device that has connectivity to the internet through a state-approved application that allows the mobile device to download the data file from the Office of Driver Services that contains all of the data elements visible on the face and back of a driver's license or identification card and displays the current status of the driver's license or identification card, including valid, expired, cancelled, suspended, revoked, active, or inactive;

(8) "Messaging service" means a service designed to facilitate one-on-one or one-on-group messages through one (1) or more of the following:

- (A) Text;
- (B) Images;
- (C) Videos; or
- (D) Images;

~~(5)(9)~~ "Minor" means an individual under ~~eighteen (18)~~ sixteen (16) years of age who is in the State of Arkansas;

~~(6)(10)~~ "Reasonable age verification" means to confirm that a person seeking to access a social media platform is at least ~~eighteen (18)~~ sixteen (16) years of age;

~~(7)(A)~~ "Social media company" means an online forum that a company makes available for an account holder to:

- ~~(i) Create a public profile, establish an account,~~

~~or register as a user for the primary purpose of interacting socially with other profiles and accounts;~~

~~(ii) Upload or create posts or content;~~

~~(iii) View posts or content of other account~~

~~holders; and~~

~~(iv) Interact with other account holders or users, including without limitation establishing mutual connections through request and acceptance.~~

~~(B) "Social media company" does not include a:~~

~~(i)(a) Media company that exclusively offers subscription content in which users follow or subscribe unilaterally and whose platform's primary purpose is not social interaction.~~

~~(b) A social media company that allows a user to generate short video clips of dancing, voice-overs, or other acts of entertainment in which the primary purpose is not educational or informative does not meet the exclusion under subdivision (7)(B)(i)(a) of this section;~~

~~(ii) Media company that exclusively offers interacting gaming, virtual gaming, or an online service, that allows the creation and uploading of content for the purpose of interacting gaming, entertainment, or associated entertainment, and the communication related to that content;~~

~~(iii) Company that:~~

~~(a) Offers cloud storage services, enterprise cybersecurity services, educational devices, or enterprise collaboration tools for kindergarten through grade twelve (K-12) schools; and~~

~~(b) Derives less than twenty five percent (25%) of the company's revenue from operating a social media platform, including games and advertising; or~~

~~(iv) Company that provides career development opportunities, including professional networking, job skills, learning certifications, and job posting and application services;~~

~~(8)(A)(11)(A) "Social media platform" means a public or semipublic internet-based service or application business entity or organization that operates an online platform, application, or service that:~~

~~(i) That has users in Arkansas Is designed to facilitate user-to-user, user-to-group, or user-to-public interaction,~~

expression, or communication; and

~~(ii)(a) On which a substantial function of the service or application is to connect users in order to allow users to interact socially with each other within the service or application. Assigns, utilizes, or relies on a unique identifier, username, profile name, or image that is associated with a specific user account;~~

~~(b) A service or application that provides email or direct messaging shall not be considered to meet the criteria under subdivision (8)(A)(ii)(a) of this section on the basis of that function alone.~~

(iii) Provides mechanisms for a user to create an online profile comprised of personally identifiable information or professional information, including without limitation a user's name, username, address, date of birth, educational pedigree, professional details, interests, activities, or connections;

(iv) Employs features that allow a user to connect, follow, or establish a relationship with other users and creates a network of interactions either in real time or asynchronously, including without limitation virtual likes and dislikes;

(v) Generates revenue primarily through user engagement, including without limitation through advertising, user data monetization, or premium content; and

(vi) Is accessed by Arkansas users.

~~(B) "Social media platform" does not include an online service, a website, or an application if the predominant or exclusive function is:~~

~~(i) Email;~~

~~(ii) Direct messaging consisting of messages, photos, or videos that are sent between devices by electronic means if messages are:~~

~~(a) Shared between the sender and the recipient or recipients;~~

~~(b) Only visible to the sender and the recipient or recipients; and~~

~~(c) Not posted publicly;~~

~~(iii) A streaming service that:~~

~~(a) Provides only licensed media in a continuous flow from the service, website, or application to the end user; and~~

~~(b) Does not obtain a license to the media from a user or account holder by agreement of the streaming service's terms of service;~~

~~(iv) News, sports, entertainment, or other content that is preselected by the provider and not user generated, including without limitation if any chat, comment, or interactive functionality that is provided is incidental to, directly related to, or dependent upon provision of the content;~~

~~(v) Online shopping or e-commerce, if the interaction with other users or account holders is generally limited to:~~

~~(a) The ability to post and comment on reviews;~~

~~(b) The ability to display lists or collections of goods for sale or wish lists; and~~

~~(c) Other functions that are focused on online shopping or e-commerce rather than interaction between users or account holders;~~

~~(vi) Business to business software that is not accessible to the general public;~~

~~(vii) Cloud storage;~~

~~(viii) Shared document collaboration;~~

~~(ix) Providing access to or interacting with data visualization platforms, libraries, or hubs;~~

~~(x) To permit comments on a digital news website, if the news content is posted only by the provider of the digital news website;~~

~~(xi) For the purpose of providing or obtaining technical support for the social media company's social media platform, products, or services;~~

~~(xii) Academic or scholarly research; or~~

~~(xiii) Other research;~~

~~(a) If:~~

~~(1) The majority of the content is posted or created by the provider of the online service, website, or~~

application; and

~~(2) The ability to chat, comment, or interact with other users is directly related to the provider's content;~~

~~(b) That is a classified advertising service that only permits the sale of goods and prohibits the solicitation of personal services; or~~

~~(c) That is used by and under the direction of an educational entity, including without limitation a:~~

~~(1) Learning management system;~~

~~(2) Student engagement program; and~~

~~(3) Subject-specific or skill-specific program.~~

~~(C) "Social media platform" does not include a social media platform that is controlled by a business entity that has generated less than one hundred million dollars (\$100,000,000) in annual gross revenue email service provider, a not-for-profit organization, a public or private school, business-to-business software, a common carrier, or a broadband internet service; and~~

~~(9)(12) "User" means a person who has access to view all or some of the posts and content on a social media platform but is not an account holder.~~

SECTION 2. Arkansas Code § 4-88-1402, concerning reasonable age verification methods and parental consent for a minor on a social media platform, is amended to add additional subsections to read as follows:

(d) A social media platform shall:

(1) Consistent with contemporary understanding of addiction, compulsory behavior, and child cognitive development, ensure that the social media platform does not engage in practices to evoke any addiction or compulsive behaviors in an Arkansas user who is a minor, including without limitation through notifications, recommended content, artificial sense of accomplishment, or engagement with online bots that appear human;

(2) Ensure that, by default:

(A) Notifications to an Arkansas user who is a minor, other than safety or privacy-related alerts, are ceased between the hours of 10:00 p.m. central standard time (CST) and 6:00 a.m. central standard time

(CST) and allow a parent or guardian to modify this setting; and

(B) Privacy and safety settings for an Arkansas user who is a minor on a covered social media platform provides the most protective level of control for privacy and safety offered by the covered social media platform;

(3) Conduct an audit at least one (1) time per quarter to ensure that the social media platform's software, application, or other products are not causing minors to engage in compulsory or addiction-driven behavior; and

(4)(A) Develop an easily accessible online dashboard to allow a parent of a minor user to view and understand his or her child's use habits on the covered social media platform.

(B) The online dashboard under subdivision (e)(4)(A) of this section shall also provide tools for a parent to restrict his or her minor child's access to the covered social media platform, or logical portions of the covered social media platform.

SECTION 3. Arkansas Code § 4-88-1403(b)(2), concerning the Attorney General's ability to initiate an enforcement action against a social media company that allegedly violates § 4-88-1402 regarding reasonable age verification methods and parental consent, is amended to read as follows:

(2)(A) As authorized under § 4-88-104, the Attorney General may initiate an enforcement action against a social media company that allegedly commits a violation of § 4-88-1402.

(B) A parent or guardian whose minor child or legal dependent is authorized access to a social media platform may bring a civil action against the social media platform that is in violation of § 4-88-1402.

(C) A violation of this subchapter is a strict liability civil offense.

SECTION 4. Arkansas Code § 4-88-1403(c), concerning a social media company's liability for a violation of § 4-88-1402 regarding reasonable age verification methods and parental consent, is amended to read as follows:

(c)(1) A covered social media company platform that violates this subchapter permits a minor to access the covered social media platform in violation of this subchapter is liable to an individual for:

(A) A penalty of ~~two thousand five hundred dollars~~

~~(\$2,500)~~ ten thousand dollars (\$10,000) per violation, court costs, and reasonable attorney's fees as ordered by the court; or

(B) Damages resulting from a minor accessing a social media platform without his or her parent's or custodian's consent, including court costs and reasonable attorney's fees as ordered by the court.

(2) Each day that a covered social media platform permits a minor to access the covered social media platform in violation of this section constitutes a separate violation for purposes of subdivision (c)(1)(A) of this section.

(3) All money obtained by an individual for a fine or civil penalty imposed under this section shall be deposited into the Crimes Against Children Fund.

(4)(A) The reasonable attorney's fees under subdivision (c)(1)(A) of this section shall be no less than the value of the social media platform's total legal fees in the action.

(B) If the social media platform's legal fees are greater than the prevailing party's legal fees, the surplus will be directed to the Crimes Against Children Fund.

SECTION 5. Arkansas Code Title 4, Chapter 88, Subchapter 14, is amended to add an additional section to read as follows:

4-88-1405. Protection against circumvention.

(a) A social media platform shall implement technological measures to prevent circumvention of age verification protocols, including without limitation:

(1) Monitoring for suspicious activity, including without limitation the use of false or repeated credentials; and

(2) Preventing a minor from accessing a platform by registering for an account outside of the State of Arkansas and then using the account within the State of Arkansas.

(b) This section applies to all new accounts created twelve (12) months on and after the enactment of this section.

SECTION 6. Arkansas Code Title 19, Chapter 5, Subchapter 12, is amended to add an additional section to read as follows:

19-5-1288. Crimes Against Children Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the "Crimes Against Children Fund".

(b) The fund shall consist of:

(1) Moneys obtained from private or public grants, gifts, or donations that are designed to be credited to the fund; and

(2) Any other funds authorized or provided for by law.

(c) The funds shall be used by the Attorney General for the purpose of investigating and bringing actions under the Social Media Safety Act, § 4-88-1401 et seq.

(d) Moneys remaining in the fund at the end of each fiscal year shall carry forward and be made available for the purposes stated in this section in the next fiscal year.

SECTION 7. DO NOT CODIFY. Severability.

If any provision of this act or the application of this act to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end, the provisions of this act are declared severable.

SECTION 8. DO NOT CODIFY. Effective Date.

Section 2 of this act shall be effective on and after one (1) year following the enactment of this act.

/s/Dees

APPROVED: 4/21/25