

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
95th General Assembly
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As Engrossed: H4/9/25

A Bill

HOUSE BILL 1975

By: Representative Gramlich

By: Senator Dees

For An Act To Be Entitled

AN ACT TO CREATE THE CHILD CONTENT CREATION
PROTECTION ACT; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE CHILD CONTENT CREATION
PROTECTION ACT.

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

SECTION 1. Arkansas Code Title 4, Chapter 88, is amended to add an additional subchapter to read as follows:

Subchapter 15 – Child Content Creation Protection Act

4-88-1501. Title.

This subchapter shall be known and may be cited as the "Child Content Creation Protection Act".

4-88-1502. Definitions.

As used in this subchapter:

(1)(A) "Content creator" means a parent or legal guardian residing in the State of Arkansas who creates static image or video content that is performed in the State of Arkansas in exchange for compensation and includes without limitation a:

(i) Vlogger;

(ii) Podcaster;

(iii) Social media influencer; and



(iv) Streamer.

(B) "Content creator" does not include a minor who produces his or her own content;

(2) "Minor" means a person seventeen (17) years of age or younger who resides in the State of Arkansas;

(3) "Personal identifying information" means information that allows a person to uniquely identify another person based on factors that include without limitation the person's image, voice, name, or contact information;

(4) "Social graph" means the list of people that an account holder is connected to using a friending function or similar functionality on a social media platform, not including the act of subscribing to content from another account holder;

(5) "Social media platform" means a public or semipublic internet-based service or application that has account holders in the State of Arkansas and with respect to account holders:

(A) Connects account holders to allow them to interact socially with other account holders within the service or application;

(B) Permits public posting of account holder-generated content without accessibility being limited to a particular social graph; and

(C) Permits interaction with other account holders' content outside of a limited social graph, including without limitation content recommended from persons that the account holder does not follow; and

(6) "Uniquely identifiable" means an individual, other than an individual submitting a privacy removal request, who could identify the individual submitting the privacy removal request separately from other individuals based on personal identifying information.

4-88-1503. Compensation for content creation featuring minor – Records – Trust account required – Right to civil action.

(a) Except as otherwise provided in this section, a minor is engaging in the work of content creation if he or she meets the following criteria during the previous twelve (12) month period:

(1)(A) At least thirty percent (30%) of a content creator's compensated content produced within one (1) thirty-day day period includes the likeness, name, or photograph of the minor.

(B) Content percentage in subdivision (a)(1)(A) of this section is measured by the percentage of time that the likeness, name, or photograph of the minor is visible or is the subject of an oral narrative in content as compared to the total length of the content segment;

(2) The number of views received per content segment on a social media platform met the social media platform's threshold for the generation of compensation or the content creator received actual compensation for content equal to or greater than ten cents (\$0.10) per view; and

(3) The content creator received actual compensation for content of at least fifteen thousand dollars (\$15,000) in the previous twelve-month month period.

(b) A minor who is *thirteen (13)* years of age or older may produce, create, and publish his or her own content and is entitled to all compensation for his or her own content creation.

(c)(1) A content creator whose content features a minor engaged in the work of content creation as described in subdivision (a)(1) of this section shall maintain the following records until the minor reaches twenty-one (21) years of age:

(A) The name and documentary proof of the age of the minor engaged in the work of content creation as of the date that the content creator begins creating content;

(B) The number of posts that generated compensation during the reporting period;

(C) The total number of minutes of the posts that the content creator received compensation for during the reporting period;

(D) The total number of minutes that each minor was featured in posts during the reporting period;

(E) The total compensation generated from posts featuring a minor during the reporting period; and

(F) The amount deposited into the trust account for the benefit of the minor engaged in the work of content creation as required by subdivision (d)(1)(B) of this section.

(2)(A)(i) The records required to be maintained under subdivision (c)(1) of this section shall be readily accessible to the minor for his or her review.

(ii) The content creator shall provide notice to the

minor of the existence of the records under subdivision (c)(1) of this section.

(B)(i) If a content creator whose content features a minor engaged in the work of content creation fails to maintain the records required under subdivision (c)(1) of this section, the minor may commence a civil action to enforce the provisions of this subsection.

(ii) If a minor prevails in an action brought under subdivision (c)(2)(B)(i) of this section, the court may award:

(a) Injunctive relief;

(b) Actual damages;

(c) Punitive damages; and

(d) The cost of the action, including without limitation attorney's fees and litigation costs.

(d)(1) A content creator shall:

(A) Compensate a minor who engages in the work of content creation under this section;

(B) Set aside gross earnings on the content created by a minor engaging in the work of content creation under this section, including without limitation the likeness, name, or photograph of the minor, in a trust account; and

(C) Preserve the trust account under subdivision (d)(1)(B) of this section for the benefit of the minor until the minor reaches eighteen (18) years of age according to the distribution under subdivision (d)(2) of this section.

(2)(A) When only one (1) minor engaged in the work of content creation meets the content threshold described in subdivision (a)(1)(A) of this section, the percentage of total gross earnings on any content segment, including the likeness, name, or photograph of a minor, that is equal to or greater than one-half (1/2) of the content percentage that includes the minor as described under subdivision (a)(1)(A) of this section shall be paid into the minor's trust account under this subsection.

(B) When more than one (1) minor engaged in the work of content creation meets the content threshold described in subdivision (a)(1)(A) of this section, the percentage of total gross earnings on any content segment, including the likeness, name, or photograph of a minor, that is equal to or greater than one-half (1/2) of the content percentage that

includes the minor as described under subdivision (a)(1)(A) of this section shall be divided equally between each of the minors, regardless of any difference in the percentage of content provided by the individual minors, and paid into a separate trust account for each minor under this subsection.

(3)(A) A trust account under this subsection shall provide, at a minimum, that:

(i) The funds in the trust account be available only to the minor engaged in the work of content creation;

(ii) The trust account shall be held by a bank or trust company, as those terms are defined under § 23-51-102;

(iii) The funds in the trust account shall become available to the minor engaged in the work of content creation when the minor reaches eighteen (18) years of age, or upon entry of an order of emancipation of the minor by a court of competent jurisdiction; and

(iv) The trust account meets the requirements under the Arkansas Uniform Transfers to Minors Act, § 9-26-201 et seq.

(B)(i) If a content creator knowingly or recklessly violates subdivision (d)(3)(A) of this section, the minor may commence an action to enforce the provisions of this subsection.

(ii) If a minor prevails in an action brought under subdivision (c)(2)(B)(i) of this section, the court may award:

(a) Injunctive relief;

(b) Actual damages;

(c) Punitive damages; and

(d) The cost of the action, including without limitation attorney's fees and litigation costs.

(e) This section does not:

(1) Affect a right or remedy available under any other law of this state; or

(2) Have any effect on a party that is neither the content creator nor the minor engaged in the work of content creation.

4-88-1503. Privacy removal requests.

(a) A social media platform shall provide an easily accessible mechanism through which a minor who is featured in a content creator's content or an adult who was featured in a content creator's content as a

minor on or after the effective date of this subchapter may submit a request for the content creator to:

(1) Delete the content from the social media platform; or

(2) Edit the content to remove the minor's or adult who was featured as a minor's private information if the minor or the adult who was featured as a minor is uniquely identifiable.

(b) A removal request submitted to a social media platform under this section shall include all information reasonably requested by the online platform to identify the minor or adult who was featured as a minor and the relevant content.

(c)(1) A social media platform shall notify the content creator responsible for the content of the content creator's obligation to remove the content within a reasonable time period not to exceed thirty (30) days.

(2) A content creator who receives notice under subdivision (c)(1) of this section shall:

(A) Delete the relevant content from the social media platform; or

(E) Edit the relevant content to remove the minor's or adult who was featured as a minor's uniquely identifiable information no later than seventy-two (72) hours after receipt of the notification.

(3) If the content creator responsible for the content fails to take action after a reasonable time period not to exceed thirty (30) days under this subsection:

(A)(i) The minor or adult who was featured as a minor may commence an action to enforce this subsection.

(ii) If a minor prevails in an action brought under subdivision (c)(3)(A)(i) of this section, the court may award:

(a) Injunctive relief;

(b) Actual damages;

(c) Punitive damages; and

(d) The cost of the action, including without limitation attorney's fees and litigation costs; and

(B) The social media platform shall review and take all reasonable steps to remove the content from the online platform unless:

(i) The minor or adult who was featured in the content creator's content as a minor does not submit sufficient, accurate

information; or

(ii) The social media platform finds that the content is sufficiently newsworthy or of other public interest to outweigh the privacy interests of the minor or adult who was featured in the content creator's content as a minor.

(d) This section does not affect a right or remedy available under any other law of this state.

4-88-1504. Intentional sexualization of a minor – Exception.

(a)(1) Except as provided in subdivision (a)(2) of this section, it shall be unlawful to financially benefit from knowingly producing or distributing publicly, including without limitation by computer, any visual depiction of a minor with the intent to sexually gratify or elicit a sexual response in the viewer or any other person.

(2) This section:

(A) Does not prohibit any lawfully authorized investigative, protective or intelligence activity of:

(i) A law enforcement agency of this state;

(ii) A political subdivision of this state;

(iii) A law enforcement agency of the United States;

or

(iv) An intelligence agency of the United States;

(B) Shall not apply:

(i) In the case of an individual acting in good faith to report unlawful activity or in pursuance of a legal, professional, or other lawful obligation;

(ii) In the case of a document production or filing associated with a legal proceeding; and

(iii) To a social media platform regarding content provided by creators unless the social media platform intentionally solicits, or knowingly and predominantly distributes, the content; and

(C) Shall not impose liability in a manner that is inconsistent with 47 U.S.C. § 230, as it existed on January 1, 2025.

(b)(1) If a person violates this section or attempts or conspires to violate this section, the minor may commence an action to enforce the provisions of this section.

(2) If a minor prevails in an action brought under subdivision (b)(1) of this section, the court may award:

(A) Injunctive relief;

(B) Actual damages;

(C) Punitive damages; and

(D) The cost of the action including without limitation attorney's fees and litigation costs.

(c) This section does not affect a right or remedy available under any other law of this state.

(d)(1) A social media platform shall develop and implement a risk-based strategy to help mitigate risks related to monetization of the intentional sexualization of known minors that occurs in the context of known minors' engagement in the work of content creation.

(2) The strategy under subdivision (d)(1) of this section:

(A) Shall be documented and reassessed on a reasonably recurring basis; and

(B) May include at the sole discretion of the social media platform commercially reasonable:

(i) Policies that govern content and related monetization;

(ii) Restrictions of features on content featuring minors;

(iii) Use of an automated system to identify and enforce against potentially problematic content and accounts;

(iv) Inclusion of precautions to mitigate against recommendation systems surfacing content of interest to offenders; and

(v) Quality assurance processes recurring at reasonable intervals to ensure that the social media platform's mitigation procedures under this subsection are working as intended.

(e)(1) A social media platform shall ensure that information about its content policies, settings, and best practices for content featuring minors are publicly available, understandable to both adults and minors, and informed by research and outside expertise.

(2) The information under subdivision (e)(1) of this section shall:

(A) Inform content creators that they may be subject to

various legal requirements under the laws of this state; and

(B) Explain risks and steps to protect minors appearing in posts from exploitation.

SECTION 2. DO NOT CODIFY. Effective date.

This act shall be effective on July 1, 2026.

/s/Gramlich