

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: H4/14/25

A Bill

SENATE BILL 612

By: Senator Dees

By: Representative Eubanks

For An Act To Be Entitled

AN ACT TO CREATE A PRIVATE RIGHT OF ACTION FOR THE USE OF A DESIGN, ALGORITHM, OR FEATURE BY A SOCIAL MEDIA PLATFORM THAT CAUSES HARM; TO IMPOSE A CIVIL PENALTY ON A SOCIAL MEDIA PLATFORM THAT KNOWINGLY AND WILLFULLY CONTRIBUTES TO THE SUICIDE OR ATTEMPTED SUICIDE OF A MINOR; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE A PRIVATE RIGHT OF ACTION AGAINST A SOCIAL MEDIA PLATFORM THAT CAUSES HARM; AND TO IMPOSE A CIVIL PENALTY ON A SOCIAL MEDIA PLATFORM THAT KNOWINGLY AND WILLFULLY CONTRIBUTES TO A MINOR'S SUICIDE OR SUICIDE ATTEMPT.

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 – REGULATION OF SOCIAL MEDIA PLATFORMS

4-88-1501. Definitions.

(a) As used in this subchapter:

(1)(A) "Immediate connection" means the:

- (i) Final link in the chain of the content's supply;
- (ii) Application on which the content is viewed; or
- (iii) Service or website on which the content is



viewed.

(B) "Immediate connection" does not include the:

(i) Content creator, unless the content creator hosts his, her, or its own social media platform for sharing that content and the social media platform allows for interaction with the content creator or other viewers of the content;

(ii) Physical device that displays the content;

(iii) Network provider that electronically transmits the content; or

(iv) Enterprise that stores or hosts the content, unless that enterprise is owned or operated by the social media platform;

(2) "Minor" means an individual under sixteen (16) years of age;

(3) "Promoting" means placing content on the feed, screen, account, or other digital medium of the minor that causes the minor to view the content without explicitly searching for that specific content and includes algorithmic promotion of the content based on a previous search or engagement;

(4) "Significant bodily or cognitive harm" means the impairment of physical condition or the infliction of substantial pain or substantial bruising, swelling, or visible marks associated with a trauma injury that impedes typical function of the body or brain and results from a person's attempt to end his or her own life or gravely injure himself or herself; and

(5) "Social media platform" means a business entity or organization that operates an online platform, application, or service that:

(A) Is designed to facilitate user-to-user, user-to-group, or user-to-public interaction, expression, or communication;

(B) Assigns, utilizes, or relies on a unique identifier, username, profile name, or image that is associated with a specific user account;

(C) 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;

(D) 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;

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

(F) Is accessed by Arkansas users.

4-88-1502. Prohibited activity by social media platform.

(a) A social media platform shall not use a design, algorithm, or feature that the social media platform knows, or should have known through the exercise of reasonable care, causes a user to:

(1) Purchase a controlled substance;

(2) Develop an eating disorder;

(3) Commit or attempt to commit suicide; or

(4) Develop or sustain an addiction to the social media

platform.

(b) Excluding subdivision (a)(3) of this section, a social media platform does not violate this section if it demonstrates that it corrected any design, algorithm, or feature that the social media platform discovers presents more than a de minimis risk of the items listed in subsection (a) of this section within thirty (30) days of that discovery.

4-88-1503. Liability of social media platform.

(a) A social media platform that knowingly and willfully violates this section is liable under this subsection (a) for:

(1) A civil penalty not to exceed ten thousand dollars (\$10,000) per violation; and

(2) An award of litigation costs and reasonable attorney's fees in an action brought under this subsection (a).

(b)(1) A parent or guardian whose minor child or legal dependent commits suicide or attempts to commit suicide that results in significant bodily or cognitive harm following exposure to online content promoting, or otherwise advancing, self-harm or suicide may bring a civil action against the social media platform that hosted, promoted, shared, or otherwise facilitated the immediate connection between the victim and the content.

(2) A court may award the following under this subsection (b):

(A) Affirmative relief from the effects of the content;

- (B) Damages;
- (C) Costs of medical treatment;
- (D) Funeral expenses and related costs;
- (E) Punitive damages;
- (F) Litigation costs; and
- (G) Reasonable attorney's fees.

(3) Reasonable attorney's fees under subdivision (b)(2)(G) shall be no less than the lesser of the:

- (A) Total cost of the defendant's legal fees for the lawsuit; or
- (B) Reasonable legal fees for the defense, had the defendant prevailed.

(c) An action to enforce a cause of action under this section shall be commenced within four (4) years after the cause of action accrued.

(d) This section does not impose liability on a social media platform for:

- (1) Displaying content that is created and hosted entirely by a third party, including without limitation an advertisement managed by a third party and shared on the social media platform; or
- (2) Conduct that is protected by the:
 - (A) First Amendment of the United States Constitution; or
 - (B) Arkansas Constitution.

/s/Dees