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2 95th General Assembly
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4

As Engrossed: H4/10/25

A Bill

SENATE BILL 611

5 By: Senator Dees
6 By: Representative Eubanks
7

For An Act To Be Entitled

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

Subtitle

14 TO AMEND THE SOCIAL MEDIA SAFETY ACT.

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

18 SECTION 1. Arkansas Code § 4-88-1401 is amended to read as follows:
19 4-88-1401. Definitions.

20 As used in this subchapter:

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

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

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

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

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



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

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

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

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

15 ~~(4)(7)~~ "Digitized identification card" means a data file
16 available on a mobile device that has connectivity to the internet through a
17 state-approved application that allows the mobile device to download the data
18 file from the Office of Driver Services that contains all of the data
19 elements visible on the face and back of a driver's license or identification
20 card and displays the current status of the driver's license or
21 identification card, including valid, expired, cancelled, suspended, revoked,
22 active, or inactive;

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

25 (A) Text;

26 (B) Images;

27 (C) Videos; or

28 (D) Images;

29 ~~(5)(9)~~ "Minor" means an individual under ~~eighteen (18)~~ sixteen
30 (16) years of age who is in the State of Arkansas;

31 ~~(6)(10)~~ "Reasonable age verification" means to confirm that a
32 person seeking to access a social media platform is at least ~~eighteen (18)~~
33 sixteen (16) years of age;

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

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

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

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

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

5 ~~holders; and~~

6 ~~(iv) Interact with other account holders or users,~~

7 ~~including without limitation establishing mutual connections through request~~
8 ~~and acceptance.~~

9 ~~(B) “Social media company” does not include a:~~

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

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

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

22 ~~(iii) Company that:~~

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

26 ~~(b) Derives less than twenty five percent~~
27 ~~(25%) of the company’s revenue from operating a social media platform,~~
28 ~~including games and advertising; or~~

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

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

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

1 expression, or communication; and

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

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

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

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

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

23 (vi) Is accessed by Arkansas users.

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

27 (i) ~~Email;~~

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

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

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

35 (c) ~~Not posted publicly;~~

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

1 application; and

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

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

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

9 ~~(1) Learning management system;~~

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

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

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

19 ~~(9)(12)~~ "User" means a person who has access to view all or some
20 of the posts and content on a social media platform but is not an account
21 holder.

22
23 SECTION 2. Arkansas Code § 4-88-1402, concerning reasonable age
24 verification methods and parental consent for a minor on a social media
25 platform, is amended to add additional subsections to read as follows:

26 (d) A social media platform shall:

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

33 (2) Ensure that, by default:

34 (A) Notifications to an Arkansas user who is a minor,
35 other than safety or privacy-related alerts, are ceased between the hours of
36 10:00 p.m. central standard time (CST) and 6:00 a.m. central standard time

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

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

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

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

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

16
17 SECTION 3. Arkansas Code § 4-88-1403(b)(2), concerning the Attorney
18 General's ability to initiate an enforcement action against a social media
19 company that allegedly violates § 4-88-1402 regarding reasonable age
20 verification methods and parental consent, is amended to read as follows:

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

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

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

29
30 SECTION 4. Arkansas Code § 4-88-1403(c), concerning a social media
31 company's liability for a violation of § 4-88-1402 regarding reasonable age
32 verification methods and parental consent, is amended to read as follows:

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

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

1 ~~(\$2,500)~~ ten thousand dollars (\$10,000) per violation, court costs, and
2 reasonable attorney's fees as ordered by the court; or

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

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

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

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

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

19
20 SECTION 5. Arkansas Code Title 4, Chapter 88, Subchapter 14, is
21 amended to add an additional section to read as follows:

22 4-88-1405. Protection against circumvention.

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

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

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

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

33
34 SECTION 6. Arkansas Code Title 19, Chapter 5, Subchapter 12, is
35 amended to add an additional section to read as follows:

36 19-5-1288. Crimes Against Children Fund.

