

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

As Engrossed: H4/9/25

A Bill

HOUSE BILL 1975

5 By: Representative Gramlich
6 By: Senator Dees
7

For An Act To Be Entitled

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

Subtitle

14 TO CREATE THE CHILD CONTENT CREATION
15 PROTECTION ACT.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19

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

Subchapter 15 – Child Content Creation Protection Act

4-88-1501. Title.

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

4-88-1502. Definitions.

29 As used in this subchapter:

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

34 (i) Vlogger;

35 (ii) Podcaster;

36 (iii) Social media influencer; and



1 (iv) Streamer.

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

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

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

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

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

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

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

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

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

28
29 4-88-1503. Compensation for content creation featuring minor – Records
30 – Trust account required – Right to civil action.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (ii) The content creator shall provide notice to the

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

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

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

9 (a) Injunctive relief;

10 (b) Actual damages;

11 (c) Punitive damages; and

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

14 (d)(1) A content creator shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (a) Injunctive relief;

23 (b) Actual damages;

24 (c) Punitive damages; and

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

27 (e) This section does not:

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

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

32
33 4-88-1503. Privacy removal requests.

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

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

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

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

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

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

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

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

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

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

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

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

28 (a) Injunctive relief;

29 (b) Actual damages;

30 (c) Punitive damages; and

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

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

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

1 information; or

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

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

8
9 4-88-1504. Intentional sexualization of a minor – Exception.

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

15 (2) This section:

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

18 (i) A law enforcement agency of this state;

19 (ii) A political subdivision of this state;

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

21 or

22 (iv) An intelligence agency of the United States;

23 (B) Shall not apply:

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

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

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

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

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

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

3 (A) Injunctive relief;

4 (B) Actual damages;

5 (C) Punitive damages; and

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

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

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

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

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

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

19 (i) Policies that govern content and related
20 monetization;

21 (ii) Restrictions of features on content featuring
22 minors;

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

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

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

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

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

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

1 various legal requirements under the laws of this state; and
2 (B) Explain risks and steps to protect minors appearing in
3 posts from exploitation.

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5 SECTION 2. DO NOT CODIFY. Effective date.
6 This act shall be effective on July 1, 2026.

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8 */s/Gramlich*

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11 **APPROVED: 4/22/25**
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