

**ARKANSAS SENATE**  
95th General Assembly - Regular Session, 2025  
**Amendment Form**

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**Subtitle of Senate Bill 258**

TO CREATE THE ARKANSAS DIGITAL RESPONSIBILITY, SAFETY, AND TRUST ACT.

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**Amendment No. 2 to Senate Bill 258**

Amend Senate Bill 258 as engrossed S2/27/25 (version: 2/27/25 01:25:37 PM):

Page 2, line 7, delete "(4)(A)" and substitute "(4)"

AND

Page 2, line 11, delete "world." and substitute "world;"

AND

Page 2, delete lines 12 through 14

AND

Page 2, delete line 28, and substitute the following:

"activities to entities around the world.

(E) Participation in modern society necessitates the adoption of technology, and Arkansans who fail to embrace technological advancements face significant competitive disadvantages in education, employment, healthcare access, and economic opportunity;"

AND

Page 4, delete lines 3 through 15, and substitute the following:

"(2) "Authenticate" means to verify through reasonable means



that"

AND

Page 4, line 19, delete "(5)(A)" and substitute "(3)(A)"

AND

Page 4, line 30, delete "(6)" and substitute "(4)"

AND

Page 4, line 33, delete "(7)" and substitute "(5)"

AND

Page 4, line 35, delete "(8)(A)" and substitute "(6)(A)"

AND

Page 5, line 13, delete "(9)(A)" and substitute "(7)(A)"

AND

Page 5, delete lines 17 through 30, and substitute the following:

"(8) "Consumer health data" means any personal data that a controller uses to identify a consumer's physical or mental health condition or diagnosis;

(9) "Control" means:

(A) The ownership of, or power to vote, more than fifty percent (50%) of the outstanding shares of any class of voting security of a company;

(B) The control in any manner over the election of a majority of the directors or of individuals exercising similar functions; or

(C) The power to exercise controlling influence over"

AND

Page 5, line 32, delete "(12)" and substitute "(10)"

AND

Page 5, line 35, delete "(13)" and substitute "(11)"

AND

Page 6, line 2, delete "(14)(A)" and substitute "(12)(A)"

AND

Page 6, line 7, delete "(15)" and substitute "(13)"

AND

Page 6, line 16, delete "(16)" and substitute "(14)"

AND

Page 6, delete lines 19 through 28, and substitute the following:

"(15)(A) "Health record" means a written, printed, or"

AND

Page 7, line 3, delete "(22)" and substitute "(16)"

AND

Page 7, line 6, delete "(23)" and substitute "(17)"

AND

Page 7, delete lines 8 through 36

AND

Page 8, delete lines 1 through 30, and substitute the following:

"(18) "Identified" means a consumer who can be readily identified, directly or indirectly;

(19) "Institution of higher education" means:

(A) A vocational or technical school governed by Arkansas Code Title 6, Subtitle 4; or

(B) A postsecondary or higher education institution governed by Arkansas Code Title 6, Subtitle 5;

(20) "Known child" means a child under circumstances where a controller has actual knowledge of, or willfully disregards, the child's age;

(21) "Nonprofit organization" means:"

AND

Page 9, line 2, delete "(30)(A)" and substitute "(22)(A)"

AND

Page 9, line 11, delete "(31)" and substitute "(23)"

AND

Page 9, line 22, delete "(32)(A)" and substitute "(24)(A)"

AND

Page 9, line 31, delete "(33)" and substitute "(25)"

AND

Page 9, line 35, delete "(34)" and substitute "(26)"

AND

Page 10, line 1, delete "(35)" and substitute "(27)"

AND

Page 10, line 6, delete "(36)" and substitute "(28)"

AND

Page 10, line 9, delete "(37)" and substitute "(29)"

AND

Page 10, line 15, delete "(38)" and substitute "(30)"

AND

Page 10, line 21, delete "(39)(A)" and substitute "(31)(A)"

AND

Page 11, line 4, delete "(40)(A)" and substitute "(32)(A)"

AND

Page 11, line 20, delete "or"

AND

Page 11, delete lines 25 and 26, and substitute the following:

"account; or

(ix) Consumer health data;

(33) "State agency" means a department, commission, board,"

AND

Page 11, delete lines 31 through 33, and substitute the following:

"directors appointed by the Governor;

(34) "Substantial factor" means a factor that:"

AND

Page 12, line 7, delete "(43)(A)" and substitute "(35)(A)"

AND

Page 12, line 22, delete "(44)" and substitute "(36)"

AND

Page 12, line 25, delete "(45)" and substitute "(37)"

AND

Page 13, delete lines 15 through 24

AND

Page 13, delete line 27, and substitute the following:

"This chapter does not"

AND

Page 13, delete lines 30 and 31, and substitute the following:

"(2) A financial institution, affiliates of financial institutions, or data subject to Title V, Gramm-

AND

Page 15, delete lines 32 and 33, and substitute the following:

"data is collected and used within the context of that role;"

AND

Page 17, line 18, delete "person," and substitute "person or entity,"

AND

Page 20, line 36, delete "manner;" and substitute "manner or comply with the controller's reasonable requirements for submitting requests;"

AND

Page 23, line 35, delete "process." and substitute "processing."

AND

Page 24, delete lines 10 through 17, and substitute the following:

- "(1) The consent of the individual consumer;
- (2) A contract that requires the processing of personal data;
- (3) A legal obligation to process the personal data; or
- (4) An overriding necessity to process the personal data of a"

AND

Page 27, delete lines 7 through 13

AND

Page 27, line 15, delete "4-120-308" and substitute "4-120-307"

AND

Page 28, line 29, delete "4-120-309" and substitute "4-120-308"

AND

Page 28, line 36, delete "4-120-310" and substitute "4-120-309"

AND

Page 29, line 25, delete "§ 4-120-308" and substitute "§ 4-120-307"

AND

Page 30, delete lines 34 through 36

AND

Page 31, delete lines 1 through 36

AND

Page 32, delete lines 1 through 36

AND

Page 33, delete lines 1 through 36, and substitute the following:

"Subchapter 5. [Reserved.]

Subchapter 6. [Reserved.]"

AND

Page 34, delete lines 1 through 36

AND

Page 35, delete lines 1 through 36

AND

Page 36, delete lines 1 through 36

AND



Page 37, delete lines 1 through 36

AND

Page 38, delete lines 1 through 36

AND

Page 39, delete lines 1 through 36

AND

Page 40, delete lines 1 through 36

AND

Page 41, delete lines 1 through 28

AND

Page 42, delete lines 5 through 8, and substitute the following:

"chapter; and

(C) A consumer's rights under this chapter; and"

AND

Page 42, line 21, delete "or"

AND

Page 42, line 22, delete "artificial intelligence impact assessment"

AND

Page 42, delete lines 25 through 27, and substitute the following:

"assessment for compliance with the requirements under § 4-120-307."

AND

Page 43, delete lines 5 through 9, and substitute the following:

"(b) To the extent § 4-120-701 et seq. applies to the enforcement of § 4-120-101 et seq. – § 4-120-401 et seq., it is effective on April 1, 2026."

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator C. Penzo

ANS/ANS - 03-13-2025 11:15:51

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Secretary