

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

Subtitle of Senate Bill 258

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

Amendment No. 3 to Senate Bill 258

Amend Senate Bill 258 as engrossed S3/13/25 (version: 3/13/25 04:18:49 PM):

Page 4, line 9, delete "characteristics." and substitute "characteristics that are used to identify a specific individual."

AND

Page 6, line 20, delete "(18) "Identified" means" and substitute "(18) "Identified or identifiable individual" means"

AND

Page 8, line 20, delete "sharing, disclosing," and substitute "exchange"

AND

Page 8, line 21, delete "or transferring"

AND

Page 9, delete lines 12 through 14, and substitute the following:

(v) A person's Social Security number, driver's"

AND



Page 9, delete lines 16 through 20, and substitute the following:

"(vi) A"

AND

Page 9, line 24, delete "(ix)" and substitute "(vii)"

AND

Page 9, delete lines 31 through 36

AND

Page 10, delete lines 1 through 5, and substitute the following:

"(34)(A) "Targeted advertising" means displaying to a consumer
an"

AND

Page 10, line 20, delete "(36)" and substitute "(35)"

AND

Page 10, line 23, delete "(37)" and substitute "(36)"

AND

Page 11, delete lines 18 and 19, and substitute the following:

"institutions, or data subject to Title V, Gramm-Leach-Bliley Act, 15 U.S.C.
§ 6801 et seq., as it existed on January 1, 2025;

(3) A covered entity or business associate governed by the
privacy, security, and breach notification rules issued by the United States
Department of Health and Human Services, 45"

AND

Page 13, line 28, delete "activity; or" and substitute "activity;"

AND

Page 13, delete line 29, and substitute the following:

"(24) Organizations such as the National Insurance Crime Bureau whose sole purpose is the detection, investigation, tracking, reporting, mitigating, or preventing fraudulent activity, or data that is processed or maintained for the sole purpose"

AND

Page 13, delete line 33, and substitute the following:

"in any of those activities; or

(25) Personal data collected, processed, maintained, or disclosed by a national securities association, as defined in section 3(a)(26) of the Securities Exchange Act of 1934, 15 U.S.C. § 78a et seq., as it existed on January 1, 2025, and the rules and implementing regulations promulgated thereunder."

AND

Page 14, delete lines 20 and 21, and substitute the following:

"activities, or any illegal activity, and preserve the integrity or security of systems and"

AND

Page 14, line 24, delete "(H)" and substitute "(G)"

AND

Page 15, line 1, delete "(I)" and substitute "(H)"

AND

Page 15, delete lines 8 through 13, and substitute the following:

"(b) This chapter may not restrict a controller's or processor's ability to"

AND

Page 18, line 14, delete "data." and substitute "data under § 4-120-201(b)(5)(A) and (B)."

AND

Page 19, line 25, delete "request." and substitute "request or rejecting the request."

AND

Page 20, delete line 23, and substitute the following:

"complaint.

4-120-206. Loyalty programs.

This subchapter does not require a controller to provide a product or a service that requires the personal data of a consumer that the controller does not collect or maintain or to prohibit a controller from offering a different price, rate, level, quality, or selection of goods or services to a consumer, including offering goods or services for no fee, if:

(1) The consumer has exercised the consumer's right to delete or opt out under § 4-120-201; or

(2) The offer is related to a consumer's voluntary participation in a bona fide loyalty, rewards, premium features, discounts, or club card program."

AND

Page 21, line 22, delete "provide" and substitute "disclose"

AND

Page 21, line 23, delete "or process" and substitute "or processing of personal data for the purpose of targeted advertising"

AND

Page 21, delete lines 26 through 36, and substitute the following:

"4-120-302. Processing sensitive data.

A person shall not process the sensitive data of a consumer"

AND

Page 22, delete lines 1 through 21

AND

Page 22, delete line 30, and substitute the following:

"its consent mechanisms."

AND

Page 23, delete lines 30 through 36

AND

Page 24, delete line 1

AND

Page 24, delete lines 11 through 20, and substitute the following:

"Except as otherwise provided by this subchapter, a"

AND

Page 26, delete line 2, and substitute the following:

"reasonably comparable scope and effect."

(g) Data protection assessments shall apply to processing activities created or generated after the effective date of this act and are not retroactive."

AND

Page 29, delete lines 14 through 18, and substitute the following:

"SECTION 2. DO NOT CODIFY. EFFECTIVE DATE.

This chapter is effective on and after July 1, 2026."

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

By: Senator C. Penzo

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Secretary