

1 State of Arkansas *As Engrossed: H1/23/25 H1/30/25 H2/10/25 H2/19/25 H2/25/25*

2 95th General Assembly

# A Bill

3 Regular Session, 2025

HOUSE BILL 1082

4  
5 By: Representatives Gramlich, A. Collins, Springer

6 *By: Senators J. Boyd, C. Tucker*

## For An Act To Be Entitled

9 AN ACT TO CREATE THE ARKANSAS CHILDREN AND TEENS'  
10 ONLINE PRIVACY PROTECTION ACT; AND FOR OTHER  
11 PURPOSES.

## Subtitle

15 TO CREATE THE ARKANSAS CHILDREN AND  
16 TEENS' ONLINE PRIVACY PROTECTION ACT.

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

19  
20 SECTION 1. Arkansas Code Title 4, Chapter 88, is amended to add an  
21 additional subchapter to read as follows:

22 Subchapter 15 – Arkansas Children and Teens' Online Privacy Protection Act

23  
24 4-88-1501. Title.

25 This subchapter shall be known and may be cited as the "Arkansas  
26 Children and Teens' Online Privacy Protection Act".

27  
28 4-88-1502. Definitions.

29 As used in this subchapter:

30 (1) "Child" means an individual twelve (12) years of age or  
31 younger;

32 (2) "Connected device" means a device that is capable of  
33 connecting to the Internet, directly or indirectly, or to another connected  
34 device;

35 (3) "Disclosure" means:

36 (A) The release of personal information collected from a



1 child or teen by an operator for any purpose, except where the personal  
2 information is provided to a person other than an operator who:

3 (i) Provides support for the internal operations of  
4 the website, online service, online application, or mobile application of the  
5 operator, excluding any activity relating to individual-specific advertising  
6 to children or teens; and

7 (ii) Does not disclose or use that personal  
8 information for any other purpose; and

9 (B) Making personal information collected from a child or  
10 teen by a website, online service, online application, or mobile application  
11 directed to children or teens or with actual knowledge that such information  
12 was collected from a child or teen, publicly available in identifiable form  
13 by any means including by a public posting, through the Internet, or through:

14 (i) A homepage of a website;

15 (ii) A pen pal service;

16 (iii) An electronic mail service;

17 (iv) A message board; or

18 (v) A chat room;

19 (4)(A) "Individual-specific advertising to children or teens"  
20 means advertising or any other effort to market a product or service that is  
21 directed to a specific child or teen or a device that is linked or reasonably  
22 linkable to a child or teen:

23 (i) Based on:

24 (a) The personal information of:

25 (1) The child or teen; or

26 (2) A group of children or teens who are  
27 similar in sex, age, income level, race, or ethnicity to the specific child  
28 or teen to whom the product or service is marketed;

29 (b) Psychological profiling of a child or teen  
30 or group of children or teens; or

31 (c) A unique identifier of the device; or

32 (ii) As a result of use by the child or teen, access  
33 by any device of the child or teen, or use by a group of children or teens  
34 who are similar to the specific child or teen, of more than a single:

35 (a) Website;

36 (b) Online service;

- 1 (c) Online application;
- 2 (d) Mobile application; or
- 3 (e) Connected device.

4 (B) "Individual-specific advertising to children or teens"  
5 does not include:

6 (i) Advertising or marketing to an individual or the  
7 device of an individual in response to the individual's specific request for  
8 information or feedback, such as a child or teen's current search query;

9 (ii) Contextual advertising, such as when an  
10 advertisement is displayed based on the content of the website, online  
11 service, online application, mobile application, or connected device in which  
12 the advertisement appears and does not vary based on personal information  
13 related to the viewer; or

14 (iii) Processing personal information solely for  
15 measuring or reporting advertising or content performance, reach, or  
16 frequency, including independent measurement.

17 (C) Nothing in subdivision (4)(A) of this section shall be  
18 construed to prohibit an operator with actual knowledge or knowledge fairly  
19 implied on the basis of objective circumstances that an individual is sixteen  
20 (16) years of age or younger from delivering advertising or marketing that is  
21 age-appropriate and intended for a child or teen audience, so long as the  
22 operator does not use any personal information other than whether the user is  
23 age sixteen (16) or younger;

24 (5) "Internet" means collectively a system of interconnected  
25 computer networks that comprise the interconnected world-wide network of  
26 networks and employ without limitation the Transmission Control  
27 Protocol/Internet Protocol, or any predecessor or successor protocols to such  
28 protocol, or the User Datagram Protocol to communicate information of all  
29 kinds by wire or radio;

30 (6) "Mobile application" means:

31 (A) A software program that runs on the operating system  
32 of:

33 (i) A cellular telephone;

34 (ii) A tablet computer; or

35 (iii) A similar portable computing device that  
36 transmits data over a wireless connection; and

1 (B) Includes without limitation a service or application  
2 offered via a connected device;

3 (7) "Online application" means an Internet-connected software  
4 program and includes without limitation a service or application offered via  
5 a connected device;

6 (8) "Online contact information" means an email address or  
7 another substantially similar identifier that permits direct contact with a  
8 person online;

9 (9)(A)(i) "Operator" means a person who, for commercial  
10 purposes, operates or provides a website on the internet, an online service,  
11 an online application, or a mobile application, and who:

12 (ii)(a) Collects or maintains, either directly or  
13 through a service provider, personal information from or about the users of  
14 that website, service, or application;

15 (b) Allows another person to collect personal  
16 information directly from users of that website, service, or application, in  
17 which case, the operator is deemed to have collected the information; or

18 (c) Allows users of that website, service, or  
19 application to publicly disclose personal information, in which case, the  
20 operator is deemed to have collected the information.

21 (B) "Operator" does not include:

22 (i) Any nonprofit entity that would otherwise be  
23 exempt from coverage under section 5 of the Federal Trade Commission Act, 15  
24 U.S.C. § 45 et seq., as it existed on January 1, 2025;

25 (ii) An interactive gaming platform that complies with the  
26 requirements of the Children's Online Privacy Protection Act, 15 U.S.C. §  
27 6501, as it existed on January 1, 2025, and the rules, guidance, and  
28 exemptions under that act, as it existed on January 1, 2025;

29 (iii) An agency, board, commission, institution, or  
30 other instrumentality of the State of Arkansas or its political subdivisions;  
31 or

32 (iv) A public educational entity of the State of  
33 Arkansas, including without limitation a school district and an institution  
34 of higher learning;

35 (10) "Parent" means a natural parent, adoptive parent, legal  
36 guardian, or legal custodian of an individual who is sixteen (16) years of

1 age or younger;

2 (11) "Person" means any individual, partnership, corporation,  
3 trust, estate, cooperative, association, or other entity;

4 (12)(A) "Personal information" means individually identifiable  
5 information about an individual collected online, including without  
6 limitation:

7 (i) A first and last name;

8 (ii) A home or other physical address including  
9 street name and name of the city or town of residence;

10 (iii) An e-mail address;

11 (iv) A telephone number;

12 (v) A Social Security number;

13 (vi) Any other identifier that permits the physical  
14 or online contacting of a specific individual;

15 (vii) Geolocation information sufficient to identify  
16 a street name and a city or town;

17 (viii) Information generated from the measurement or  
18 technological processing of an individual's biological, physical, or  
19 physiological characteristics that is used to identify an individual,  
20 including without limitation:

21 (a) Fingerprints;

22 (b) Voice prints;

23 (c) Iris or retina imagery scans;

24 (d) Facial templates;

25 (e) Deoxyribonucleic acid (DNA) information;

26 or

27 (f) Gait;

28 (ix) Information linked or reasonably linkable to a  
29 child or teen; or

30 (x) Information linked or reasonably linkable to a  
31 child or teen or the parents of that child or teen, including without  
32 limitation any unique identifier, that an operator collects online from the  
33 child or teen and combines with an identifier described in subdivision  
34 (12)(A) of this section.

35 (B) "Personal information" does not include an audio file  
36 that contains a child or teen's voice so long as the operator:

1 (i) Does not request information via voice that  
2 would otherwise be considered personal information under subdivision (12)(A)  
3 of this section;

4 (ii) Provides clear notice of its collection and use  
5 of the audio file and its deletion policy in its privacy policy;

6 (iii) Only uses the voice within the audio file  
7 solely as a replacement for written words, to perform a task, or engage with  
8 a website, online service, online application, or mobile application, such as  
9 to perform a search or fulfill a verbal instruction or request; and

10 (iv) Only maintains the audio file long enough to  
11 complete the stated purpose and then immediately deletes the audio file and  
12 does not make any other use of the audio file prior to deletion;

13 (13) "Teen" means an individual who is:

14 (A) Thirteen (13) years of age or older; and

15 (B) Younger than seventeen (17) years of age;

16 (14) "Verifiable consent" means any reasonable effort, including  
17 without limitation a request for authorization for future collection, use,  
18 and disclosure described in the notice, to ensure that, in the case of a  
19 child, a parent of the child, or, in the case of a teen, the teen:

20 (A) Receives specific notice of the personal information  
21 collection, use, and disclosure practices of the operator; and

22 (B) Before the personal information of the child or teen  
23 is collected, freely and unambiguously authorizes:

24 (i) The collection, use, and disclosure, as  
25 applicable, of that personal information; and

26 (ii) Any subsequent use of that personal  
27 information; and

28 (15) "Website, online service, online application, or mobile  
29 application directed to children" means:

30 (A)(i) A commercial website, online service, online  
31 application, or mobile application that is targeted to children; or

32 (ii) That portion of a commercial website, online  
33 service, online application, or mobile application that is targeted to  
34 children.

35 (B) A commercial website, online service, online  
36 application, or mobile application, or a portion of a commercial website,

1 online service, online application, or mobile application, shall not be  
2 deemed directed to children solely for referring or linking to a commercial  
3 website, online service, online application, or mobile application directed  
4 to children by using information location tools, including a directory,  
5 index, reference, pointer, or hypertext link.

6  
7 4-88-1503. Personal information from and about children and teens –  
8 Online collection and use.

9 (a)(1) Except as provided in subdivision (a)(2) of this section, it  
10 is unlawful for an operator of a website, online service, online application,  
11 or mobile application directed to children or for any operator of a website,  
12 online service, online application, or mobile application with actual  
13 knowledge or willful disregard:

14 (A) To collect personal information from a child or teen  
15 in a manner that violates subsection (b) of this section;

16 (B) To collect, use, disclose to third parties, or compile  
17 personal information of a child or teen for purposes of individual-specific  
18 advertising;

19 (C) To collect the personal information of a child or teen  
20 except when the collection of the personal information is:

21 (i) Consistent with the context of a particular  
22 service or the relationship of the child or teen with the operator, including  
23 without limitation collection that is necessary to fulfill a transaction or  
24 provide a product or service requested by the child or teen; or

25 (ii) Required or specifically authorized by law; or

26 (D) To retain the personal information of a child or teen  
27 for longer that is reasonably necessary to fulfill a transaction or provide a  
28 service requested by the child or teen except as required or specifically  
29 authorized by law.

30 (2) Neither an operator nor the operator's agent shall be liable  
31 for a disclosure made in good faith and following reasonable procedures in  
32 responding to a request for disclosure of personal information under  
33 subdivision (b)(3)(A) of this section to the parent of a child or to a teen  
34 under subdivision (b)(4)(A) of this section.

35 (b) An operator of a website, online service, online application, or  
36 mobile application directed to children or an operator of a website, online

1 service, online application, or mobile application with actual knowledge or  
2 willful disregard that is collecting personal information from children or  
3 teens shall:

4 (1) Provide clear and conspicuous notice of:

5 (A) What information is collected from children or teens  
6 by the operator;

7 (B) How the operator uses such information;

8 (C) The operator's disclosure practices for such  
9 information;

10 (D) The rights and opportunities available to the parent  
11 of the child or teen under subdivisions (b)(3) and (b)(4) of this section;  
12 and

13 (E) The procedures or mechanisms the operator uses to  
14 ensure that personal information is not collected from children or teens  
15 except under subsection (b) of this section;

16 (2) Obtain verifiable consent for the collection, use, or  
17 disclosure of personal information collected from a child or teen from a:

18 (A) Parent or legal guardian of a child, except to the  
19 extent the processing is permitted under 15 U.S.C. § 6502 and its  
20 implementing regulations; or

21 (B) A teen, except when the processing is for:

22 (i) Providing or maintaining a specific product or  
23 service requested by the teen;

24 (ii) Conducting the operator's internal business  
25 operations, including without limitation identifying and repairing technical  
26 errors that impair existing or intended functionality;

27 (iii) Protecting against malicious, fraudulent, or  
28 illegal activity or detecting, responding to, or preventing security  
29 incidents or threats;

30 (iv) Investigating, establishing, exercising,  
31 preparing for, or defending legal claims;

32 (v) Complying with federal, state, or local laws,  
33 rules, or regulations;

34 (vi) Complying with a civil, criminal, or regulatory  
35 inquiry, investigation, subpoena, or a summons by federal, state, local, or  
36 other governmental authorities; or



1 (vii) Protecting the vital interests of a natural  
2 person;

3 (3) Provide, upon request of a parent under this subsection (b)  
4 whose child has provided personal information to that operator, upon proper  
5 identification of that parent, to the parent:

6 (A)(i) A description of the specific types of personal  
7 information collected from the child by that operator;

8 (ii) The method by which the operator obtained the  
9 personal information; and

10 (iii) The purposes for which the operator, collects,  
11 uses, discloses, and retains the personal information; and

12 (B) The opportunity to:

13 (i) Delete at any time personal information  
14 collected from the child or content or information submitted by the child to  
15 a website, online service, online application, or mobile application and to  
16 refuse at any time to permit the operator's further use or maintenance in  
17 retrievable form, or future online collection, of personal information from  
18 that child; and

19 (ii) Challenge the accuracy of the personal  
20 information and, if the parent of the child establishes the inaccuracy of the  
21 personal information, to have the inaccurate personal information corrected;  
22 and

23 (C) A means that is reasonable under the circumstances for  
24 the parent to obtain any personal information collected from that child, if  
25 that information is available to the operator at the time the parent makes  
26 the request;

27 (4) Provide, upon the request of a teen under subdivision (b)(1)  
28 of this section who has provided personal information to the operator and  
29 upon proper identification of that teen:

30 (A) A description of the specific types of personal  
31 information collected from the teen by the operator, the method by which the  
32 operator obtained the personal information, and the purposes for which the  
33 operator collects, uses, discloses, and retains the personal information;

34 (B) The opportunity at any time to delete personal  
35 information collected from the teen or content or information submitted by  
36 the teen to a website, online service, online application, or mobile

1 application and to refuse further use or collection of personal information  
2 from the teen;

3 (C) The opportunity to challenge the accuracy of the  
4 personal information and, if the teen establishes the inaccuracy of the  
5 personal information, to have the inaccurate personal information corrected;  
6 and

7 (D) A means that is reasonable under the circumstances for  
8 the teen to obtain any personal information collected from the teen, if the  
9 information is available to the operator at the time the teen makes the  
10 request;

11 (5) Not require a child to disclose more personal information  
12 than is reasonably necessary to participate as a condition to participate in:

13 (A) A game;

14 (B) The offering of a prize; or

15 (C) Another activity; and

16 (6) Establish, implement, and maintain reasonable security  
17 practices to protect the confidentiality, integrity, and accessibility of  
18 personal information of children or teens collected by the operator, and  
19 protect the personal information against unauthorized access.

20 (c) Verifiable consent under subdivision (b)(2)(A) of this section is  
21 not required in the case of:

22 (1) Online contact information collected from a child or teen  
23 that is used only to respond directly on a one-time basis to a specific  
24 request from the child or teen and is not used to recontact the child or teen  
25 or to contact another child or teen and is not maintained in retrievable form  
26 by the operator;

27 (2) A request for the name or online contact information of a  
28 parent or teen that is used for the sole purpose of obtaining verifiable  
29 consent or providing notice under this section and where such information is  
30 not maintained in retrievable form by the operator if verifiable consent is  
31 not obtained after a reasonable time;

32 (3) Online contact information collected from a child or teen  
33 that is used only to respond more than once directly to a specific request  
34 from the child or teen and is not used to recontact the child or teen beyond  
35 the scope of that request if, before any additional response after the  
36 initial response to the child or teen, the operator uses reasonable efforts

1 to provide a parent or teen notice of the online contact information  
2 collected from the child or teen, the purposes for which it is to be used,  
3 and an opportunity for the parent or teen to request that the operator make  
4 no further use of the information and that it not be maintained in  
5 retrievable form; and

6 (4) The name of the child or teen and online contact  
7 information, to the extent reasonably necessary to protect the safety of a  
8 child or teen participant on the site:

9 (i) Used only for the purpose of protecting such safety;

10 (ii) Not used to recontact the child or teen or for any  
11 other purpose; and

12 (iii) Not disclosed on the site, if the operator uses  
13 reasonable efforts to provide a parent or teen notice of the name and online  
14 contact information collected from the child or teen, the purposes for which  
15 it is to be used, and an opportunity for the parent or teen to request that  
16 the operator make no further use of the information and that it not be  
17 maintained in retrievable form; or

18 (E) The collection, use, or dissemination of such information by  
19 the operator necessary to:

20 (i) Protect the security or integrity of its website;

21 (ii) Take precautions against liability;

22 (iii) Respond to judicial process; or

23 (iv) Provide information to law enforcement agencies  
24 or for an investigation on a matter related to public safety.

25 (d)(1) An operator may terminate service provided to a child whose  
26 parent has refused or a teen who has refused under subdivision (b)(2) of this  
27 section to permit the operator's further use or maintenance in retrievable  
28 form or future online collection of personal information from that child or  
29 teen.

30 (2) An operator shall not discontinue service provided to a  
31 child or teen on the basis of a request by the parent or the child or by the  
32 teen under subdivision (b)(3)(B)(i) of this section to delete personal  
33 information collected from the child or teen, to the extent that the operator  
34 is capable of providing this service without the personal information.

35 (3) A request made under subdivisions (b)(3)(B)(i) of this  
36 section to delete personal information of a child or teen shall not be

1 construed to:

2 (A) Limit the authority of a law enforcement agency to  
3 obtain any content or information from an operator under a lawfully executed  
4 warrant or an order of a court of competent jurisdiction; and

5 (B) Require an operator or third party to delete  
6 information that:

7 (i) Another law requires the operator or third party  
8 to maintain;

9 (ii) Was submitted to the website, online service,  
10 online application, or mobile application of the operator by any person other  
11 than the user who is attempting to erase or otherwise eliminate the content  
12 or information, including without limitation content or information submitted  
13 by the user that was republished or resubmitted by another person; or

14 (iii) Prohibit an operator from retaining a record  
15 of the deletion request and the minimum information necessary for the  
16 purposes of ensuring compliance with a request made under subsection (b) of  
17 this section or ensuring that the child or teen's information remains  
18 deleted.

19 (e) Except as provided under § 4-88-1503 and § 4-88-1505, a violation  
20 of subdivisions (b)(2) and (b)(3) of this section shall be treated as an  
21 unfair or deceptive act or practice prescribed under the Deceptive Trade  
22 Practices Act, § 4-88-101 et seq.

23  
24 4-88-1504. Enforcement.

25 In a case in which the Attorney General has reason to believe that an  
26 interest of the residents of the state has been or is threatened or adversely  
27 affected by the engagement of any person in a practice that violates the  
28 provisions of this subchapter, the Attorney General may bring a civil action  
29 on behalf of the residents of the state in a court of competent jurisdiction  
30 to:

31 (1) Enjoin that practice;

32 (2) Enforce compliance with the rule;

33 (3) Obtain damages, restitution, or other compensation on behalf  
34 of residents of the state; or

35 (4) Obtain such other relief as the court finds appropriate.

36

1           4-88-1505. Construction.  
2           Nothing in this subchapter requires an  
3           (2) Nothing in this subchapter shall be construed to require an  
4           operator to:  
5                   (1) Affirmatively collect any personal information regarding the  
6           age of a child or teen that an operator is not already collecting in the  
7           normal course of business; or  
8                   (2) Implement an age-gating or age verification functionality.

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10                                   /s/Gramlich  
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