

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas *As Engrossed: H1/23/25 H1/30/25 H2/10/25 H2/19/25 H2/25/25*
2 *H2/26/25 H3/3/25*

3 95th General Assembly
4 Regular Session, 2025

A Bill

HOUSE BILL 1082

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

7 *By: Senators J. Boyd, C. Tucker*
8

For An Act To Be Entitled

9
10 AN ACT TO CREATE THE ARKANSAS CHILDREN AND TEENS'
11 ONLINE PRIVACY PROTECTION ACT; AND FOR OTHER
12 PURPOSES.
13
14

Subtitle

15
16 TO CREATE THE ARKANSAS CHILDREN AND
17 TEENS' ONLINE PRIVACY PROTECTION ACT.
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

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

23 Subchapter 15 – Arkansas Children and Teens' Online Privacy Protection Act
24

25 4-88-1501. Title.

26 This subchapter shall be known and may be cited as the "Arkansas
27 Children and Teens' Online Privacy Protection Act".
28

29 4-88-1502. Definitions.

30 As used in this subchapter:

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

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

36 (3)(A) "Disclosure" means making personal information that is



1 collected from a child or teen by a website, online service, online
2 application, or mobile application targeted toward children or teens or that
3 collect with actual knowledge the personal information from a child or teen,
4 publicly available in an identifiable form to a third party not affiliated
5 with the operator.

6 (B) "Disclosure" does not include information provided to a person
7 other than an operator who provides support for the internal operations of
8 the website, online service, online application, or mobile application of the
9 operator, excluding any activity related to individual-specific advertising
10 to children or teens;

11 (4) "Internet" means collectively a system of interconnected
12 computer networks that comprise the interconnected world-wide network of
13 networks and employ without limitation the Transmission Control
14 Protocol/Internet Protocol, or any predecessor or successor protocols to such
15 protocol, or the User Datagram Protocol to communicate information of all
16 kinds by wire or radio;

17 (5) "Mobile application" means:

18 (A) A software program that runs on the operating system
19 of:

20 (i) A cellular telephone;

21 (ii) A tablet computer; or

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

24 (B) Includes without limitation a service or application
25 offered via a connected device;

26 (6) "Online application" means an Internet-connected software
27 program and includes without limitation a service or application offered via
28 a connected device;

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

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

35 (ii)(a) Collects or maintains, either directly or

1 through a service provider, personal information from or about the users of
2 that website, service, or application; or

3 (b) Allows another person to collect personal
4 information directly from users of that website, service, or application, in
5 which case, the operator is deemed to have collected the information.

6
7 (B) "Operator" does not include:

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

11 (ii) An interactive gaming platform that complies with the
12 requirements of the Children's Online Privacy Protection Act, 15 U.S.C. §
13 6501, as it existed on January 1, 2025, and the rules, guidance, and
14 exemptions under that act, as it existed on January 1, 2025;

15 (iii) An agency, board, commission, institution, or
16 other instrumentality of the State of Arkansas or its political subdivisions;
17 or

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

21 (9) "Parent" means a natural parent, adoptive parent, legal
22 guardian, or legal custodian of an individual who is sixteen (16) years of
23 age or younger;

24 (10) "Person" means any individual, partnership, corporation,
25 trust, estate, cooperative, association, or other entity;

26 (11)(A) "Personal information" means individually identifiable
27 information about an individual collected online, including without
28 limitation:

29 (i) A first and last name;

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

32 (iii) An e-mail address;

33 (iv) A telephone number;

34 (v) A Social Security number;

35 (vi) Any other identifier that permits the physical

1 or online contacting of a specific individual;

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

4 (viii) Information generated from the measurement or
5 technological processing of an individual's biological, physical, or
6 physiological characteristics that is used to identify an individual,
7 including without limitation:

8 (a) Fingerprints;

9 (b) Voice prints;

10 (c) Iris or retina imagery scans;

11 (d) Facial templates;

12 (e) Deoxyribonucleic acid (DNA) information;

13 or

14 (f) Gait;

15 (ix) Information linked or reasonably linkable to a
16 child or teen; or

17 (x) Information linked or reasonably linkable to a
18 child or teen, including without limitation any unique identifier, that an
19 operator collects online from the child or teen and combines with an
20 identifier described in subdivision *this subdivision (11)(A)*.

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

23 (i) Does not request information via voice that
24 would otherwise be considered personal information under subdivision (11)(A)
25 of this section;

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

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

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

35 (12)(A) "Targeted advertising" means displaying advertisements

1 to a consumer where the advertisement is selected based on personal data
2 obtained from that consumer's activities over time and across nonaffiliated
3 websites or online applications to predict such consumer's preferences or
4 interests.

5 (B) "Targeted advertising" does not include:

6 (i) Advertising based on activities within a
7 controller's own websites or online applications;

8 (ii) Advertising based on the context of a
9 consumer's current search query or visit to a website or online application;

10 (iii) Advertising directed to a consumer in response
11 to the consumer's request for information or feedback; or

12 (iv) Processing of personal data that is processed
13 solely for measuring or reporting advertising performance, reach, or
14 frequency;

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

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

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

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

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

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

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

28 (ii) Any subsequent use of that personal
29 information.

30 4-88-1503. Personal information from and about children and teens -
31 Online collection and use.

32 (a)(1) Except as provided in subdivision (a)(2) of this section, it
33 is unlawful for an operator of a website, online service, online application,
34 or mobile application with actual knowledge that it is collecting personal
35 information from children or teens:

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

3 (B) To collect, use, disclose to third parties, or compile
4 personal information of a child or teen for purposes of targeted advertising
5 to children or teens or to allow another person to collect, use, disclose, or
6 compile this information for targeted advertising to children or teens;

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

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

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

14 (D) To retain the personal information of a child or teen
15 for longer that is reasonably necessary to fulfill a transaction or provide a
16 service requested by the child or teen except as required for the safety or
17 integrity of the service or specifically authorized by law.

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

23 (b) An operator of a website, online service, online application, or
24 mobile application that has actual knowledge that it is collecting personal
25 information from children or teens shall:

26 (1) Provide clear and conspicuous notice of:

27 (A) What information is collected from children or teens
28 by the operator;

29 (B) The purpose for processing personal data;

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

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

33 (E) The categories of personal data that the controller shares with
34 third parties, if any; and

35 (F) The categories of third parties, if any, with whom the controller

1 shares personal data;

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

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

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

8 (i) Providing or maintaining a specific product or
9 service requested by the teen;

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

13 (iii) Protecting against malicious, fraudulent, or
14 illegal activity or detecting, responding to, or preventing security
15 incidents or threats;

16 (iv) Investigating, establishing, exercising,
17 preparing for, or defending legal claims;

18 (v) Complying with federal, state, or local laws,
19 rules, or regulations;

20 (vi) Complying with a civil, criminal, or regulatory
21 inquiry, investigation, subpoena, or a summons by federal, state, local, or
22 other governmental authorities; or

23 (vii) Protecting the vital interests of a natural
24 person;

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

28 (A)(i) A description of the specific categories of personal
29 information collected from the child by that operator; and

30 (ii) The purposes for which the operator collects,
31 uses, discloses, and retains the personal information;

32 (B) The opportunity to:

33 (i) Request at any time the deletion of the account
34 of the child or content or information submitted by the child to a website,
35 online service, online application, or mobile application and to refuse at

1 any time to permit the operator's further use or maintenance in retrievable
2 form, or future online collection, of personal information from that child;
3 and

4 (ii) Challenge the accuracy of the personal
5 information and, if the parent of the child establishes the inaccuracy of the
6 personal information, to have the inaccurate personal information corrected;
7 and

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

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

15 (A) A description of the specific categories of personal
16 information collected from the teen by the operator and the purposes for
17 which the operator collects, uses, discloses, and retains the personal
18 information;

19 (B) The opportunity at any time to delete personal
20 information collected from the teen or content or information submitted by
21 the teen to a website, online service, online application, or mobile
22 application;

23 (C) The opportunity to challenge the accuracy of the
24 personal information and, if the teen establishes the inaccuracy of the
25 personal information, to have the inaccurate personal information corrected;
26 and

27 (D) A means that is reasonable under the circumstances for
28 the teen to obtain any personal information collected from the teen, if the
29 information is available to the operator at the time the teen makes the
30 request;

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

33 (A) A game;

34 (B) The offering of a prize; or

35 (C) Another activity; and

1 (6) Establish, implement, and maintain reasonable security
2 practices to protect the confidentiality, integrity, and accessibility of
3 personal information of children or teens collected by the operator, and
4 protect the personal information against unauthorized access.

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

7 (1) Online contact information collected from a child or teen
8 that is used only to respond directly on a one-time basis to a specific
9 request from the child or teen and is not used to recontact the child or teen
10 or to contact another child or teen and is not maintained in retrievable form
11 by the operator;

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

17 (3) Online contact information collected from a child or teen
18 that is used only to respond more than once directly to a specific request
19 from the child or teen and is not used to recontact the child or teen beyond
20 the scope of that request if, before any additional response after the
21 initial response to the child or teen, the operator uses reasonable efforts
22 to provide a parent or teen notice of the online contact information
23 collected from the child or teen, the purposes for which it is to be used,
24 and an opportunity for the parent or teen to request that the operator make
25 no further use of the information and that it not be maintained in
26 retrievable form; and

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

30 (A) Used only for the purpose of protecting such safety;

31 (B) Not used to recontact the child or teen or for any
32 other purpose; and

33 (C) Not disclosed on the site, if the operator uses
34 reasonable efforts to provide a parent or teen notice of the name and online
35 contact information collected from the child or teen, the purposes for which

1 it is to be used, and an opportunity for the parent or teen to request that
2 the operator make no further use of the information and that it not be
3 maintained in retrievable form; or

4 (5) The collection, use, or dissemination of such information by
5 the operator necessary to:

6 (A) Protect the security or integrity of its website;

7 (B) Take precautions against liability;

8 (C) Respond to judicial process; or

9 (D) Protect the security or safety of the user on the
10 service; or

11 (E) Provide information to law enforcement agencies or for
12 an investigation on a matter related to public safety.

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

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

23 (3) A request made under subdivisions (b)(3)(B)(i) of this
24 section to delete personal information of a child or teen shall not be
25 construed to:

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

29 (B) Require an operator or third party to delete
30 information that:

31 (i) Another law requires the operator or third party
32 to maintain;

33 (ii) Was submitted to the website, online service,
34 online application, or mobile application of the operator by any person other
35 than the user who is attempting to erase or otherwise eliminate the content

1 or information, including without limitation content or information submitted
2 by the user that was republished or resubmitted by another person; or

3 (iii) Prohibit an operator from retaining a record
4 of the deletion request and the minimum information necessary for the
5 purposes of ensuring compliance with a request made under subsection (b) of
6 this section or ensuring that the child or teen's information remains
7 deleted.

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

12
13 4-88-1504. Enforcement.

14 In a case in which the Attorney General has reason to believe that an
15 interest of the residents of the state has been or is threatened or adversely
16 affected by the engagement of any person in a practice that violates the
17 provisions of this subchapter, the Attorney General may bring a civil action
18 on behalf of the residents of the state in a court of competent jurisdiction
19 to:

20 (1) Enjoin that practice;

21 (2) Enforce compliance with the rule;

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

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

25
26 4-88-1505. Construction.

27 *This subchapter shall not be construed to require an operator to:*

28 (1) Affirmatively collect any personal information regarding the
29 age of a child or teen that an operator is not already collecting in the
30 normal course of business; or

31 (2) Implement an age-gating or age verification functionality.

32
33 SECTION 2. DO NOT CODIFY. *EFFECTIVE DATE.*

34 *This act shall be effective on and after July 1, 2026.*

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/s/Gramlich

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