

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

2 95th General Assembly

A Bill

3 Regular Session, 2025

HOUSE BILL 1083

4

5 By: Representatives Gramlich, A. Collins, Springer

6 By: Senators J. Boyd, C. Tucker

7

8

For An Act To Be Entitled

9 AN ACT TO CREATE THE ARKANSAS KIDS ONLINE SAFETY ACT;
10 AND FOR OTHER PURPOSES.

11

12

13

Subtitle

14

TO CREATE THE ARKANSAS KIDS ONLINE

15

SAFETY ACT.

16

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

18

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

21

Subchapter 15 – Arkansas Kids Online Safety Act

22

23

4-88-1501. Title.

24

This subchapter shall be known and may be cited as the "Arkansas Kids
25 Online Safety Act".

26

27

4-88-1502. Definitions.

28

As used in this subchapter:

29

(1) "Child" means an individual who is twelve (12) years of age
30 or less;

31

(2) "Compulsive usage" means any response stimulated by external
32 factors that causes an individual to engage in repetitive behavior that is
33 reasonably likely to cause psychological distress, loss of control, anxiety,
34 or depression;

35

(3) "Connected device" means an electronic device that:

36

(A) Is capable of connecting to the internet, either



1 directly or indirectly through a network, to communicate information at the
2 direction of an individual;

3 (B) Has computer processing capabilities for collecting,
4 sending, receiving, or analyzing data; and

5 (C) Is primarily designed for or marketed to consumers;

6 (4)(A) "Covered platform" means an entity that operates an
7 online platform, messaging application, or video streaming service that:

8 (i) Connects to the internet; and

9 (ii) Is used, or is reasonably likely to be used, by
10 a minor.

11 (B) "Covered platform" does not include:

12 (i) An entity acting in the entity's own capacity as
13 a provider of:

14 (a) A common carrier service subject to the
15 Telecommunications Act of 1996, Pub. L. No. 73-416;

16 (b) A broadband internet access service as
17 defined in 47 C.F.R. § 8.1(b), as it existed on January 1, 2025;

18 (c) An email service;

19 (d) A teleconferencing or videoconferencing
20 service that allows reception and transmission of audio and video signals for
21 real-time communication, provided that:

22 (1) It is not an online platform such as
23 a social media service or social network; and

24 (2) The real-time communication is
25 initiated by using a unique link or identifier to facilitate access; or

26 (e) A wireless messaging service, including a
27 service that is provided through short messaging service or multimedia
28 messaging service protocols:

29 (1) That is not a component of or linked
30 to an online platform; and

31 (2) Where the predominant or exclusive
32 function is direct messaging consisting of the transmission of text, photos,
33 or videos that are sent by electronic means, where messages are transmitted
34 from the sender to the recipient, and are not posted within an online
35 platform or publicly;

36 (ii) An organization that is not organized to carry

1 on business for its own profit or the profit of its members;

2 (iii) A public or private preschool, elementary
3 school, secondary school, or any institution of vocational, professional, or
4 higher education;

5 (iv) A library, as defined in the Library Services
6 and Technology Act, 20 U.S.C. § 9122, as it existed on January 1, 2025;

7 (v) A news website or news application where:

8 (a) The inclusion of video content on the
9 website or application is related to the website or application's own
10 gathering, reporting, or publishing of news content; and

11 (b) The website or application is not
12 otherwise an online platform;

13 (vi) A product or service that primarily functions
14 as business-to-business software; or

15 (vii) A virtual private network or similar service
16 that exists solely to route internet traffic between locations;

17 (5) "Deidentified" means data that does not identify and is not
18 linked or reasonably linkable to a device that is linked or reasonably
19 linkable to an individual, regardless of whether the information is
20 aggregated;

21 (6) "Geolocation" means information sufficient to identify a
22 street name and a name of a city or town;

23 (7)(A) "Individual-specific advertising to minors" means
24 advertising or any other effort to market a product or service that is
25 directed to a specific minor or a device that is linked or reasonably
26 linkable to a minor based on:

27 (i) The personal data of the minor or a group of
28 minors who are similar in sex, age, income level, race, or ethnicity to the
29 specific minor to whom the product or service is marketed;

30 (ii) Psychological profiling of a minor or group of
31 minors; or

32 (iii) A unique identifier of the device.

33 (B) "Individual-specific advertising to minors" includes
34 advertising or any other effort to market a product or service that is
35 directed to a specific minor or a device that is linked or reasonably
36 linkable to a minor as a result of use by the minor, access by device of the

1 minor, or use by a group of minors who are similar to the specific minor, of
2 more than a single:

3 (i) Website;

4 (ii) Online service;

5 (iii) Online application;

6 (iv) Mobile application; or

7 (v) Connected device.

8 (C) "Individual-specific advertising to minors" does not
9 include:

10 (i) Advertising or marketing to a minor or the
11 device of the minor's specific request for information or feedback, including
12 without limitation a minor's current search query;

13 (ii) Contextual advertising, including without
14 limitation when an advertisement is displayed based on the content of the
15 covered platform on which the advertisement appears and does not vary based
16 on personal information related to the minor; or

17 (iii) Processing personal information solely for
18 measuring or reporting advertising or content performance, reach, or
19 frequency, including without limitation independent measurement;

20 (8) "Knows" means to have actual knowledge or knowledge fairly
21 implied on the basis of objective circumstances;

22 (9) "Mental health disorder" means the same as "mental disorder"
23 under the most current edition of the Diagnostic and Statistical Manual of
24 Mental Disorders;

25 (10) "Minor" means an individual who is sixteen (16) years of
26 age or younger;

27 (11) "Narcotic drugs" means the same as defined in the
28 Controlled Substances Act, 21 U.S.C. § 802, as it existed on January 1, 2025;

29 (12) "Online platform" means any public-facing website, online
30 service, online application, or mobile application that predominantly
31 provides a community forum for user generated content, including without
32 limitation sharing videos, images, audio files, or other content;

33 (13) "Parent" means a:

34 (A) Natural parent of a minor;

35 (B) Legal guardian of a minor; or

36 (C) Individual with legal custody of a minor;

1 (14) "Personal data" means information that identifies or is
2 linked or reasonably linkable to a particular minor, including without
3 limitation a consumer device identifier that is linked or reasonably linkable
4 to a minor;

5 (15) "Personalized recommendation system" means a fully or
6 partially automated system used to suggest, promote, or rank content,
7 including other users or posts, based on the personal data of a user or
8 users; and

9 (16) "Verifiable parental consent" means the same as defined in
10 the Children's Online Privacy Protection Act, 15 United States Code § 6501,
11 as it existed on January 1, 2025.

12 4-88-1503. Duty of care – Prevention of harm to minors – Limitations.

13 (a) A covered platform shall take reasonable measures in the design
14 and operation of any product, service, or feature that the covered platform
15 knows is used by minors to prevent and mitigate harm to minors, including
16 without limitation:

17 (1) The following mental health disorders, consistent with
18 evidence-informed medical information:

19 (A) Anxiety;

20 (B) Depression;

21 (C) Eating disorders;

22 (D) Substance use disorders; and

23 (E) Suicidal behaviors;

24 (2) Patterns of use that indicate or encourage addiction-like
25 behaviors;

26 (3) Physical violence, online bullying, and harassment of the
27 minor;

28 (4) Sexual exploitation and abuse;

29 (5) Promotion and marketing of narcotic drugs, tobacco products,
30 gambling, or alcohol; and

31 (6) Predatory, unfair, or deceptive marketing practices and
32 other financial harms.

33 (b) This section shall not be construed to require a covered platform
34 to prevent or preclude:

35 (1) A minor from deliberately and independently searching for or
36 specifically requesting content;

1 (2) The covered platform or individuals on the platform from
2 providing resources for the prevention or mitigation of the harms described
3 in subsection (a) of this section; or

4 (3) A covered platform that knows that an individual is a minor
5 from delivering an advertisement that is age-appropriate for the minor
6 involved and intended for a minor, so long as the covered platform does not
7 use any personal data other than the age of the minor in deciding to deliver
8 the advertisement.

9
10 4-88-1504. Safeguards for minors – Parental tools – Reporting –
11 Application.

12 (a) A covered platform shall provide an individual that the covered
13 platform knows is a minor with readily accessible and easy-to-use safeguards
14 to:

15 (1) Limit the ability of other individuals to communicate with
16 the minor;

17 (2) Prevent other users, whether registered or not, from viewing
18 the minor's personal data collected by or shared on the covered platform,
19 including without limitation restricting public access to personal data;

20 (3) Limit features that increase, sustain, or extend use of the
21 covered platform by the minor, including without limitation:

22 (A) Automatic playing of media;

23 (B) Rewards for time spent on the platform;

24 (C) Notifications; and

25 (D) Other features that result in compulsive usage of the
26 covered platform by the minor;

27 (4) Control personalized recommendation systems by providing the
28 minor with the ability to:

29 (A) Opt out of personalized recommendation systems while
30 still allowing the display of content based on a chronological format; or

31 (B) Limit access to certain types or categories of
32 recommendations from the personalized recommendation systems;

33 (5) Restrict the sharing of the geolocation of the minor to
34 other users on the platform; and

35 (6) Provide notice regarding the tracking of the minor's
36 geolocation.

1 (b) A covered platform shall provide an individual that the covered
2 platform knows is a minor with readily accessible and easy-to-use options to:

3 (1) Delete the minor's account and any personal data collected
4 from or shared by the minor on the covered platform; or

5 (2) Limit the amount of time spent by the minor on the covered
6 platform.

7 (c) A covered platform shall provide that, in the case of a user that
8 the platform knows is a minor, the default setting for any safeguard
9 described under subsection (a) of this section shall be the option available
10 on the platform that provides the most protective level of control that is
11 offered by the platform over privacy and safety for that user.

12 (d)(1) A covered platform shall provide readily accessible and easy-
13 to-use settings for a parent to support an individual that the covered
14 platform knows is a minor with respect to the individual's use of the covered
15 platform.

16 (2) The parental tools provided by a covered platform shall
17 include:

18 (A) The ability to manage a minor's privacy and account
19 settings, including without limitation the safeguards and options established
20 under subsections (a) and (b) of this section, in a manner that allows a
21 parent to:

22 (i) View the privacy and account settings; and

23 (ii) In the case of a user that the covered platform
24 knows is a child, change and control the privacy and account settings; and

25 (B) The ability to:

26 (i) Restrict purchases and financial transactions by
27 the minor; and

28 (ii) View metrics of total time spent on the
29 platform and restrict time spent on the covered platform by the minor.

30 (3) A covered platform shall provide clear and conspicuous
31 notice to an individual that the platform knows is a minor when the tools
32 under subdivisions (1)–(3) of this subsection (d) are in use and what
33 settings or controls have been applied.

34 (4) If a covered platform knows a user is a child, the covered
35 platform shall ensure that the tools described under subdivisions (1)–(3) of
36 this subsection (d) are enabled by default.

1 (e)(1) A covered platform shall provide:

2 (A) A readily accessible and easy-to-use means to submit
3 reports to the covered platform of harms to a minor;

4 (B) An electronic point of contact specific to matters
5 involving harms to a minor; and

6 (C) Confirmation of the covered platform's receipt of such
7 a report and a means to track a submitted report through the covered
8 platform.

9 (2)(A) A covered platform shall establish an internal process to
10 receive and substantively respond to such reports in a reasonable and timely
11 manner, but in no case later than:

12 (i) Ten (10) days after receipt of a report, if for
13 the most recent calendar year, the covered platform averaged more than ten
14 million (10,000,000) active users on a monthly basis in the United States; or

15 (ii) Twenty-one (21) days after receipt of a report,
16 if for the most recent calendar year, the covered platform averaged fewer
17 than ten million (10,000,000) active users on a monthly basis in the United
18 States.

19 (B) However, if the report under this subsection (e)
20 involves an imminent threat to the safety of a minor, a covered platform
21 shall address as promptly as possible the reported threat to safety.

22 (f) If a covered platform knows an individual is a minor, the covered
23 platform shall not facilitate advertising to the minor of:

24 (1) Narcotic drugs;

25 (2) Tobacco products;

26 (3) Gambling; or

27 (4) Alcohol.

28 (g) A covered platform shall implement the safeguards and parental
29 controls described under subsections (a)–(d) of this section by providing:

30 (1) Information and control options in a clear and conspicuous
31 manner that:

32 (A) Considers the differing ages, capacities, and
33 developmental needs of the minors most likely to access the covered platform;
34 and

35 (B) Does not encourage a minor or a parent of a minor
36 to weaken or disable safeguards or parental controls;

1 (2) Readily accessible and easy-to-use controls to enable or
2 disable safeguards or parental controls; and

3 (3) Information and control options in the same language, form,
4 and manner as the covered platform provides the product or service used by
5 minors and their parents.

6 (h) It is unlawful and a violation of the Deceptive Trade Practices
7 Act, § 4-88-101 et seq., for any covered platform to design, modify, or
8 manipulate a user interface of a covered platform with the purpose or
9 substantial effect of subverting or impairing user autonomy, decision-making,
10 or choice regarding safeguards or parental controls required under this
11 section.

12 (i) Nothing in this section shall be construed to:

13 (1) Prevent a covered platform from taking reasonable measures
14 to:

15 (A) Block, detect, or prevent the distribution of
16 unlawful, obscene, or other harms to minors as described in § 4-88-1503; or

17 (B) Block or filter spam, prevent criminal activity, or
18 protect the security of a covered platform;

19 (2) Require the disclosure of a minor's browsing behavior,
20 search history, messages, contact list, or other content or metadata of his
21 or her communications;

22 (3) Prevent a covered platform from using a personalized
23 recommendation system to display content to a minor if the personalized
24 recommendation system only uses information on:

25 (A) The language spoken by the minor;

26 (B) The city the minor is located in; or

27 (C) The minor's age; or

28 (4) Prohibit a covered platform from integrating its products or
29 service with controls from third-party systems, including without limitation
30 operating systems or gaming consoles, to meet the requirements imposed under
31 subsections (a)–(d) of this section regarding safeguards for minors and tools
32 for parents, provided that:

33 (A) The controls meet the requirements under subsections
34 (a)–(d) of this section; and

35 (B) The minor or parent is provided with reasonable notice
36 under the circumstances of the integration and use of the controls.

1
2 4-88-1505. Disclosure – Notice – Personalized recommendation system –
3 Advertising and marketing information and labels – Resources.

4 (a)(1) Before registration or purchase of a covered platform by an
5 individual that the platform knows is a minor, the covered platform shall
6 provide clear, conspicuous, and easy-to-understand:

7 (A) Notice of the policies and practices of the covered
8 platform regarding personal data and safeguards for minors;

9 (B) Information about how to access the safeguards and
10 parental tools required under § 4-88-1504; and

11 (C) Notice regarding whether the covered platform uses or
12 makes available to minors a product, service, or feature, including without
13 limitation a personalized recommendation system, that poses any heightened
14 risk of harm to minors.

15 (2)(A) In the case of an individual that a covered platform
16 knows is a child, the platform shall provide information about the parental
17 tools and safeguards required under § 4-88-1504 to a parent of the child and
18 obtain verifiable parental consent from the parent before the initial use of
19 the covered platform by the child.

20 (B) A covered platform is deemed to have satisfied the
21 requirement described in subdivision (a)(2)(A) if the covered platform uses
22 reasonable efforts taking into consideration available technology to provide
23 a parent with the information described in subdivision (a)(2)(A) of this
24 section and to obtain verifiable parental consent under § 4-88-1504.

25 (C) If the covered platform is not required to obtain
26 verifiable parental consent under § 4-88-1504, the covered platform shall
27 provide information about the parental tools and safeguards required under §
28 4-88-1504 to a parent of a user that the platform knows is a child and obtain
29 parental consent from the parent before the initial use of the covered
30 platform by the child.

31 (b) A covered platform that operates a personalized recommendation
32 system shall, in a clear, conspicuous, and easy-to-understand manner, set out
33 in its terms and conditions of use:

34 (1) An overview of how the personalized recommendation system is
35 used by the covered platform to provide information to the users of the
36 platform who are minors, including without limitation how the personalized

1 recommendation system uses the personal data of minors; and

2 (2) Information about options for a minor or his or her parent
3 to opt out of or control the personalized recommendation system.

4 (c) A covered platform that facilitates advertising aimed at a user
5 that the covered platform knows is a minor shall provide clear, conspicuous,
6 and easy-to-understand information and labels to the minor on advertisements
7 regarding:

8 (1) The name of the product, service, or brand and the subject
9 matter of an advertisement;

10 (2) If the covered platform engages in individual-specific
11 advertising to minors, why a particular advertisement is directed to a
12 specific minor, including without limitation material information about how
13 the minor's personal data is used to direct the advertisement to the minor;
14 and

15 (3) Whether particular media displayed to the minor is an
16 advertisement or marketing material, including without limitation disclosure
17 of endorsements of products, services, or brands made for commercial
18 consideration by other users of the covered platform.

19 (d) A covered platform shall provide to a minor and his or her parent
20 clear, conspicuous, easy-to-understand, and comprehensive information in a
21 prominent location regarding:

22 (1) The covered platform's policies and practices regarding
23 collection and retention of personal data and safeguards in place to protect
24 minors; and

25 (2) How to access the safeguards and tools required under § 4-
26 88-1504.

27 (e) A covered platform shall ensure, to the extent practicable, that
28 the disclosures required by this section are made available in the same
29 language, form, and manner as the covered platform provides any product or
30 service used by a minor and his or her parent.

31
32 4-88-1506. Enforcement.

33 (a) In an enforcement action brought under this subchapter, the
34 Attorney General shall allege a violation of a provision of this subchapter.

35 (b)(1) A violation of this subchapter is:

36 (A) An unfair and deceptive act or practice under the

1 Deceptive Trade Practices Act, § 4-88-101 et seq.; and

2 (B) Punishable solely by action of the Attorney General.

3 (2) All remedies, penalties, and authority granted to the
4 Attorney General under the Deceptive Trade Practices Act, § 4-88-101 et seq.,
5 shall be available to the Attorney General for the enforcement of this
6 subchapter.

7 (3) The remedies and penalties for violations under this
8 subchapter are cumulative and in addition to other procedures or remedies for
9 violations or conduct under other law.

10
11 4-88-1507. Kids Online Safety Council.

12 (a) There is created within the Department of Commerce a council to be
13 known as the "Kids Online Safety Council".

14 (b) The council shall consist of nine (9) members appointed by the
15 Secretary of Commerce and include diverse participation from:

16 (1) Academic experts, health professionals, and members of civil
17 society with expertise in mental health, substance use disorders, and the
18 prevention of harms to minors;

19 (2) Representatives in academia and civil society with specific
20 expertise in privacy and civil liberties;

21 (3) Parents and youth representation;

22 (4) Representatives of covered platforms;

23 (5) Representatives of the State Securities Department, the
24 Department of Corrections, the Department of Health, and the Department of
25 Human Services;

26 (6) Educators; and

27 (7) Representatives of communities of socially disadvantaged
28 individuals as defined in the Small Business Act, 15 U.S.C. § 631 et seq., as
29 it existed on January 1, 2025.

30 (c) The council shall:

31 (1) Identify emerging or current risks of harms to minors
32 associated with online platforms;

33 (2) Recommend measures and methods for assessing, preventing,
34 and mitigating harms to minors online;

35 (3) Recommend methods and themes for conducting research
36 regarding online harms to minors, including in English and languages other

1 than English; and

2 (4) Recommend best practices and clear, consensus-based
3 technical standards for transparency reports and audits, as required under
4 this subchapter, including methods, criteria, and scope to promote overall
5 accountability.

6
7 4-88-1508. Filter bubble transparency requirements.

8 (a) As used in this section:

9 (1) "Algorithmic ranking system" means a computational process,
10 including without limitation a computational process derived from algorithmic
11 decision-making, machine learning, statistical analysis, or other data
12 processing or artificial intelligence techniques, used to determine the
13 selection, order, relative prioritization, or relative prominence of content
14 from a set of information that is provided to a user on a covered platform,
15 including without limitation the:

16 (A) Ranking of search results;

17 (B) Provision of content recommendations;

18 (C) Display of social media posts; or

19 (D) Any other method of automated content selection;

20 (2) "Downstream provider" means, with respect to a search
21 syndication contract, the person that receives access to an index of web
22 pages on the internet from an upstream provider under such contract;

23 (3)(A) "Input-transparent algorithm" means an algorithmic
24 ranking system that does not use the user-specific data of a user to
25 determine the selection, order, relative prioritization, or relative
26 prominence of information that is furnished to such user on a covered
27 platform, unless the user-specific data is expressly provided to the covered
28 platform by the user for that purpose.

29 (B) For purposes of subsection (3)(A) of this section,
30 user-specific data that is provided by a user for the express purpose of
31 determining the selection, order, relative prioritization, or relative
32 prominence of information that is furnished to such user on a covered
33 platform:

34 (i) Shall include user-supplied search terms,
35 filters, speech patterns, if provided for the purpose of enabling the
36 platform to accept spoken input or selecting the language in which the user

1 interacts with the platform, saved preferences, and the current precise
2 geolocation information that is supplied by the user;

3 (ii) Shall include the user's current approximate
4 geolocation information;

5 (iii) Shall include data affirmatively supplied to
6 the covered platform by the user that expresses the user's desire to receive
7 particular information, such as the social media profiles the user follows,
8 the video channels the user subscribes to, or other content or sources of
9 content on the platform the user has selected;

10 (iv) Shall not include the history of the user's
11 connected device, including the user's history of web searches and browsing,
12 previous geographical locations, physical activity, device interaction, and
13 financial transactions; and

14 (v) Shall not include inferences about the user or
15 the user's connected device, without regard to whether such inferences are
16 based on data described in subdivision (4)(B)(i) or (4)(B)(iii) of this
17 section;

18 (4)(A) "Opaque algorithm" means an algorithmic ranking system
19 that determines the selection, order, relative prioritization, or relative
20 prominence of information that is furnished to the user on a covered internet
21 platform based, in whole or part, on user-specific data that was not
22 expressly provided by the user to the platform for such purpose.

23 (B) "Opaque algorithm" does not include an algorithmic
24 ranking system used by a covered platform if:

25 (i) The only user-specific data, including without
26 limitation inferences about the user, that algorithmic ranking system uses is
27 information relating to the age of the user; and

28 (ii) The information is only used to restrict a
29 user's access to content on the basis that the individual is a minor.

30 (C) As used in this subdivision (4), "covered platform" or
31 "covered internet platform" does not include an interactive gaming platform
32 that complies with the requirements of the Children's Online Privacy
33 Protection Act, 15 U.S.C. § 6501, and the regulations, rules, guidance and
34 exemptions under that act, as it existed on January 1, 2025;

35 (5) "Search syndication contract" means a contract or
36 subcontract for the sale of, license of, or other right to access an index of

1 web pages or search results on the internet for the purpose of operating an
2 internet search engine;

3 (6) "Upstream provider" means, with respect to a search
4 syndication contract, the person that grants access to an index of web pages
5 or search results on the internet to a downstream provider under the
6 contract; and

7 (7) "User-specific data" means information relating to an
8 individual or a specific connected device that would not necessarily be true
9 of every individual or device.

10 (b)(1) Beginning on the date that is one (1) year after the date of
11 enactment of this subchapter, it shall be unlawful:

12 (A) For any person to operate a covered platform that uses
13 an opaque algorithm unless the person complies with the requirements of
14 subdivision (b)(2) of this section; or

15 (B) For any upstream provider to grant access to an index
16 of web pages on the internet under a search syndication contract that does
17 not comply with the requirements of subdivision (b)(3) of this section.

18 (2)(A) A covered platform operating an opaque algorithm shall:

19 (i) Provide notice to users of the platform:

20 (a) That the covered platform uses an opaque
21 algorithm that uses user-specific data to select the content the user sees,
22 with such notice presented in a clear, conspicuous manner on the covered
23 platform whenever the user interacts with an opaque algorithm for the first
24 time that can be dismissed by the user; and

25 (b) In the terms and conditions of the covered
26 platform, in a clear, accessible, and easily comprehensible manner to be
27 updated no less frequently than once every six (6) months:

28 (1) The most important features, inputs,
29 and parameters used by the algorithm;

30 (2) How any user-specific data used by
31 the algorithm is collected or inferred about a user of the covered platform,
32 and the categories of such data;

33 (3) Any options that the covered
34 internet platform makes available for a user of the platform to opt out or
35 exercise options under subsection (b)(2)(A)(ii) of this section, modify the
36 profile of the user, or influence the features, inputs, or parameters used by

1 the algorithm; and

2 (4) Any quantities, such as time spent
3 using a product or specific measures of engagement or social interaction,
4 that the algorithm is designed to optimize, as well as a general description
5 of the relative importance of each quantity for such ranking; and

6 (ii) Make available a version of the platform that
7 uses an input-transparent algorithm and enables users to easily switch
8 between the version of the platform that uses an opaque algorithm and the
9 version of the platform that uses the input-transparent algorithm.

10 (B) Subdivision (b)(2)(A) of this section shall not apply
11 with respect to an internet search engine if:

12 (i) The search engine is operated by a downstream
13 provider with fewer than one thousand (1,000) employees; and

14 (ii) The search engine uses an index of web pages on
15 the internet to which such provider received access under a search
16 syndication contract.

17 (3) An upstream provider engaged in a search syndication
18 contract shall:

19 (A) Make the upstream provider makes available to the
20 downstream provider the same input-transparent algorithm used by the upstream
21 provider for purposes of complying with subdivision (b)(2)(A)(ii) of this
22 section; and

23 (B) Not impose any additional costs, degraded quality,
24 reduced speed, or other constraint on the functioning of the algorithm when
25 used by the downstream provider to operate an internet search engine relative
26 to the performance of the algorithm when used by the upstream provider to
27 operate an internet search engine.

28 (4) A covered platform shall not deny, charge different prices
29 or rates for, or condition the provision of a service or product to an
30 individual based on the individual's election to use a version of the
31 platform that uses an input-transparent algorithm as provided under
32 subdivision (b)(2)(A)(ii) of this section.

33 (c) A violation of this section by an operator of a covered platform
34 shall be treated as an unfair or deceptive act or practice under the
35 Deceptive Trade Practices Act, § 4-88-101 et seq.

36 (d) Nothing in this section shall be construed to limit or prohibit a

1 covered platform's ability to, at the direction of an individual user or
2 group of users, restrict another user from searching for, finding, accessing,
3 or interacting with such user's or group's account, content, data, or online
4 community.

5
6 4-88-1509. Construction.

7 (a) For purposes of enforcing this subchapter, in making a
8 determination as to whether a covered platform has knowledge fairly implied
9 on the basis of objective circumstances that a user is a minor, the Attorney
10 General shall rely on competent and reliable empirical evidence, taking into
11 account the totality of the circumstances, including without limitation
12 consideration of whether the operator, using available technology, exercised
13 reasonable care.

14 (b) Nothing in this subchapter shall be construed to require:

15 (1) The affirmative collection of any personal data with respect
16 to the age of users that a covered platform is not already collecting in the
17 normal course of business; or

18 (2) A covered platform to implement an age gating or age
19 verification functionality.

20 (c) Nothing in this subchapter shall be construed to restrict a
21 covered platform's ability to:

22 (1) Cooperate with law enforcement agencies regarding activity
23 that the covered platform reasonably and in good faith believes may violate
24 federal law, state law, or local regulations;

25 (2) Comply with a civil, criminal, or regulatory inquiry or any
26 investigation, subpoena, or summons by federal, state, local, or other
27 government authorities; or

28 (3) Investigate, establish, exercise, respond to, or defend
29 against legal claims.

30 (d) A video streaming service is in compliance with this subchapter
31 if:

32 (1) It predominantly consists of news, sports, entertainment, or
33 other video programming content that is preselected by the provider and not
34 user-generated;

35 (2) Any chat, comment, or interactive functionality that the
36 video streaming service provides is incidental to, directly related to, or

1 dependent on provision of that content; and

2 (3) If the video streaming service requires account owner
3 registration and is not predominantly news or sports, the service includes
4 the capability:

5 (A) To limit a minor's access to the service, including
6 without limitation utilizing a system of age-rating;

7 (B) To limit the automatic playing of on-demand content
8 selected by a personalized recommendation system for an individual that the
9 service knows is a minor;

10 (C) To provide an individual that the service knows is a
11 minor with readily accessible and easy-to-use options to delete an account
12 held by the minor and delete any personal data collected from the minor on
13 the service, or, in the case of a service that allows a parent to create a
14 profile for a minor, to allow a parent to delete the minor's profile, and to
15 delete any personal data collected from the minor on the service;

16 (D) For a parent to manage a minor's privacy and account
17 settings, and restrict purchases and financial transactions by a minor;

18 (E) To provide an electronic point of contact specific to
19 matters described in subdivision (e)(3) of this section;

20 (F) To offer a clear, conspicuous, and easy-to-understand
21 notice of the covered platform's policies and practices with respect to
22 personal data and the capabilities described in this subdivision (e)(3) of
23 this section; and

24 (G) When providing on-demand content, to employ measures
25 that safeguard against serving advertising for narcotic drugs, tobacco
26 products, gambling, or alcohol directly to the account or profile of an
27 individual that the service knows is a minor.

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29 */s/Gramlich*
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