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A Bill

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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 targeted to minors

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

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

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

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

17 (c) An email service;

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

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

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

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

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

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

35 (ii) An organization that is not organized to carry
36 on business for its own profit or the profit of its members;

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

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

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

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

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

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

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

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

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

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

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

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

31 (iii) A unique identifier of the device.

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

1 more than a single:

2 (i) Website;

3 (ii) Online service;

4 (iii) Online application;

5 (iv) Mobile application; or

6 (v) Connected device.

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

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

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

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

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

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

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

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

28 (12)(A) "Online platform" means any public-facing website,
29 online service, online application, or mobile application created primarily
30 to serve a community forum for user generated content, including without
31 limitation sharing videos, images, audio files, or other content.

32 (B) "Online platform" does not include:

33 (i) An entity that solely provides access to third-
34 party applications through a website, online service, online application, or
35 mobile application without exercising control over the functionality,
36 content, or user interactions within those applications;

1 (ii) A broadband internet service; or
2 (iii) A telecommunications service, as defined in 47
3 U.S.C. § 153, as it existed on January 1, 2025;

4 (13) "Parent" means a:

5 (A) Natural parent of a minor;

6 (B) Legal guardian of a minor; or

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

8 (14) "Personal data" means information that identifies or is
9 linked or reasonably linkable to a particular minor, including without
10 limitation a consumer device identifier that is linked or reasonably linkable
11 to a minor;

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

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

19 (17) "Video streaming service" means a digital platform that
20 enables users to upload, share, or view user-generated video content in real
21 time.

22
23 4-88-1503. Duty of care – Prevention of harm to minors – Limitations.

24 (a) A covered platform shall take reasonable measures in the design
25 and operation of any product, service, or feature that the covered platform
26 knows is used by minors to avoid any heightened risk of harm to minors caused
27 by such product, service, or feature, including without limitation:

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

30 (A) Anxiety;

31 (B) Depression;

32 (C) Eating disorders;

33 (D) Substance use disorders; and

34 (E) Suicidal behaviors;

35 (2) Patterns of use that indicate or encourage addiction-like
36 behaviors;

1 (3) Physical violence, online bullying, and harassment of the
2 minor;

3 (4) Sexual exploitation and abuse;

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

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

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

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

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

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

20
21 4-88-1504. Safeguards for minors – Parental tools – Reporting –
22 Application.

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

26 (1) Limit the ability of other individuals to communicate with
27 the minor;

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

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

33 (A) Automatic playing of media;

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

35 (C) Notifications; and

36 (D) Other features that result in compulsive usage of the

1 covered platform by the minor;

2 (4) Control personalized recommendation systems by providing the
3 minor with the ability to:

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

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

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

10 (6) Provide notice regarding the tracking of the minor's
11 geolocation.

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

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

16 (2) Limit the amount of time spent by the minor on the covered
17 platform.

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

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

27 (2) The parental tools provided by a covered platform shall
28 include:

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

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

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

36 (B) The ability to:

1 (i) Restrict purchases and financial transactions by
2 the minor; and

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

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

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

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

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

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

17 (C) Confirmation of the covered platform’s receipt of such
18 a report and a means to track a submitted report through the covered
19 platform.

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

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

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

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

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

35 (1) Narcotic drugs;

36 (2) Tobacco products;

1 (3) Gambling; or

2 (4) Alcohol.

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

5 (1) Information and control options in a clear and conspicuous
6 manner that:

7 (A) Considers the differing ages, capacities, and
8 developmental needs of the minors most likely to access the covered platform;
9 and

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

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

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

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

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

24 (1) Prevent a covered platform from taking reasonable measures
25 to:

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

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

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

33 (3) Prevent a covered platform from using a personalized
34 recommendation system to display content to a minor if the personalized
35 recommendation system only uses information on:

36 (A) The language spoken by the minor;

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

2 (C) The minor's age; or

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

8 (A) The controls meet the requirements under subsections
9 (a)-(d) of this section; and

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

12

13 4-88-1505. Disclosure – Notice – Personalized recommendation system –
14 Advertising and marketing information and labels – Resources.

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

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

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

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

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

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

36 (C) If the covered platform is not required to obtain

1 verifiable parental consent under § 4-88-1504, the covered platform shall
2 provide information about the parental tools and safeguards required under §
3 4-88-1504 to a parent of a user that the platform knows is a child and obtain
4 parental consent from the parent before the initial use of the covered
5 platform by the child.

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

9 (1) An overview of how the personalized recommendation system is
10 used by the covered platform to provide information to the users of the
11 platform who are minors, including without limitation how the personalized
12 recommendation system uses the personal data of minors; and

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

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

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

21 (2) If the covered platform engages in individual-specific
22 advertising to minors, why a particular advertisement is directed to a
23 specific minor, including without limitation material information about how
24 the minor's personal data is used to direct the advertisement to the minor;
25 and

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

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

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

36 (2) How to access the safeguards and tools required under § 4-

1 88-1504.

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

6
7 4-88-1506. Enforcement.

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

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

11 (A) An unfair and deceptive act or practice under the
12 Deceptive Trade Practices Act, § 4-88-101 et seq.; and

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

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

18 (3) The remedies and penalties for violations under this
19 subchapter are cumulative and in addition to other procedures or remedies for
20 violations or conduct under other law.

21
22 4-88-1507. Kids Online Safety Council.

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

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

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

30 (2) Representatives in academia and civil society with specific
31 expertise in privacy and civil liberties;

32 (3) Parents and youth representation;

33 (4) Representatives of covered platforms;

34 (5) Representatives of the State Securities Department, the
35 Department of Corrections, the Department of Health, and the Department of
36 Human Services;

1 (6) Educators; and

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

5 (c) The council shall:

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

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

10 (3) Recommend methods and themes for conducting research
11 regarding online harms to minors, including in English and languages other
12 than English; and

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

17
18 4-88-1508. Filter bubble transparency requirements.

19 (a) As used in this section:

20 (1) "Algorithmic ranking system" means a computational process,
21 including without limitation a computational process derived from algorithmic
22 decision-making, machine learning, statistical analysis, or other data
23 processing or artificial intelligence techniques, used to determine the
24 selection, order, relative prioritization, or relative prominence of content
25 from a set of information that is provided to a user on a covered platform,
26 including without limitation the:

27 (A) Ranking of search results;

28 (B) Provision of content recommendations;

29 (C) Display of social media posts; or

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

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

34 (3)(A) "Input-transparent algorithm" means an algorithmic
35 ranking system that does not use the user-specific data of a user to
36 determine the selection, order, relative prioritization, or relative

1 prominence of information that is furnished to such user on a covered
2 platform, unless the user-specific data is expressly provided to the covered
3 platform by the user for that purpose.

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

9 (i) Shall include user-supplied search terms,
10 filters, speech patterns, if provided for the purpose of enabling the
11 platform to accept spoken input or selecting the language in which the user
12 interacts with the platform, saved preferences, and the current precise
13 geolocation information that is supplied by the user;

14 (ii) Shall include the user's current approximate
15 geolocation information;

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

21 (iv) Shall not include the history of the user's
22 connected device, including the user's history of web searches and browsing,
23 previous geographical locations, physical activity, device interaction, and
24 financial transactions; and

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

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

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

36 (i) The only user-specific data, including without

1 limitation inferences about the user, that algorithmic ranking system uses is
2 information relating to the age of the user; and

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

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

10 (5) "Search syndication contract" means a contract or
11 subcontract for the sale of, license of, or other right to access an index of
12 web pages or search results on the internet for the purpose of operating an
13 internet search engine;

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

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

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

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

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

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

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

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

36 (b) In the terms and conditions of the covered

1 platform, in a clear, accessible, and easily comprehensible manner to be
2 updated no less frequently than once every six (6) months:

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

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

8 (3) Any options that the covered
9 internet platform makes available for a user of the platform to opt out or
10 exercise options under subsection (b)(2)(A)(ii) of this section, modify the
11 profile of the user, or influence the features, inputs, or parameters used by
12 the algorithm; and

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

17 (ii) Make available a version of the platform that
18 uses an input-transparent algorithm and enables users to easily switch
19 between the version of the platform that uses an opaque algorithm and the
20 version of the platform that uses the input-transparent algorithm.

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

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

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

28 (3) An upstream provider engaged in a search syndication
29 contract shall:

30 (A) Make the upstream provider makes available to the
31 downstream provider the same input-transparent algorithm used by the upstream
32 provider for purposes of complying with subdivision (b)(2)(A)(ii) of this
33 section; and

34 (B) Not impose any additional costs, degraded quality,
35 reduced speed, or other constraint on the functioning of the algorithm when
36 used by the downstream provider to operate an internet search engine relative

1 to the performance of the algorithm when used by the upstream provider to
2 operate an internet search engine.

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

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

11 (d) Nothing in this section shall be construed to limit or prohibit a
12 covered platform's ability to, at the direction of an individual user or
13 group of users, restrict another user from searching for, finding, accessing,
14 or interacting with such user's or group's account, content, data, or online
15 community.

16
17 4-88-1509. Construction.

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

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

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

29 (2) A covered platform to implement an age gating or age
30 verification functionality.

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

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

36 (2) Comply with a civil, criminal, or regulatory inquiry or any

1 investigation, subpoena, or summons by federal, state, local, or other
2 government authorities; or

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

5 (d) A video streaming service is in compliance with this subchapter
6 if:

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

10 (2) Any chat, comment, or interactive functionality that the
11 video streaming service provides is incidental to, directly related to, or
12 dependent on provision of that content; and

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

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

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

21 (C) To provide an individual that the service knows is a
22 minor with readily accessible and easy-to-use options to delete an account
23 held by the minor and delete any personal data collected from the minor on
24 the service, or, in the case of a service that allows a parent to create a
25 profile for a minor, to allow a parent to delete the minor's profile, and to
26 delete any personal data collected from the minor on the service;

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

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

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

35 (G) When providing on-demand content, to employ measures
36 that safeguard against serving advertising for narcotic drugs, tobacco

1 products, gambling, or alcohol directly to the account or profile of an
2 individual that the service knows is a minor.

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/s/Gramlich