

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 H2/12/25 H2/26/25 H2/27/25*

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*

## For An Act To Be Entitled

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

## Subtitle

14 TO CREATE THE ARKANSAS KIDS ONLINE  
15 SAFETY ACT.

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

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

### Subchapter 15 – Arkansas Kids Online Safety Act

#### 4-88-1501. Title.

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

#### 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;

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

16 (viii) An interactive gaming platform that complies  
17 with the requirements of the Children's Online Privacy Protection Act, 15  
18 U.S.C. § 6501, and the regulations, rules, guidance, and exemptions under  
19 that act, as it existed on January 1, 2025;

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

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

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

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

32 (ii) Psychological profiling of a minor or group of  
33 minors; or

34 (iii) A unique identifier of the device.

35 (B) "Individual-specific advertising to minors" includes  
36 advertising or any other effort to market a product or service that is

1 directed to a specific minor or a device that is linked or reasonably  
2 linkable to a minor as a result of use by the minor, access by device of the  
3 minor, or use by a group of minors who are similar to the specific minor, of  
4 more than a single:

5 (i) Website;

6 (ii) Online service;

7 (iii) Online application;

8 (iv) Mobile application; or

9 (v) Connected device.

10 (C) "Individual-specific advertising to minors" does not  
11 include:

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

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

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

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

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

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

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

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

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

36 (i) An entity that solely provides access to third-

1 party applications through a website, online service, online application, or  
2 mobile application without exercising control over the functionality,  
3 content, or user interactions within those applications;

4 (ii) A broadband internet service; or

5 (iii) A telecommunications service, as defined in 47  
6 U.S.C. § 153, as it existed on January 1, 2025;

7 (13) "Parent" means a:

8 (A) Natural parent of a minor;

9 (B) Legal guardian of a minor; or

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

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

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

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

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

25  
26 4-88-1503. Duty of care – Prevention of harm to minors – Limitations.

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

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

33 (A) Anxiety;

34 (B) Depression;

35 (C) Eating disorders;

36 (D) Substance use disorders; and

- 1                   (E) Suicidal behaviors;  
2                   (2) Patterns of use that indicate or encourage addiction-like  
3 behaviors;  
4                   (3) Physical violence, online bullying, and harassment of the  
5 minor;  
6                   (4) Sexual exploitation and abuse;  
7                   (5) Promotion and marketing of narcotic drugs, tobacco products,  
8 gambling, or alcohol; and  
9                   (6) Predatory, unfair, or deceptive marketing practices and  
10 other financial harms.

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

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

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

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

23  
24           4-88-1504. Safeguards for minors – Parental tools – Reporting –  
25 Application.

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

29                   (1) Limit the ability of other individuals to communicate with  
30 the minor;

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

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

36                   (A) Automatic playing of media;

1                   (B) Rewards for time spent on the platform;  
2                   (C) Notifications; and  
3                   (D) Other features that result in compulsive usage of the  
4 covered platform by the minor;

5                   (4) Control personalized recommendation systems by providing the  
6 minor with the ability to:

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

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

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

13                   (6) Provide notice regarding the tracking of the minor's  
14 geolocation.

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

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

19                   (2) Limit the amount of time spent by the minor on the covered  
20 platform.

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

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

30                   (2) The parental tools provided by a covered platform shall  
31 include:

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

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

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

3 (B) The ability to:

4 (i) Restrict purchases and financial transactions by  
5 the minor; and

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

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

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

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

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

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

20 (C) Confirmation of the covered platform’s receipt of such  
21 a report and a means to track a submitted report through the covered  
22 platform.

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

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

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

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

36 (f) If a covered platform knows an individual is a minor, the covered



1 platform shall not facilitate advertising to the minor of:

- 2 (1) Narcotic drugs;
- 3 (2) Tobacco products;
- 4 (3) Gambling; or
- 5 (4) Alcohol.

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

8 (1) Information and control options in a clear and conspicuous  
9 manner that:

10 (A) Considers the differing ages, capacities, and  
11 developmental needs of the minors most likely to access the covered platform;  
12 and

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

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

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

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

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

27 (1) Prevent a covered platform from taking reasonable measures  
28 to:

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

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

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

36 (3) Prevent a covered platform from using a personalized

1 recommendation system to display content to a minor if the personalized  
2 recommendation system only uses information on:

3 (A) The language spoken by the minor;

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

5 (C) The minor's age; or

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

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

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

15  
16 4-88-1505. Disclosure – Notice – Personalized recommendation system –  
17 Advertising and marketing information and labels – Resources.

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

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

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

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

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

34 (B) A covered platform is deemed to have satisfied the  
35 requirement described in subdivision (a)(2)(A) if the covered platform uses  
36 reasonable efforts taking into consideration available technology to provide

1 a parent with the information described in subdivision (a)(2)(A) of this  
2 section and to obtain verifiable parental consent under § 4-88-1504.

3 (C) If the covered platform is not required to obtain  
4 verifiable parental consent under § 4-88-1504, the covered platform shall  
5 provide information about the parental tools and safeguards required under §  
6 4-88-1504 to a parent of a user that the platform knows is a child and obtain  
7 parental consent from the parent before the initial use of the covered  
8 platform by the child.

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

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

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

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

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

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

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

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

36 (1) The covered platform's policies and practices regarding

1 collection and retention of personal data and safeguards in place to protect  
2 minors; and

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

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

9  
10 4-88-1506. Enforcement.

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

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

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

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

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

21 (3) The remedies and penalties for violations under this  
22 subchapter are cumulative and in addition to other procedures or remedies for  
23 violations or conduct under other law.

24  
25 4-88-1507. Kids Online Safety Council.

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

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

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

33 (2) Representatives in academia and civil society with specific  
34 expertise in privacy and civil liberties;

35 (3) Parents and youth representation;

36 (4) Representatives of covered platforms;

1           (5) Representatives of the State Securities Department, the  
2 Department of Corrections, the Department of Health, and the Department of  
3 Human Services;

4           (6) Educators; and

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

8           (c) The council shall:

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

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

13           (3) Recommend methods and themes for conducting research  
14 regarding online harms to minors, including in English and languages other  
15 than English; and

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

20  
21           4-88-1508. Filter bubble transparency requirements – Definitions.

22           (a) As used in this section:

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

30           (A) Ranking of search results;

31           (B) Provision of content recommendations;

32           (C) Display of social media posts; or

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

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

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

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

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

17                   (ii) Shall include the user's current approximate  
18 geolocation information;

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

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

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

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

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

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

6 (ii) The information is only used to restrict a  
7 user's access to content on the basis that the individual is a minor;

8  
9 (5) "Search syndication contract" means a contract or  
10 subcontract for the sale of, license of, or other right to access an index of  
11 web pages or search results on the internet for the purpose of operating an  
12 internet search engine;

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

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

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

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

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

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

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

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

35 (b) In the terms and conditions of the covered  
36 platform, in a clear, accessible, and easily comprehensible manner to be

1 updated no less frequently than once every six (6) months:

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

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

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

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

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

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

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

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

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

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

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



1 operate an internet search engine.

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

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

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

15  
16 4-88-1509. Construction.

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

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

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

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

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

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

35 (2) Comply with a civil, criminal, or regulatory inquiry or any  
36 investigation, subpoena, or summons by federal, state, local, or other

1 government authorities; or

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

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

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

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

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

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

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

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

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

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

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

34 (G) When providing on-demand content, to employ measures  
35 that safeguard against serving advertising for narcotic drugs, tobacco  
36 products, gambling, or alcohol directly to the account or profile of an

1 individual that the service knows is a minor.

2

3 *SECTION 2. DO NOT CODIFY. EFFECTIVE DATE.*

4 *This act is effective on and after July 1, 2026.*

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6 */s/Gramlich*

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