

State of Arkansas *As Engrossed: S3/31/25 S4/2/25*

95th General Assembly

A Bill

Regular Session, 2025

HOUSE BILL 1717

By: Representatives Gramlich, A. Collins, Springer, *Bentley, A. Brown, Walker, Achor*

By: Senators J. Boyd, C. Tucker

For An Act To Be Entitled

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

Subtitle

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

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

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

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

4-88-1501. Title.

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

4-88-1502. Definitions.

As used in this subchapter:

(1) "Child" means an individual twelve (12) years of age or
younger in the State of Arkansas;

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

(3) "Consent" means any reasonable effort, taking into
consideration available technology and including without limitation a request



1 for authorization for future collection, use, and disclosure described in the
2 notice, to ensure that in the case of a teen, the parent of a teen or the
3 teen:

4 (A) Receives notice of the personal information
5 collection, use, and disclosure practices of the operator; and

6 (B) Before the personal information of the teen is
7 collected, freely and unambiguously authorizes, including without limitation
8 the giving of consent through an operator's terms of service or
9 acknowledgement of the operator's privacy policy:

10 (i) The collection, use, and disclosure, as
11 applicable, of the teen's personal information; and

12 (ii) Any subsequent use of the teen's personal
13 information.

14 (4)(A) "Disclosure" means making personal information that is
15 collected from a child or teen by a website, online service, online
16 application, or mobile application targeted toward children or teens or that
17 is collected with actual knowledge the personal information from a child or
18 teen publicly available in an identifiable form to a third party not
19 affiliated with the operator.

20 (B) "Disclosure" does not include personal information
21 provided to a person other than an operator who provides support for the
22 internal operations of the website, online service, online application, or
23 mobile application of the operator, including a processor; application, or
24 mobile application targeted toward children or teens or that collect with
25 actual knowledge the personal information from a child or teen, publicly
26 available in an identifiable form to a third party not affiliated with the
27 operator.

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

33 (5) "Internet" means collectively a system of interconnected
34 computer networks that comprise the interconnected world-wide network of
35 networks and employ without limitation the Transmission Control
36 Protocol/Internet Protocol, or any predecessor or successor protocols to such

1 protocol, or the User Datagram Protocol to communicate information of all
2 kinds by wire or radio;

3 (6) "Mobile application" means:

4 (A) A software program that runs on the operating system
5 of:

6 (i) A cellular telephone;

7 (ii) A tablet computer; or

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

10 (B) Includes without limitation a service or application
11 offered via a connected device;

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

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

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

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

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

27 (B) "Operator" does not include:

28 (i) Any nonprofit entity that would otherwise be
29 exempt from coverage under section 5 of the Federal Trade Commission Act, 15
30 U.S.C. § 45 et seq.;

31 (ii) An interactive gaming platform that complies
32 with the requirements of the Children's Online Privacy Act, 15 U.S.C. § 6501,
33 and the rules, guidance, and exemptions under that act;

34 (iii) An agency, board, commission, institution, or
35 other instrumentality of the State of Arkansas or its political subdivisions;
36 or

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

4 (10) "Parent" means a natural parent, adoptive parent, legal
5 guardian, or legal custodian of an individual who is sixteen (16) years of
6 age or younger;

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

9 (12)(A) "Personal information" means individually identifiable
10 information about an individual collected online, including without
11 limitation:

12 (i) A first and last name;

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

15 (iii) An e-mail address;

16 (iv) A telephone number;

17 (v) A Social Security number;

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

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

22 (viii) Information generated from the measurement or
23 technological processing of an individual's biological, physical, or
24 physiological characteristics that is used to identify an individual,
25 including without limitation:

26 (a) Fingerprints;

27 (b) Voice prints;

28 (c) Iris or retina imagery scans;

29 (d) Facial templates;

30 (e) Deoxyribonucleic acid (DNA) information;

31 or

32 (f) Gait;

33 (ix) Information linked or reasonably linkable to a
34 child or teen; or

35 (x) Information linked or reasonably linkable to a
36 child or teen or the parents of that child or teen, including without

1 limitation any unique identifier, that an operator collects online from the
2 child or teen and combines with an identifier described in this subdivision
3 (11)(A).

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

6 (i) Does not request information via voice that
7 would otherwise be considered personal information under subdivision (11)(A)
8 of this section;

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

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

15 (iv) Only maintains the audio file long enough to
16 complete the stated purpose and then immediately deletes the audio file and
17 does not make any other use of the audio file before deletion;

18 (13) "Processor" means a person that processes personal
19 information on behalf of an operator;

20 (14)(A) "Social media platform" means a public or semipublic
21 Internet-based service or application that:

22 (i) Is used by a consumer in this state;

23 (ii) Is primarily intended to connect and allow
24 users to socially interact within that service or application; and

25 (iii) Enables a user to:

26 (a) Construct a public or semipublic profile
27 for the purposes of signing into and using the service or application;

28 (b) Populate a public list of other users with
29 whom the user shares a social connection within that service or application;
30 and

31 (c) Create or post content that is viewable by
32 other users, including without limitation on message boards, in chat rooms,
33 or through a landing page or main feed that presents the user with content
34 that is generated by other users.

35 (B) "Social media platform" does not include a public or
36 semipublic Internet-based service or application that:

1 (i) Exclusively provides electronic mail or direct
2 messaging services;

3 (ii) Primarily consists of news, sports,
4 entertainment, interactive video games, electronic commerce, or content that
5 is preselected by the provider or for which any chat, comments, or
6 interactive functionality is incidental to, directly related to, or dependent
7 or a student engagement program; or

8 (iv) Primarily provides career development
9 opportunities, including without limitation professional networking, job
10 skills, learning certifications, and job posting and application services;

11 (iii) Is used by and under the direction of an
12 educational entity, including without limitation a learning management system
13 or a student engagement program;

14 (15)(A) "Targeted advertising" means displaying advertisements
15 to a consumer where the advertisement is selected based on personal data
16 obtained from that consumer's activities over time and across nonaffiliated
17 websites or online applications to predict that consumer's preferences or
18 interests.

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

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

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

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

26 (iv) Processing of personal data that is processed
27 solely for measuring or reporting advertising performance, reach, or
28 frequency;

29 (15) "Teen" means an individual located in the State of Arkansas
30 who is:

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

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

33 (17) "Third party" means a person, public authority, agency, or
34 body other than the consumer, operator, processor, or an affiliate of the
35 processor or the operator.

1 4-88-1503. Personal information from and about children and teens –
2 Online collection and use.

3 (a)(1) Except as provided in subdivision (a)(2) of this section, it
4 is unlawful for an operator of a website, online service, online application,
5 or mobile application directed at children or teens or for any operator of a
6 website, online service, online application, or mobile application with
7 actual knowledge that it is collecting personal information from children or
8 teens:

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

11 (B) Except as provided in subdivisions (a)(1)(C) and (D)
12 of this section, to collect personal information from a child or teen
13 personal information of a child or teen for purposes of targeted advertising
14 to children or teens, or to allow another person to collect, use, disclose,
15 or maintain this information for targeted advertising to children or teens;

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

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

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

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

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

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

35 (1) Provide clear and conspicuous notice of:

36 (A) What information is collected from children or teens

1 by the operator;

2 (B) The purpose for processing personal data;

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

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

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

9 (F) The categories of third parties, if any, with whom the
10 controller shares personal data;

11 (2) Obtain consent for the collection, use, or disclosure of
12 personal information from a teen from a parent of a teen or a teen, except
13 when the processing is for:

14 (A) Providing or maintaining the specific product or
15 service requested by the teen;

16 (B) Conducting the operator's internal business
17 operations, including without limitation identifying and repairing technical
18 errors that impair existing or intended functionality;

19 (C) Protecting against malicious, fraudulent, or illegal
20 activity or detecting, responding to, or preventing security incidents or
21 threats;

22 (D) Investigating, establishing, exercising, preparing
23 for, or defending legal claims;

24 (E) Complying with federal, state, or local laws, rules,
25 or regulations;

26 (F) Complying with a civil, criminal, or regulatory
27 inquiry, investigation, subpoena, or a summons by federal, state, local, or
28 other governmental authorities; or

29 (G) Protecting the vital interests of a natural person;

30 (i) Providing or maintaining a specific product or
31 service requested by the teen;

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

35 (A)(i) A description of the specific categories of
36 personal information collected from the child by that operator;

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

3 (B) The opportunity to:

4 (i) Request at any time the deletion of the account
5 of the child or content or information submitted by the child to a website,
6 online service, online application, or mobile application and to refuse at
7 any time to permit the operator's further use or maintenance in retrievable
8 form, or future online collection, of personal information from that child;
9 and

10 (ii) Challenge the accuracy of the personal
11 information and, if the parent of the child establishes the inaccuracy of the
12 personal information, to have the inaccurate personal information corrected;
13 and

14 (C) A means that is reasonable under the circumstances for
15 the parent to obtain any personal information collected from that child, if
16 that information is available to the operator at the time the parent makes
17 the request;

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

21 (A) A description of the specific categories of personal
22 information collected from the teen by the operator, the method by which the
23 operator obtained the personal information, and the purposes for which the
24 operator collects, uses, discloses, and retains the personal information;

25 (B) The opportunity at any time to delete personal
26 information collected from the teen or content or information submitted by
27 the teen to a website, online service, online application, or mobile
28 application;

29 (C) The opportunity to challenge the accuracy of the
30 personal information and, if the teen establishes the inaccuracy of the
31 personal information, to have the inaccurate personal information corrected;
32 and

33 (D) A means that is reasonable under the circumstances for
34 the teen to obtain any personal information collected from the teen, if the
35 information is available to the operator at the time the teen makes the
36 request;

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

3 (A) A game;

4 (B) The offering of a prize; or

5 (C) Another activity; and

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

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

12 (1) Online contact information collected from a child or teen
13 that is used only to respond directly on a one-time basis to a specific
14 request from the child or teen and is not used to recontact the child or teen
15 or to contact another child or teen and is not maintained in retrievable form
16 by the operator;

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

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

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

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

36 (B) Not used to recontact the child or teen or for any

1 other purpose; and

2 (C) Not disclosed on the site, if the operator uses
3 reasonable efforts to provide a parent or teen notice of the name and online
4 contact information collected from the child or teen, the purposes for which
5 it is to be used, and an opportunity for the parent or teen to request that
6 the operator make no further use of the information and that it not be
7 maintained in retrievable form; or

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

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

11 (B) Take precautions against liability;

12 (C) Respond to judicial process;

13 (D) Protect the security or safety of the user on the
14 service; or

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

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

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

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

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

33 (B) Require an operator or third party to delete
34 information that:

35 (i) Another law requires the operator or third party
36 to maintain;

1 (ii) Was submitted to the website, online service,
2 online application, or mobile application of the operator by any person other
3 than the user who is attempting to erase or otherwise eliminate the content
4 or information, including without limitation content or information submitted
5 by the user that was republished or resubmitted by another person; or

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

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

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16 4-88-1504. Enforcement.

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

- 23 (1) Enjoin that practice;
24 (2) Enforce compliance with the rule;
25 (3) Obtain damages, restitution, or other compensation on behalf
26 of residents of the state; or
27 (4) Obtain such other relief as the court finds appropriate.

28
29 4-88-1505. Construction.

30 This subchapter shall not be construed to require an operator to:

- 31 (1) Affirmatively collect any personal information regarding the
32 age of a child or teen that an operator is not already collecting in the
33 normal course of business; or
34 (2) Implement an age-gating or age verification functionality.

35
36 **SECTION 2. DO NOT CODIFY. SEVERABILITY CLAUSE.**

1 If any provision of this act or the application of this act to any
2 person or circumstance is held invalid, the invalidity shall not affect other
3 provisions or applications of this act which can be given effect without the
4 invalid provision or application, and to this end, the provisions of this act
5 are declared severable.

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7 SECTION 3. DO NOT CODIFY. EFFECTIVE DATE.

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

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10 /s/Gramlich
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