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4

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A Bill

HOUSE BILL 1726

5 By: Representatives Gramlich, A. Collins, Springer
6 By: Senators J. Boyd, C. Tucker
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE ARKANSAS KIDS ONLINE SAFETY ACT;
10 AND FOR OTHER PURPOSES.
11

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:

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".
26

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 loss of control, anxiety, or depression;

34 (3) "Connected device" means an electronic device that:
35 (A) Is capable of connecting to the internet, either
36 directly or indirectly through a network, to communicate information at the



1 direction of an individual;

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

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

5 (4)(A) "Covered platform" means an entity that operates an
6 online platform, messaging application, or video streaming service that
7 connects to the internet and intentionally designs, markets, or promotes
8 features, content, or services with the primary purpose of attracting or
9 engaging individuals who are sixteen (16) years of age or younger.

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. 104-104;

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, or any service provided on behalf of those institutions
4 that are subject to federal or state laws governing student privacy;

5 (iv) A library as defined in the Library Services
6 and Technology Act, 20 U.S.C. § 9121 et seq., as it existed on January 1,
7 2025;

8 (v) A news website or news application when:

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

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

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

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

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

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

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

29 (7)(A) "Individual-specific advertising to minors" means
30 advertising or any other effort to market a product or service that is
31 directed to a specific minor or a device that is linked or reasonably
32 linkable to a minor based on:

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

36 (ii) Psychological profiling of a minor or group of

1 minors; or

2 (iii) A unique identifier of the device.

3 (B) "Individual-specific advertising to minors" includes
4 advertising or any other effort to market a product or service that is
5 directed to a specific minor or a device that is linked or reasonably
6 linkable to a minor as a result of use by the minor, access by device of the
7 minor, or use by a group of minors who are similar to the specific minor of
8 more than a single:

9 (i) Website;

10 (ii) Online service;

11 (iii) Online application;

12 (iv) Mobile application; or

13 (v) Connected device.

14 (C) "Individual-specific advertising to minors" does not
15 include:

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

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

23 (iii) Processing personal information solely for
24 measuring or reporting advertising or content performance, reach, or
25 frequency, including without limitation independent measurement.

26 (D) Subdivision (7)(A) of this section does not prohibit a
27 covered platform that knows that an individual is a minor from delivering an
28 advertisement that is age-appropriate for the minor involved and intended for
29 a minor, so long as the covered platform does not use any personal data other
30 than whether the individual is a minor in deciding to deliver the
31 advertisement;

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

34 (9) "Mental health disorder" means the same as "mental disorder"
35 under the most current edition of the Diagnostic and Statistical Manual of
36 Mental Disorders;

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

3 (11) "Narcotic drugs" means the same as defined in the
4 Controlled Substances Act, 21 U.S.C. § 801 et seq., as it existed on January
5 1, 2025;

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

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

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

15 (ii) A broadband internet service; or

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

18 (13) "Parent" means:

19 (A) A natural parent of a minor;

20 (B) A legal guardian of a minor; or

21 (C) An individual with legal custody of a minor;

22 (14) "Personal data" means information that identifies or is
23 linked or reasonably linkable to a particular minor, including without
24 limitation a consumer device identifier that is linked or reasonably linkable
25 to a minor;

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

30 (16) "Precise geolocation information" means geolocation
31 information that identifies an individual's location within a range of five
32 (5) miles or less;

33 (17) "Verifiable parental consent" means the same as defined in
34 the Children's Online Privacy Protection Act, 15 U.S.C. § 6501 et seq., as it
35 existed on January 1, 2025; and

36 (18) "Video streaming service" means a digital platform that

1 enables users to upload, share, or view user-generated video content in real
2 time.

3
4 4-88-1503. Duty of care – Prevention of harm to minors – Limitations.

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

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

11 (A) Anxiety;

12 (B) Depression;

13 (C) Eating disorders;

14 (D) Substance use disorders; and

15 (E) Suicidal behaviors;

16 (2) Patterns of use that indicate or encourage addiction-like
17 behaviors;

18 (3) Physical violence, online bullying, and harassment of the
19 minor;

20 (4) Sexual exploitation and abuse;

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

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

25 (b) This section does not require a covered platform to prevent or
26 preclude:

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

29 (2) The covered platform or individuals on the covered platform
30 from providing resources for the prevention or mitigation of the harms
31 described in subsection (a) of this section.

32
33 4-88-1504. Safeguards for minors – Parental tools – Reporting –
34 Application.

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

1 to:

2 (1) Limit the ability of other individuals to communicate with
3 the minor;

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

7 (3) Limit features that are incorporated for the sole or primary
8 purpose of increasing, sustaining, or extending use of the covered platform
9 by the minor, including without limitation:

10 (A) Automatic playing of media;

11 (B) Rewards for time spent on the covered platform; and

12 (C) Other features that result in compulsive usage of the
13 covered platform by the minor;

14 (4) Control personalized recommendation systems by providing the
15 minor with the ability to:

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

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

20 (5) Restrict the sharing of the precise geolocation information
21 of the minor to other users on the covered platform; and

22 (6) Provide notice regarding the tracking of the minor's precise
23 geolocation information.

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

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

28 (2) Limit the amount of time spent by the minor on the covered
29 platform.

30 (c) In the case of a user that the covered platform knows is a minor,
31 a covered platform shall provide that the default setting for any safeguard
32 described under subsection (a) of this section shall be the option available
33 on the covered platform that provides the most protective level of control
34 that is offered by the covered platform over privacy and safety for that
35 user.

36 (d)(1) A covered platform shall provide readily accessible and easy-

1 to-use settings for a parent to support an individual that the covered
2 platform knows is a minor with respect to the individual's use of the covered
3 platform.

4 (2) The parental settings provided by a covered platform under
5 subdivision (d)(1) of this section shall include:

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

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

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

13 (B) The ability to:

14 (i) Restrict purchases and financial transactions by
15 the minor; and

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

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

22 (4) If a covered platform knows a user is a child, the covered
23 platform shall ensure that the settings described under subdivisions (d)(1)
24 and (d)(2) of this section are enabled by default.

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

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

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

30 (C) Confirmation of the covered platform's receipt of such
31 a report and a means to track a submitted report through the covered
32 platform.

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

36 (i) Ten (10) days after receipt of a report, if for

1 the most recent calendar year, the covered platform averaged more than ten
2 million (10,000,000) active users on a monthly basis in the United States; or
3 (ii) Twenty-one (21) days after receipt of a report,
4 if for the most recent calendar year, the covered platform averaged ten
5 million (10,000,000) or fewer active users on a monthly basis in the United
6 States.

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

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

- 12 (1) Narcotic drugs;
- 13 (2) Tobacco products;
- 14 (3) Gambling; or
- 15 (4) Alcohol.

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

18 (1) Information and control options in a clear and conspicuous
19 manner that:

20 (A) Considers the differing ages, capacities, and
21 developmental needs of the minors most likely to access the covered platform;
22 and

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

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

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

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

36 (i) This section does not:

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

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

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

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

10 (3) Prevent a covered platform from using a personalized
11 recommendation system to display content to a minor if the personalized
12 recommendation system only uses information on:

13 (A) The language spoken by the minor;

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

15 (C) The minor's age;

16 (4) Prohibit a covered platform from integrating its products or
17 service with controls from third-party systems, including without limitation
18 operating systems or gaming consoles, to meet the requirements imposed under
19 subsections (a)–(d) of this section regarding safeguards for minors and
20 settings for parents, provided that:

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

23 (B) The minor or parent is provided with reasonable notice
24 under the circumstances of the integration and use of the controls; or

25 (5) Require a covered platform to weaken existing privacy and
26 security protections or prevent implementation of new privacy and security
27 protections of a platform or service, including without limitation privacy-
28 enhancing technologies.

29
30 4-88-1505. Disclosure – Notice – Personalized recommendation system –
31 Advertising and marketing information and labels – Resources.

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

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

1 (B) Information about how to access the safeguards and
2 parental tools required under subdivision (a)(2)(A) of this section.

3 (2)(A) In the case of an individual that a covered platform
4 knows is a child, the platform shall provide information about the parental
5 settings and safeguards required under subdivision (a)(2)(A) of this section
6 to a parent of the child and obtain verifiable parental consent from the
7 parent before the initial use of the covered platform by the child.

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

13 (C) If the covered platform is not required to obtain
14 verifiable parental consent under § 4-88-1504, the covered platform shall
15 provide information about the parental tools and safeguards required under §
16 4-88-1504 to a parent of a user that the platform knows is a child and obtain
17 parental consent from the parent before the initial use of the covered
18 platform by the child.

19 (b) In a clear, conspicuous, and easy-to-understand manner, a covered
20 platform shall set out in its terms and conditions of use:

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

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

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

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

33 (2) If the covered platform engages in individual-specific
34 advertising to minors, why a particular advertisement is directed to a
35 specific minor, including without limitation material information about how
36 the minor's personal data is used to direct the advertisement to the minor;

1 and

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

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

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

12 (2) How to access the parental settings and tools required under
13 § 4-88-1504.

14 (e) To the extent practicable, a covered platform shall ensure that
15 the disclosures required by this section are made available in the same
16 language, form, and manner as the covered platform provides any product or
17 service used by a minor and his or her parent.

18

19 4-88-1506. Enforcement.

20 (a) In an enforcement action brought under this subchapter, the
21 Attorney General shall allege a violation of a specific provision or specific
22 provisions of this subchapter.

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

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

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

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

31 (3) The remedies and penalties for violations under this
32 subchapter are cumulative and in addition to other procedures or remedies for
33 violations or conduct under other law.

34 (c) Before initiating an enforcement action against a covered platform
35 for an alleged violation of this subchapter, the Attorney General shall first
36 provide written notice to the covered platform that is alleged to have

1 committed or to be committing one (1) or more of the violations of this
2 subchapter.

3 (d) If, to the extent reasonably practicable, the covered platform
4 cures the alleged violation of this subchapter within ninety (90) days of
5 receiving the notice specified in subsection (c) of this section, then the
6 Attorney General shall not pursue further enforcement action for those
7 alleged violations of this subchapter.

8

9 4-88-1507. Kids Online Safety Council – Creation.

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

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

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

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

20 (3) Parents and youth representation;

21 (4) Representatives of covered platforms;

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

25 (6) Educators; and

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

29 (c) The council shall:

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

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

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

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

5
6 4-88-1508. Filter bubble transparency requirements – Definitions.

7 (a) As used in this section:

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

15 (A) The ranking of search results;

16 (B) The provision of content recommendations;

17 (C) The display of social media posts; or

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

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

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

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

33 (i) Shall include user-supplied search terms,
34 filters, speech patterns if provided for the purpose of enabling the covered
35 platform to accept spoken input or select the language in which the user
36 interacts with the covered platform, saved preferences, and the current

1 precise geolocation information that is supplied by the user;

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

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

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

13 (v) Shall not include inferences about the user or
14 the user's connected device, without regard to whether such inferences are
15 based on data described in subdivision (a)(3)(B)(i) or subdivision
16 (a)(3)(B)(ii) of this section;

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

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

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

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

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

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

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

4 (b)(1) It is unlawful:

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

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

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

12 (i) Provide notice to users of the covered platform:

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

18 (b) In the terms and conditions of the covered
19 platform, in a clear, accessible, and easily comprehensible manner to be
20 updated no less frequently than one (1) time every six (6) months:

21 (1) The most salient features, inputs,
22 and parameters used by the opaque algorithm;

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

26 (3) Any options that the covered
27 internet platform makes available for a user of the covered platform to opt
28 out or exercise options under subdivision (b)(2)(A)(ii) of this section,
29 modify the profile of the user, or influence the features, inputs, or
30 parameters used by the opaque algorithm; and

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

35 (ii) Make available a version of the covered
36 platform that uses an input-transparent algorithm and enables users to easily

1 switch between the version of the platform that uses an opaque algorithm and
2 the version of the covered platform that uses the input-transparent
3 algorithm.

4 (B) Subdivision (b)(2)(A) of this section shall not apply
5 to an internet search engine if:

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

8 (ii) The internet search engine uses an index of web
9 pages on the internet to which the downstream provider received access under
10 a search syndication contract.

11 (3) An upstream provider engaged in a search syndication
12 contract shall:

13 (A) Make available to the downstream provider the same
14 input-transparent algorithm used by the upstream provider for purposes of
15 complying with subdivision (b)(2)(A)(ii) of this section; and

16 (B) Not impose any additional costs, degraded quality,
17 reduced speed, or other constraint on the functioning of the input-
18 transparent algorithm when used by the downstream provider to operate an
19 internet search engine relative to the performance of the input-transparent
20 algorithm when used by the upstream provider to operate an internet search
21 engine.

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

27 (c) This section does not limit or prohibit a covered platform's
28 ability to, at the direction of an individual user or group of users,
29 restrict another user from searching for, finding, accessing, or interacting
30 with a user's or group's account, content, data, or online community.

31
32 4-88-1509. Construction.

33 (a) For purposes of enforcing this subchapter, in making a
34 determination of whether a covered platform has knowledge fairly implied on
35 the basis of objective circumstances that a user is a minor, the Attorney
36 General shall rely on competent and reliable empirical evidence, taking into

1 account the totality of the circumstances, including without limitation
2 consideration of whether the operator, using available technology, exercised
3 reasonable care.

4 (b) This subchapter does not require:

5 (1) The collection of any personal data that a covered platform
6 is not already collecting in the normal course of business;

7 (2) A covered platform to implement an age gating or age
8 verification functionality;

9 (3) The disclosure of information that may impact the privacy of
10 users or the security of a covered platform's service;

11 (4) A covered platform to weaken existing privacy and security
12 protections or prevent implementation of new privacy and security protections
13 of a platform or service, including without limitation privacy-enhancing
14 technologies; or

15 (5) A covered platform to perform an action that is not
16 technically feasible.

17 (c) This subchapter does not restrict a covered platform's ability to:

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

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

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

26 (d) A video streaming service is in compliance with this subchapter
27 if:

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

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

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

1 (A) To limit a minor’s access to the video streaming
2 service, including without limitation utilizing a system of age-rating;

3 (B) To limit the automatic playing of on-demand content
4 selected by a personalized recommendation system for an individual that the
5 video streaming service knows is a minor;

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

13 (D) For a parent to manage a minor’s privacy and account
14 settings, and restrict purchases and financial transactions by a minor;

15 (E) To provide an electronic point of contact specific to
16 matters described in subdivision (d)(3) of this section;

17 (F) To offer a clear, conspicuous, and easy-to-understand
18 notice of the policies and practices with respect to personal data and the
19 capabilities described in this subdivision (d)(3); and

20 (G) When providing on-demand content, to employ measures
21 that safeguard against serving advertising for narcotic drugs, tobacco
22 products, gambling, or alcohol directly to the account or profile of an
23 individual that the video streaming service knows is a minor.

24
25 SECTION 2. DO NOT CODIFY. EFFECTIVE DATE.

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

27
28 */s/Gramlich*