

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025

# A Bill

SENATE BILL 611

4  
5 By: Senator Dees  
6 By: Representative Eubanks

## For An Act To Be Entitled

7  
8  
9 AN ACT TO AMEND THE SOCIAL MEDIA SAFETY ACT; AND FOR  
10 OTHER PURPOSES.

## Subtitle

11  
12  
13 TO AMEND THE SOCIAL MEDIA SAFETY ACT.

14  
15  
16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

17  
18 SECTION 1. Arkansas Code § 4-88-1401 is amended to read as follows:  
19 4-88-1401. Definitions.

20 As used in this subchapter:

21 (1) "Account holder" means an individual who ~~creates an account~~  
22 primarily uses, manages, or otherwise controls an account or a profile to use  
23 a social media platform;

24 (2) "Addictive feed" means an internet-based service, covered  
25 social media platform, application, or software, or a portion thereof, in  
26 which multiple pieces of media, including without limitation images, text,  
27 videos, games, or other content, are presented to the user, either  
28 concurrently or sequentially, or otherwise recommended, selected, or  
29 prioritized for display based, in whole or in part, on information provided  
30 by the user, associated with the user's device or online history, or  
31 otherwise inferred from the user's use of the covered social media platform  
32 or other online service, unless:

33 (A) The user has personally selected the information; or

34 (B) The content is entirely composed of direct, private  
35 communications between users;

36 ~~(2)(3)~~ "Arkansas user" means an individual who is a resident of



1 the State of Arkansas and who accesses or attempts to access a social media  
2 platform while present in this state by accessing the social media platform  
3 using an Arkansas internet protocol address or otherwise known or believed to  
4 be in this state while using the social media platform, including without  
5 limitation through the use of a virtual privacy network that gives the  
6 appearance that the individual is not located in this state when he or she is  
7 in this state;

8 ~~(3)~~(4)(A) "Commercial entity" means a corporation, limited  
9 liability company, partnership, limited partnership, sole proprietorship, or  
10 other legally recognized entity.

11 (B) "Commercial entity" includes a third-party vendor;

12 (5) "Content sharing" means the distribution or display of user-  
13 generated content or third-party content, including without limitation text,  
14 images, video, or audio, to other users or the public via a covered social  
15 media platform;

16 (6)(A) "Covered social media platform" means a social media  
17 platform, messaging service, or other online platform that requires an  
18 internet connection to be accessed and is used or is likely being used by a  
19 minor.

20 (B) "Covered social media platform" does not include an  
21 email service provider, not-for-profit organization, public or private  
22 school, business-to-business software, common carrier, or broadband internet  
23 service;

24 (7) "Digital user community" means a group of users who can  
25 engage with the same content by following or subscribing, or repeatedly  
26 seeking out, the same content producers, themes, or ideas;

27 ~~(4)~~(8) "Digitized identification card" means a data file  
28 available on a mobile device that has connectivity to the internet through a  
29 state-approved application that allows the mobile device to download the data  
30 file from the Office of Driver Services that contains all of the data  
31 elements visible on the face and back of a driver's license or identification  
32 card and displays the current status of the driver's license or  
33 identification card, including valid, expired, cancelled, suspended, revoked,  
34 active, or inactive;

35 (9) "Messaging service" means a service designed to facilitate  
36 one-on-one or one-on-group messages through one (1) or more of the following:

- 1                   (A) Text;
- 2                   (B) Images;
- 3                   (C) Videos; or
- 4                   (D) Images;

5                   ~~(5)~~(10) “Minor” means an individual under ~~eighteen~~ ~~(18)~~ sixteen  
 6 (16) years of age who is in the State of Arkansas;

7                   ~~(6)~~(11) “Reasonable age verification” means to confirm that a  
 8 person seeking to access a social media platform is at least ~~eighteen~~ ~~(18)~~  
 9 sixteen (16) years of age;

10                  ~~(7)(A)~~ “Social media company” means an online forum that a  
 11 company makes available for an account holder to:

12                                 ~~(i)~~ Create a public profile, establish an account,  
 13 or register as a user for the primary purpose of interacting socially with  
 14 other profiles and accounts;

15                                 ~~(ii)~~ Upload or create posts or content;

16                                 ~~(iii)~~ View posts or content of other account  
 17 holders; and

18                                 ~~(iv)~~ Interact with other account holders or users,  
 19 including without limitation establishing mutual connections through request  
 20 and acceptance.

21                   ~~(B)~~ “Social media company” does not include a:

22                                 ~~(i)(a)~~ Media company that exclusively offers  
 23 subscription content in which users follow or subscribe unilaterally and  
 24 whose platform’s primary purpose is not social interaction.

25                                 ~~(b)~~ A social media company that allows a user  
 26 to generate short video clips of dancing, voice overs, or other acts of  
 27 entertainment in which the primary purpose is not educational or informative  
 28 does not meet the exclusion under subdivision ~~(7)(B)(i)(a)~~ of this section;

29                                 ~~(ii)~~ Media company that exclusively offers  
 30 interacting gaming, virtual gaming, or an online service, that allows the  
 31 creation and uploading of content for the purpose of interacting gaming,  
 32 entertainment, or associated entertainment, and the communication related to  
 33 that content;

34                                 ~~(iii)~~ Company that:

35   ~~(a)~~ Offers cloud storage services, enterprise  
 36 cybersecurity services, educational devices, or enterprise collaboration

1 ~~tools for kindergarten through grade twelve (K-12) schools; and~~

2 ~~(b) Derives less than twenty five percent~~  
 3 ~~(25%) of the company's revenue from operating a social media platform,~~  
 4 ~~including games and advertising; or~~

5 ~~(iv) Company that provides career development~~  
 6 ~~opportunities, including professional networking, job skills, learning~~  
 7 ~~certifications, and job posting and application services;~~

8 ~~(8)(A)(12)(A) "Social media platform" means a public or~~  
 9 ~~semipublic internet based service or application business entity or~~  
 10 ~~organization that operates an online platform, application, or service that:~~

11 ~~(i) That has users in Arkansas Is designed to~~  
 12 ~~facilitate user-to-user, user-to-group, or user-to-public interaction,~~  
 13 ~~expression, or communication; and~~

14 ~~(ii)(a) On which a substantial function of the~~  
 15 ~~service or application is to connect users in order to allow users to~~  
 16 ~~interact socially with each other within the service or application. Assigns,~~  
 17 ~~utilizes, or relies on a unique identifier, username, profile name, or image~~  
 18 ~~that is associated with a specific user account;~~

19 ~~(b) A service or application that provides~~  
 20 ~~email or direct messaging shall not be considered to meet the criteria under~~  
 21 ~~subdivision (8)(A)(ii)(a) of this section on the basis of that function~~  
 22 ~~alone.~~

23 ~~(iii) Provides mechanisms for a user to create an~~  
 24 ~~online profile comprised of personal or professional information, including~~  
 25 ~~without limitation a user's name, username, address, date of birth,~~  
 26 ~~educational pedigree, professional details, interests, activities, or~~  
 27 ~~connections;~~

28 ~~(iv) Employs features that allow a user to connect,~~  
 29 ~~follow, or establish a relationship with other users and creates a network of~~  
 30 ~~interactions either in real time or asynchronously, including without~~  
 31 ~~limitation virtual likes and dislikes;~~

32 ~~(v) Generates revenue primarily through user~~  
 33 ~~engagement, including without limitation through advertising, user data~~  
 34 ~~monetization, or premium content; and~~

35 ~~(vi) Is accessed by Arkansas users.~~

36 (B) "Social media platform" does not include an ~~online~~

1 ~~service, a website, or an application if the predominant or exclusive~~  
2 ~~function is:~~

3 ~~(i) Email;~~

4 ~~(ii) Direct messaging consisting of messages,~~  
5 ~~photos, or videos that are sent between devices by electronic means if~~  
6 ~~messages are:~~

7 ~~(a) Shared between the sender and the~~  
8 ~~recipient or recipients;~~

9 ~~(b) Only visible to the sender and the~~  
10 ~~recipient or recipients; and~~

11 ~~(c) Not posted publicly;~~

12 ~~(iii) A streaming service that:~~

13 ~~(a) Provides only licensed media in a~~  
14 ~~continuous flow from the service, website, or application to the end user;~~  
15 ~~and~~

16 ~~(b) Does not obtain a license to the media~~  
17 ~~from a user or account holder by agreement of the streaming service's terms~~  
18 ~~of service;~~

19 ~~(iv) News, sports, entertainment, or other content~~  
20 ~~that is preselected by the provider and not user generated, including without~~  
21 ~~limitation if any chat, comment, or interactive functionality that is~~  
22 ~~provided is incidental to, directly related to, or dependent upon provision~~  
23 ~~of the content;~~

24 ~~(v) Online shopping or e-commerce, if the~~  
25 ~~interaction with other users or account holders is generally limited to:~~

26 ~~(a) The ability to post and comment on~~  
27 ~~reviews;~~

28 ~~(b) The ability to display lists or~~  
29 ~~collections of goods for sale or wish lists; and~~

30 ~~(c) Other functions that are focused on online~~  
31 ~~shopping or e-commerce rather than interaction between users or account~~  
32 ~~holders;~~

33 ~~(vi) Business to business software that is not~~  
34 ~~accessible to the general public;~~

35 ~~(vii) Cloud storage;~~

36 ~~(viii) Shared document collaboration;~~

1                   ~~(ix) Providing access to or interacting with data~~  
 2 ~~visualization platforms, libraries, or hubs;~~

3                   ~~(x) To permit comments on a digital news website, if~~  
 4 ~~the news content is posted only by the provider of the digital news website;~~

5                   ~~(xi) For the purpose of providing or obtaining~~  
 6 ~~technical support for the social media company’s social media platform,~~  
 7 ~~products, or services;~~

8                   ~~(xii) Academic or scholarly research; or~~

9                   ~~(xiii) Other research:~~

10                   ~~(a) If:~~

11                                 ~~(1) The majority of the content is~~  
 12 ~~posted or created by the provider of the online service, website, or~~  
 13 ~~application; and~~

14                                 ~~(2) The ability to chat, comment, or~~  
 15 ~~interact with other users is directly related to the provider’s content;~~

16                                 ~~(b) That is a classified advertising service~~  
 17 ~~that only permits the sale of goods and prohibits the solicitation of~~  
 18 ~~personal services; or~~

19                                 ~~(c) That is used by and under the direction of~~  
 20 ~~an educational entity, including without limitation a:~~

21   ~~(1) Learning management system;~~

22   ~~(2) Student engagement program; and~~

23   ~~(3) Subject specific or skill specific~~  
 24 ~~program.~~

25                   ~~(C) “Social media platform” does not include a~~  
 26 ~~social media platform that is controlled by a business entity that has~~  
 27 ~~generated less than one hundred million dollars (\$100,000,000) in annual~~  
 28 ~~gross revenue email service provider, a not-for-profit organization, a public~~  
 29 ~~or private school, business-to-business software, a common carrier, or a~~  
 30 ~~broadband internet service; and~~

31                   ~~(9)(13)~~ “User” means a person who has access to view all or some  
 32 of the posts and content on a social media platform but is not an account  
 33 holder.

34  
 35                   SECTION 2. Arkansas Code § 4-88-1402, concerning reasonable age  
 36 verification methods and parental consent for a minor on a social media

1 platform, is amended to add additional subsections to read as follows:

2 (d) A social media platform shall not:

3 (1) Use any technology, algorithm, or strategy to expose an  
4 Arkansas user who is a minor to an addictive feed;

5 (2) Generate any notifications to an Arkansas user who is a  
6 minor between the hours of 10:00 p.m. central standard time (CST) and 6:00  
7 a.m. central standard time (CST); or

8 (3) Allow any targeted advertising to be viewed on the covered  
9 social media platform account of an Arkansas user who is a minor.

10 (e) A social media platform shall:

11 (1) Consistent with contemporary understanding of addiction,  
12 compulsory behavior, and child cognitive development, ensure that the social  
13 media platform does not engage in practices to evoke any addiction or  
14 compulsive behaviors in an Arkansas user who is a minor, including without  
15 limitation through notifications, recommended content, artificial sense of  
16 accomplishment, or engagement with online bots that appear human;

17 (2) Ensure that the default privacy and safety settings for an  
18 Arkansas user who is a minor on a covered social media platform provides the  
19 most protective level of control for privacy and safety offered by the  
20 covered social media platform;

21 (3) Conduct an audit at least one (1) time per quarter to ensure  
22 that the social media platform's software, application, or other products are  
23 not causing minors to engage in compulsory or addiction-driven behavior; and

24 (4)(A) Develop an easily accessible online dashboard to allow a  
25 parent of a minor user to view and understand his or her child's use habits  
26 on the covered social media platform.

27 (B) The online dashboard under subdivision (e)(4)(A) of  
28 this section shall also provide tools for a parent to restrict his or her  
29 minor child's access to the covered social media platform, or logical  
30 portions of the covered social media platform.

31  
32 SECTION 3. Arkansas Code § 4-88-1403(b)(2), concerning the Attorney  
33 General's ability to initiate an enforcement action against a social media  
34 company that allegedly violates § 4-88-1402 regarding reasonable age  
35 verification methods and parental consent, is amended to read as follows:

36 (2)(A) As authorized under § 4-88-104, the Attorney General may

1 initiate an enforcement action against a social media company that allegedly  
2 commits a violation of § 4-88-1402.

3 (B) A parent or guardian whose minor child or legal  
4 dependent is authorized access to a social media platform may bring a civil  
5 action against the social media platform.

6 (C) A violation of this subchapter is a strict liability  
7 civil offense.

8  
9 SECTION 4. Arkansas Code § 4-88-1403(c), concerning a social media  
10 company's liability for a violation of § 4-88-1402 regarding reasonable age  
11 verification methods and parental consent, is amended to read as follows:

12 (c)(1) A covered social media company platform that ~~violates this~~  
13 ~~subchapter~~ permits a minor to access the covered social media platform in  
14 violation of this subchapter is liable to an individual for:

15 (A) A penalty of ~~two thousand five hundred dollars~~  
16 ~~(\$2,500)~~ ten thousand dollars (\$10,000) per violation, court costs, and  
17 reasonable attorney's fees as ordered by the court; or

18 (B) Damages resulting from a minor accessing a social  
19 media platform without his or her parent's or custodian's consent, including  
20 court costs and reasonable attorney's fees as ordered by the court.

21 (2) Each day that a covered social media platform permits a  
22 minor to access the covered social media platform in violation of this  
23 section constitutes a separate violation for purposes of subdivision  
24 (c)(1)(A) of this section.

25 (3) All money received for the payment of a fine or civil  
26 penalty imposed under this section shall be deposited into the Crimes Against  
27 Children Fund.

28 (4)(A) The reasonable attorney's fees under subdivision  
29 (c)(1)(A) of this section shall be no less than the value of the social media  
30 platform's total legal fees in the action.

31 (B) If the social media platform's legal fees are greater  
32 than the prevailing party's legal fees, the surplus will be directed to the  
33 Crimes Against Children Fund.

34  
35 SECTION 5. Arkansas Code Title 4, Chapter 88, Subchapter 14, is  
36 amended to add an additional section to read as follows:



1           4-88-1405. Protection against circumvention.

2           (a) A social media platform shall implement technological measures to  
3 prevent circumvention of age verification protocols, including without  
4 limitation:

5                   (1) Monitoring for suspicious activity, including without  
6 limitation the use of false or repeated credentials; and

7                   (2) Preventing a minor from accessing a platform by registering  
8 for an account outside of the State of Arkansas and then using the account  
9 within the State of Arkansas.

10           (b) This section applies to all new accounts created twelve (12)  
11 months on and after the enactment of this section.

12  
13           SECTION 6. Arkansas Code Title 19, Chapter 5, Subchapter 12, is  
14 amended to add an additional section to read as follows:

15           19-5-1288. Crimes Against Children Fund.

16           (a) There is created on the books of the Treasurer of State, the  
17 Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous  
18 fund to be known as the "Crimes Against Children Fund".

19           (b) The fund shall consist of:

20                   (1) Moneys obtained from private or public grants, gifts, or  
21 donations that are designed to be credited to the fund; and

22                   (2) Any other funds authorized or provided for by law.

23           (c) The funds shall be used by the Attorney General for the purpose of  
24 investigating and bringing actions under the Social Media Safety Act, § 4-88-  
25 1401 et seq.

26           (d) Moneys remaining in the fund at the end of each fiscal year shall  
27 carry forward and be made available for the purposes stated in this section  
28 in the next fiscal year.

29  
30           SECTION 7. DO NOT CODIFY. Severability.

31           If any provision of this act or the application of this act to any  
32 person or circumstance is held invalid, the invalidity shall not affect other  
33 provisions or applications of this act which can be given effect without the  
34 invalid provision or application, and to this end, the provisions of this act  
35 are declared severable.

36

SECTION 8. DO NOT CODIFY. Effective Date.

Section 2 of this act shall be effective on and after one (1) year following the enactment of this act.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36