

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

As Engrossed: H4/14/25

A Bill

SENATE BILL 612

5 By: Senator Dees
6 By: Representative Eubanks
7

For An Act To Be Entitled

9 AN ACT TO CREATE A PRIVATE RIGHT OF ACTION FOR THE
10 USE OF A DESIGN, ALGORITHM, OR FEATURE BY A SOCIAL
11 MEDIA PLATFORM THAT CAUSES HARM; TO IMPOSE A CIVIL
12 PENALTY ON A SOCIAL MEDIA PLATFORM THAT KNOWINGLY AND
13 WILLFULLY CONTRIBUTES TO THE SUICIDE OR ATTEMPTED
14 SUICIDE OF A MINOR; AND FOR OTHER PURPOSES.

Subtitle

18 TO CREATE A PRIVATE RIGHT OF ACTION
19 AGAINST A SOCIAL MEDIA PLATFORM THAT
20 CAUSES HARM; AND TO IMPOSE A CIVIL
21 PENALTY ON A SOCIAL MEDIA PLATFORM THAT
22 KNOWINGLY AND WILLFULLY CONTRIBUTES TO A
23 MINOR'S SUICIDE OR SUICIDE ATTEMPT.
24

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

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

SUBCHAPTER 15 – REGULATION OF SOCIAL MEDIA PLATFORMS

4-88-1501. Definitions.

(a) As used in this subchapter:

(1)(A) "Immediate connection" means the:

- (i) Final link in the chain of the content's supply;
- (ii) Application on which the content is viewed; or
- (iii) Service or website on which the content is



1 viewed.

2 (B) "Immediate connection" does not include the:

3 (i) Content creator, unless the content creator
4 hosts his, her, or its own social media platform for sharing that content and
5 the social media platform allows for interaction with the content creator or
6 other viewers of the content;

7 (ii) Physical device that displays the content;

8 (iii) Network provider that electronically transmits
9 the content; or

10 (iv) Enterprise that stores or hosts the content,
11 unless that enterprise is owned or operated by the social media platform;

12 (2) "Minor" means an individual under sixteen (16) years of age;

13 (3) "Promoting" means placing content on the feed, screen,
14 account, or other digital medium of the minor that causes the minor to view
15 the content without explicitly searching for that specific content and
16 includes algorithmic promotion of the content based on a previous search or
17 engagement;

18 (4) "Significant bodily or cognitive harm" means the impairment
19 of physical condition or the infliction of substantial pain or substantial
20 bruising, swelling, or visible marks associated with a trauma injury that
21 impedes typical function of the body or brain and results from a person's
22 attempt to end his or her own life or gravely injure himself or herself; and

23 (5) "Social media platform" means a business entity or
24 organization that operates an online platform, application, or service that:

25 (A) Is designed to facilitate user-to-user, user-to-group,
26 or user-to-public interaction, expression, or communication;

27 (B) Assigns, utilizes, or relies on a unique identifier,
28 username, profile name, or image that is associated with a specific user
29 account;

30 (C) Provides mechanisms for a user to create an online
31 profile comprised of personally identifiable information or professional
32 information, including without limitation a user's name, username, address,
33 date of birth, educational pedigree, professional details, interests,
34 activities, or connections;

35 (D) Employs features that allow a user to connect, follow,
36 or establish a relationship with other users and creates a network of

1 interactions either in real time or asynchronously, including without
2 limitation virtual likes and dislikes;

3 (E) Generates revenue primarily through user engagement,
4 including without limitation through advertising, user data monetization, or
5 premium content; and

6 (F) Is accessed by Arkansas users.

7 4-88-1502. Prohibited activity by social media platform.

8 (a) A social media platform shall not use a design, algorithm, or
9 feature that the social media platform knows, or should have known through
10 the exercise of reasonable care, causes a user to:

11 (1) Purchase a controlled substance;

12 (2) Develop an eating disorder;

13 (3) Commit or attempt to commit suicide; or

14 (4) Develop or sustain an addiction to the social media
15 platform.

16 (b) Excluding subdivision (a)(3) of this section, a social media
17 platform does not violate this section if it demonstrates that it corrected
18 any design, algorithm, or feature that the social media platform discovers
19 presents more than a de minimis risk of the items listed in subsection (a) of
20 this section within thirty (30) days of that discovery.

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22 4-88-1503. Liability of social media platform.

23 (a) A social media platform that knowingly and willfully violates this
24 section is liable under this subsection (a) for:

25 (1) A civil penalty not to exceed ten thousand dollars (\$10,000)
26 per violation; and

27 (2) An award of litigation costs and reasonable attorney's fees
28 in an action brought under this subsection (a).

29 (b)(1) A parent or guardian whose minor child or legal dependent
30 commits suicide or attempts to commit suicide that results in significant
31 bodily or cognitive harm following exposure to online content promoting, or
32 otherwise advancing, self-harm or suicide may bring a civil action against
33 the social media platform that hosted, promoted, shared, or otherwise
34 facilitated the immediate connection between the victim and the content.

35 (2) A court may award the following under this subsection (b):

36 (A) Affirmative relief from the effects of the content;

- 1 (B) Damages;
- 2 (C) Costs of medical treatment;
- 3 (D) Funeral expenses and related costs;
- 4 (E) Punitive damages;
- 5 (F) Litigation costs; and
- 6 (G) Reasonable attorney's fees.

7 (3) Reasonable attorney's fees under subdivision (b)(2)(G) shall
 8 be no less than the lesser of the:

- 9 (A) Total cost of the defendant's legal fees for the
 10 lawsuit; or
- 11 (B) Reasonable legal fees for the defense, had the
 12 defendant prevailed.

13 (c) An action to enforce a cause of action under this section shall be
 14 commenced within four (4) years after the cause of action accrued.

15 (d) This section does not impose liability on a social media platform
 16 for:

17 (1) Displaying content that is created and hosted entirely by a
 18 third party, including without limitation an advertisement managed by a third
 19 party and shared on the social media platform; or

20 (2) Conduct that is protected by the:

- 21 (A) First Amendment of the United States Constitution; or
- 22 (B) Arkansas Constitution.

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/s/Dees