

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

*As Engrossed: H3/22/13*  
**A Bill**

HOUSE BILL 1902

5 By: Representative Steel  
6

7 **For An Act To Be Entitled**

8 AN ACT TO PROHIBIT AN INSTITUTION OF HIGHER EDUCATION  
9 FROM REQUIRING OR REQUESTING A CURRENT OR PROSPECTIVE  
10 EMPLOYEE OR STUDENT FROM DISCLOSING HIS OR HER  
11 USERNAME OR PASSWORD FOR A SOCIAL MEDIA ACCOUNT OR TO  
12 PROVIDE ACCESS TO THE CONTENT OF HIS OR HER SOCIAL  
13 MEDIA ACCOUNT; AND FOR OTHER PURPOSES.  
14

15 **Subtitle**

16 TO PROHIBIT AN INSTITUTION OF HIGHER  
17 EDUCATION FROM REQUIRING OR REQUESTING A  
18 CURRENT OR PROSPECTIVE EMPLOYEE OR  
19 STUDENT FROM DISCLOSING HIS OR HER  
20 USERNAME OR PASSWORD FOR A SOCIAL MEDIA  
21 ACCOUNT.  
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24  
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. Arkansas Code Title 6, Chapter 60, Subchapter 1, is amended  
28 to add an additional section to read as follows:

29 6-60-104. Social media accounts of current and prospective students or  
30 employees.

31 (a) As used in this section:

32 (1) "Employee" means an individual who provides services or  
33 labor for wages or other remuneration for an institution of higher education;

34 (2) "Institution of higher education" means a public or private  
35 institution that provides postsecondary education or training to students  
36 that is academic, technical, trade-oriented, or in preparation for gaining



1 employment in a recognized occupation;

2 (3)(A) "Social media account" means a personal account with an  
3 electronic medium or service where users may create, share, or view user-  
4 generated content, including without limitation:

5 (i) Videos;

6 (ii) Photographs;

7 (iii) Blogs;

8 (iv) Podcasts;

9 (v) Messages;

10 (vi) Emails; or

11 (vii) Website profiles or locations.

12 (B) "Social media account" does not include an account:

13 (i) Opened by an employee or student at the request of an  
14 institution of higher education;

15 (ii) Provided to an employee or student by an institution  
16 of higher education, such as an institutional email account or other software  
17 program owned or operated exclusively by an institution of higher education;

18 (iii) Setup by an employee or student on behalf of an  
19 institution of higher education; or

20 (iv) Setup by an employee or student to impersonate an  
21 institution of higher education through the use of the institution's name,  
22 logos, or trademarks.

23 (C) "Social media account" includes without limitation an  
24 account established with Facebook, Twitter, LinkedIn, MySpace, or Instagram;  
25 and

26 (4) "Student" means a person enrolled part-time or full-time at  
27 an institution of higher education in an organized course of study.

28 (b) An institution of higher education shall not require, request,  
29 suggest, or cause:

30 (1) A current or prospective employee or student to disclose his  
31 or her username and password to the current or prospective employee or  
32 student's social media account; or

33 (2) A current or prospective student, as a condition of  
34 acceptance in curricular or extracurricular activities, to:

35 (A) Add an employee or volunteer of the institution of  
36 higher education, including without limitation a coach, professor, or

1 administrator, to the list of contacts associated with his or her social  
2 media account; or

3 (B) Change the privacy settings associated with his or her  
4 social media account.

5 (c) An institution of higher education shall not:

6 (1) Take action against or threaten to discharge, discipline,  
7 prohibit from participating in curricular or extracurricular activities, or  
8 otherwise penalize a current student for exercising his or her rights under  
9 subsection (b) of this section; or

10 (2) Fail or refuse to admit or hire a prospective employee or  
11 student for exercising his or her rights under subsection (b) of this  
12 section.

13 (d) This section does not prohibit an institution of higher education  
14 from viewing information about a current or prospective employee or student  
15 that is publicly available on the Internet.

16 (e) Nothing in this section prevents an institution of higher  
17 education from complying with the requirements of federal or state laws,  
18 rules, or regulations.

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20 /s/Steel

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23 **APPROVED: 04/08/2013**  
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