

ARKANSAS SENATE

94th General Assembly - Regular Session, 2023

Amendment Form

Subtitle of Senate Bill No. 396

TO CREATE THE SOCIAL MEDIA SAFETY ACT; TO REQUIRE AGE VERIFICATION FOR USE OF SOCIAL MEDIA; AND TO CLARIFY LIABILITY FOR FAILURE TO PERFORM AGE VERIFICATION FOR USE OF SOCIAL MEDIA AND ILLEGAL RETENTION OF DATA.

Amendment No. 1 to Senate Bill 396

Amend Senate Bill No. 396 as originally introduced:

Page 2, delete line 22, and substitute the following:

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

AND

Page 2, delete lines 26 through 29, and substitute the following:

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

(B) "Social media company" does not include a:

(i) Media company that exclusively offers subscription content in which users follow or subscribe unilaterally and whose platforms' primary purpose is not social interaction;

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

(iii) Media company that exclusively offers interacting gaming, virtual gaming, or an online service, that allows the creation and uploading of content for the purpose of interacting gaming, entertainment, or associated entertainment, and the communication related to that content;"

AND

Page 4, delete lines 11 through 13, and substitute the following:

"products, or services;

(xii) Academic or scholarly research;



(xiii) Other research:
(a) If:"

AND

Page 5, delete lines 29 through 36, and substitute the following:

"(b)(1) As authorized under § 4-88-103, a prosecutor may initiate an enforcement action against a social media company that allegedly violates § 4-88-1102.

(2) As authorized under § 4-88-104, the Attorney General may initiate an enforcement action against a social media company that allegedly commits a violation of § 4-88-1102.

(c)(1) A social media company that violates this subchapter is liable to an individual for:

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

(B) Damages resulting from a minor accessing a social media platform without his or her parent's or custodian's consent, including court costs and"

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Dees

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Secretary