

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

As Engrossed: H3/22/13

# A Bill

HOUSE BILL 1901

5 By: Representative Steel  
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## For An Act To Be Entitled

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

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16 TO PROHIBIT AN EMPLOYER FROM REQUIRING OR  
17 REQUESTING A CURRENT OR PROSPECTIVE  
18 EMPLOYEE FROM DISCLOSING HIS OR HER  
19 USERNAME OR PASSWORD FOR A SOCIAL MEDIA  
20 ACCOUNT.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code Title 11, Chapter 2, Subchapter 1, is amended  
27 to add an additional section to read as follows:

28 11-2-124. Social media accounts of current and prospective employees.

29 (a) As used in this section:

30 (1) "Employee" means an individual who provides services or  
31 labor for wages or other remuneration for an employer;

32 (2) "Employer" means a person or entity engaged in business, an  
33 industry, a profession, a trade, or other enterprise in the state or a unit  
34 of state or local government, including without limitation an agent,  
35 representative, or designee of the employer; and

36 (3)(A) "Social media account" means a personal account with an



1 electronic medium or service where users may create, share, or view user-  
2 generated content, including without limitation:

3 (i) Videos;

4 (ii) Photographs;

5 (iii) Blogs;

6 (iv) Podcasts;

7 (v) Messages;

8 (vi) Emails; or

9 (vii) Website profiles or locations.

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

11 (i) Opened by an employee at the request of an employer;

12 (ii) Provided to an employee by an employer such as a  
13 company email account or other software program owned or operated exclusively  
14 by an employer;

15 (iii) Setup by an employee on behalf of an employer; or

16 (iv) Setup by an employee to impersonate an employer  
17 through the use of the employer's name, logos, or trademarks.

18 (C) "Social media account" includes without limitation an  
19 account established with Facebook, Twitter, LinkedIn, MySpace, or Instagram.

20 (b) An employer shall not require, request, suggest, or cause a  
21 current or prospective employee to:

22 (1) Disclose his or her username and password to the current or  
23 prospective employee's social media account;

24 (2) Add an employee, supervisor, or administrator to the list or  
25 contacts associated with his or her social media account; or

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

28 (c) An employer shall not:

29 (1) Take action against or threaten to discharge, discipline, of  
30 otherwise penalize a current employee for exercising his or her rights under  
31 subsection (b) of this section; or

32 (2) Fail or refuse to hire a prospective employee for exercising  
33 his or her rights under subsection (b) of this section.

34 (d) This section does not prohibit an employer from viewing  
35 information about a current or prospective employee that is publicly  
36 available on the Internet.

1           (e) Nothing in this section prevents an employer from complying with  
2 the requirements of federal or state laws, rules, or regulations or rules of  
3 self-regulatory organizations.

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/s/Steel