MISSISSIPPI LEGISLATURE  
REGULAR SESSION 2021  

By: Representatives Currie, Calvert, Smith, Hopkins, Williamson  
To: Judiciary A  

HOUSE BILL NO. 151

AN ACT TO CREATE THE "STOP SOCIAL MEDIA CENSORSHIP ACT"; TO DEFINE CERTAIN TERMS RELATING TO SOCIAL MEDIA WEBSITES; TO AUTHORIZE A SOCIAL MEDIA WEBSITE USER TO BRING A CAUSE OF ACTION AGAINST A SOCIAL MEDIA WEBSITE FOR CENSORING THE WEBSITE USER'S POLITICAL OR RELIGIOUS SPEECH OR USING AN ALGORITHM TO DISFAVOR, SHADOWBAN OR CENSOR THE USER'S RELIGIOUS SPEECH OR POLITICAL SPEECH; TO PROVIDE FOR DAMAGES RELATING TO A CAUSE OF ACTION AGAINST A SOCIAL MEDIA WEBSITE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This act shall be known and may be cited as the "Stop Social Media Censorship Act."

SECTION 2. The Legislature finds that:

(a) The Legislature is opposed to online censorship unless the content is injurious to children or promotes human trafficking, only then is the Legislature for limited censorship;

(b) The State of Mississippi has a compelling interest in holding certain social media websites to higher standards for having substantially created a digital public square;

(c) The State of Mississippi has an interest in helping its citizens enjoy their free exercise rights in certain semi-public forums commonly used for religious and political
speech, regardless of which political party or religious
organization they ascribe to; and

(d) The State of Mississippi has an interest in
deterring the owners and operators of social media websites that
have substantially created a digital public square from
maliciously interfering in elections.

SECTION 3. The purpose of this act is to:
(a) Level the playing field between consumers and the
major social media websites;
(b) Encourage the free flow of political and religious
ideas and robust debate;
(c) Hold major social media websites to a higher
standard for having substantially created a digital public square;
(d) Deter bad-faith, unfair dealing, fraud, breach of
contract, unjust enrichment, and the marginalization or oppression
of competing worldviews;
(e) Establish that:
   (i) Without truth, there is no freedom;
   (ii) Freedom comes from the truth;
   (iii) The proliferation of truth is vital to the
health of our Constitutional Republic; and
   (iv) Social media censorship regarding religious
and political ideology has the potential to suppress the truth by
preventing different doctrine and ideologies from competing
and vying for superiority;
(f) Deter the owner or operator of a social media website from engaging in false advertising; and

(g) Deter the owner or operator of a social media website from maliciously interfering with local, regional, and national elections.

SECTION 4. As used in this act, the following words and phrases shall have the meanings as defined in this section unless the context clearly indicates otherwise:

(a) "Algorithm" means a set of instructions designed to perform a specific task.

(b) "Hate speech" means a phrase concerning content that an individual finds offensive based on his or her personal moral code.

(c) "Obscene material" shall have the meaning as defined in Section 97-29-103.

(d) "Political speech" means speech relating to the state, government, body politic, or public administration as it relates to governmental policy-making, and the term includes speech by the government or candidates for office and any discussion of social issues.

(e) "Religious speech" means a set of unproven answers, truth claims, faith-based assumptions and naked assertions that attempt to explain such greater questions such as how the world was created, what constitutes right and wrong actions by humans and what happens after death.
(f) "Shadowban" means the act of blocking or partially blocking a user or their content from an online community such that it will not be readily apparent to the user that they have been banned. The term also means stealth banning, ghost banning or comment ghosting.

(g) "Social media website" means an Internet website or application that enables users to communicate with each other by posting information, comments, messages or images and that meets all of the following requirements:

(i) Is open to the public;

(ii) Has more than seventy-five million (75,000,000) subscribers;

(iii) Has not been specifically affiliated with any one (1) religion or political party from its inception; and

(iv) Provides a means for the website's users to report obscene materials and has in place procedures for evaluating those reports and removing obscene material.

SECTION 5. (1) The owner or operator of a social media website who contracts with a social media website user in the State of Mississippi is subject to a private right of action by such user if the social media website purposely:

(a) Deletes or censors the user's religious speech or political speech; and

(b) Uses an algorithm to disfavor, shadowban or censor the user's religious speech or political speech.
(2) A social media website user may be awarded all of the following damages under this section:

(a) A minimum of Seventy-five Thousand Dollars ($75,000.00) in statutory damages per purposeful deletion or censoring of the social media website user's speech;

(b) Actual damages;

(c) Punitive damages, if aggravating factors are present; and

(d) Other forms of equitable relief.

(3) The prevailing party in a cause of action may be awarded costs and reasonable attorney fees under this act.

(4) A social media website that restores from deletion or removes the censoring of a social media website user's speech in a reasonable amount of time may use that fact to mitigate any damages.

(5) A social media website may not use the social media website user's alleged hate speech as a basis for justification or defense of the social media website's actions at trial.

(6) The Attorney General may also bring a civil cause of action under this section on behalf of a social media website user who resides in this state and whose religious speech or political speech has been censored by a social media website.

(7) This section does not apply to any of the following:
(a) A social media website that deletes or censors a social media website user’s speech or that uses an algorithm to disfavor or censor speech that:

(i) Calls for immediate acts of violence;
(ii) Calls for a user to harm themselves;
(iii) Is obscene material or material that is harmful to minors;
(iv) Is the result of operational error;
(v) Is the result of a court order;
(vi) Comes from an inauthentic source or involves false impersonation;
(vii) Entices criminal conduct; or
(viii) Involves minors bullying minors; or

(b) A social media website user's censoring of another social media website user's speech.

(8) Only social media website users who are eighteen (18) years of age or older have standing to seek enforcement of this act.

(9) The venue for any civil action brought under this act shall be in the State of Mississippi.

SECTION 6. This act shall take effect and be in force from and after July 1, 2021.