

By: Representatives Owen, Ford (73rd),
McLean

To: Judiciary B

HOUSE BILL NO. 1465

1 AN ACT TO CREATE THE "SOCIAL MEDIA ACCOUNTABILITY,
2 RESPONSIBILITY AND TRANSPARENCY ACT OF 2022", RELATING TO
3 CENSORSHIP OR CERTAIN OTHER INTERFERENCES WITH DIGITAL EXPRESSION,
4 INCLUDING EXPRESSION ON SOCIAL MEDIA PLATFORMS; TO ESTABLISH
5 LEGISLATIVE FINDINGS; TO DEFINE TERMINOLOGY; TO REQUIRE A SOCIAL
6 MEDIA PLATFORM TO PUBLISH AN ACCEPTABLE USE POLICY IN A LOCATION
7 ON ITS WEBSITE THAT IS DISTINCTLY NOTICEABLE TO AND EASILY
8 ACCESSIBLE BY USERS; TO SPECIFY THE MINIMUM REQUIREMENTS OF THE
9 ACCEPTABLE USE POLICY; TO REQUIRE A SOCIAL MEDIA PLATFORM TO
10 PUBLISH AN ANNUAL TRANSPARENCY REPORT FOR THE PRECEDING
11 TWELVE-MONTH PERIOD AS A COMPONENT OF ITS ACCEPTABLE USE POLICY;
12 TO REQUIRE A SOCIAL MEDIA PLATFORM TO PROVIDE AN EASILY ACCESSIBLE
13 ELECTRONIC COMPLAINT SYSTEM ON ITS WEBSITE; TO STIPULATE THE
14 PROCEDURES TO BE FOLLOWED BY A SOCIAL MEDIA PLATFORM AFTER
15 REMOVING CONTENT FROM ITS PLATFORM WHICH VIOLATES ITS ACCEPTABLE
16 USE POLICY; TO REMOVE THE REQUIREMENT FOR SOCIAL MEDIA PLATFORMS
17 TO PROVIDE NOTICE OR AN OPPORTUNITY TO APPEAL AFTER REASONABLE
18 EFFORTS WERE MADE TO CONTACT WITH THE USER; TO PRESCRIBE THE
19 PROCEDURES TO BE FOLLOWED BY A SOCIAL MEDIA PLATFORM IF A USER
20 FILES A COMPLAINT AGAINST THE PLATFORM FOR REMOVAL OF CONTENT THE
21 USER BELIEVES IS NOT IN VIOLATION OF THE PLATFORM'S ACCEPTABLE USE
22 POLICY; TO AUTHORIZE THE ATTORNEY GENERAL TO BRING AN ACTION TO
23 ENJOIN A SOCIAL MEDIA PLATFORM FOR FAILURE TO COMPLY WITH THE
24 PROVISIONS OF THIS ACT AND TO RECOVER COSTS FOR BRINGING THE
25 ACTION IF THE INJUNCTION IS GRANTED; TO PROVIDE THAT THE
26 PROVISIONS OF THIS ACT ARE SEVERABLE; AND FOR RELATED PURPOSES.

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

28 **SECTION 1.** This act shall be known and may be cited as the
29 "Social Media Accountability, Responsibility and Transparency Act
30 of 2022."



31 **SECTION 2.** The Legislature finds:

32 (a) Each person in this state has a fundamental
33 interest in the free exchange of ideas and information, including
34 the freedom of others to share and receive ideas and information;

35 (b) This state has a fundamental interest in protecting
36 the free exchange of ideas and information in this state;

37 (c) Social media platforms are affected with a public
38 interest, and are central public forums for public debate.

39 **SECTION 3.** As used in this act, the following words and
40 phrases shall have the meanings ascribed in this section, unless
41 context clearly requires otherwise:

42 (a) "Social media platform" means an Internet website
43 or application that is open to the public, allows a user to create
44 an account, and enables users to communicate with other users for
45 the primary purpose of posting information, comments, messages or
46 images. The term does not include:

47 (i) An Internet service provider;

48 (ii) Electronic mail; or

49 (iii) An online service, application, or website:

50 1. That consists primarily of news, sports,
51 entertainment or other information or content that is not user
52 generated but is preselected by the provider; and

53 2. For which any chat, comments or
54 interactive functionality is incidental to, directly related to,



55 or dependent on the provision of the content described by this
56 act.

57 (b) "User" means a person, who resides in or is
58 domiciled in this state, who posts, uploads, transmits, shares or
59 otherwise publishes or receives content through a social media
60 platform. The term includes a person who has a social media
61 platform account that the social media platform has disabled or
62 locked.

63 **SECTION 4.** (1) A social media platform shall publish an
64 acceptable use policy in a location on its website that is
65 distinctly noticeable to and easily accessible by a user. A
66 social media platform's acceptable use policy must:

67 (a) Reasonably inform users about the types of content
68 allowed on the social media platform;

69 (b) Explain the steps the social media platform will
70 take to ensure content complies with the policy;

71 (c) Explain the means by which users can notify the
72 social media platform of content that potentially violates the
73 acceptable use policy, illegal content or illegal activity which
74 includes:

75 (i) A complaint system; and

76 (ii) An email address or relevant complaint intake
77 mechanism to handle user complaints; and



78 (d) Include publication of an annual transparency
79 report on its website outlining actions taken to enforce the
80 policy.

81 (2) As part of a social media platform's acceptable use
82 policy, the social media platform shall publish an annual
83 transparency report that includes, with respect to the preceding
84 twelve-month period:

85 (a) The total number of instances in which the social
86 media platform was alerted to illegal content, illegal activity or
87 potentially policy-violating content discussing political,
88 religious or cultural matters by:

89 (i) A user complaint;

90 (ii) An employee of or person contracting with the
91 social media platform; or

92 (iii) An internal automated detection tool;

93 (b) The number of instances in which the social media
94 platform took action with respect to illegal content, illegal
95 activity, or potentially policy-violating content discussing
96 political, religious or cultural matters known to the platform due
97 to the nature of the content as illegal content, illegal activity
98 or potentially policy-violating content, including:

99 (i) Content removal;

100 (ii) Content demonetization;

101 (iii) Content deprioritization;

102 (iv) The addition of an assessment to content;



103 (v) Account suspension;
104 (vi) Account removal; or
105 (vii) Any other action taken in accordance with
106 the platform's acceptable use policy;

107 (c) The number of instances in which a user appealed
108 the decision to remove the user's potentially policy-violating
109 content;

110 (d) The percentage of appeals that resulted in the
111 restoration of content; and

112 (e) A description of each tool, practice, action or
113 technique used in enforcing the acceptable use policy.

114 **SECTION 5.** A social media platform shall provide, on its
115 website, an easily accessible electronic complaint system to
116 enable a user to submit a complaint in good faith and track the
117 status of the complaint, including a complaint regarding:

118 (a) Illegal content or activity; or

119 (b) A decision made by the social media platform to
120 remove content posted by the user.

121 **SECTION 6.** (1) Except as provided by subsection (2) of this
122 section, if a social media platform removes content discussing
123 political, religious or cultural matters based on a violation of
124 the platform's acceptable use policy, the social media platform
125 shall, concurrently with the removal:

126 (a) Notify the user who provided the content of the
127 removal and explain the reason the content was removed;



128 (b) Allow the user to appeal the decision to remove the
129 content to the platform; and

130 (c) Provide written notice to the user who provided the
131 content the determination regarding an appeal.

132 (2) A social media platform is not required to provide a
133 user with notice or an opportunity to appeal if the social media
134 platform is unable to contact the user after taking reasonable
135 steps to make contact or knows that the potentially
136 policy-violating content constitutes an immediate emergency or
137 relates to an ongoing law enforcement investigation.

138 **SECTION 7.** If a social media platform receives a user
139 complaint on the social media platform's removal, from the
140 platform, of content discussing political, religious or cultural
141 matters provided by the user that the user believes was not
142 potentially policy-violating content, the social media platform
143 shall, not later than the fourteenth business day, excluding
144 Saturdays, Sundays and nationally observed holidays, after the
145 date the platform receives the complaint:

146 (a) Review the content;

147 (b) Determine whether the content adheres to the
148 platform's acceptable use policy;

149 (c) Take appropriate steps based on the determination;
150 and

151 (d) Notify the user regarding the determination made
152 and the steps taken to reach the determination.



153 **SECTION 8.** (1) The Attorney General may bring an action
154 against a social media platform to enjoin a platform not in
155 compliance with this chapter.

156 (2) If an injunction is granted in an action brought under
157 subsection (3) of this section, the Attorney General may recover
158 costs incurred in bringing the action, including reasonable
159 attorney's fees and reasonable investigative costs.

160 (3) Any person may notify the Attorney General of a
161 violation or potential violation of this chapter by a social media
162 platform.

163 **SECTION 9.** This act may not be construed to limit or expand
164 intellectual property law.

165 **SECTION 10.** If any provision of this act or its application
166 to any person or circumstance is held invalid, the invalidity does
167 not affect other provisions or applications of this act which can
168 be given effect without the invalid provision or application, and
169 to this end the provisions of this act are severable.

170 **SECTION 11.** This act shall take effect and be in force from
171 and after July 1, 2022.

