

By: Senator(s) Carter

To: Technology

SENATE BILL NO. 2529

1 AN ACT TO CREATE THE "SOCIAL MEDIA ACCOUNTABILITY,  
 2 RESPONSIBILITY, AND TRANSPARENCY ACT OF 2022" RELATING TO  
 3 CENSORSHIP OR CERTAIN OTHER INTERFERENCE WITH DIGITAL EXPRESSION,  
 4 INCLUDING EXPRESSION ON SOCIAL MEDIA PLATFORMS; TO DECLARE THE  
 5 FINDINGS OF THE LEGISLATURE; TO ENACT DEFINITIONS; TO REQUIRE AN  
 6 ACCEPTABLE USE POLICY THAT MUST BE PUBLISHED. TO REQUIRE AN ANNUAL  
 7 TRANSPARENCY REPORT THAT MUST BE PUBLISHED; TO REQUIRE AN  
 8 ACCESSIBLE COMPLAINT SYSTEM; TO REQUIRE THAT COMPLAINTS BE  
 9 CONSIDERED AND ADDRESSED; TO REQUIRE AN APPEALS SYSTEM; TO REQUIRE  
 10 NOTIFICATION TO USERS CONCERNING REMOVED CONTENT; TO AUTHORIZE  
 11 RECOVERY OF COSTS BY THE ATTORNEY GENERAL INCURRED IN ENFORCEMENT  
 12 OF THIS ACT; TO INSULATE THE ACT FROM INTELLECTUAL PROPERTY LAW;  
 13 AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** (1) This section shall be known and may be cited  
 16 as the "Social Media Accountability, Responsibility, and  
 17 Transparency Act of 2022."

18 (2) The Legislature finds:

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

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



24 (c) Social media platforms are of public interest, are  
25 central public forums for public debate, and have enjoyed  
26 governmental support in the United States.

27 (3) As used in this section, the following words and phrases  
28 shall have the following meanings, unless the context clearly  
29 requires otherwise:

30 (a) "Social media platform" means an internet website  
31 or application that is open to the public, allows a user to create  
32 an account, and enables users to communicate with other users for  
33 the primary purpose of posting information, comments, messages or  
34 images. The term does not include:

35 (i) An internet service provider;

36 (ii) Electronic mail; or

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

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

41 2. For which any chat, comments or  
42 interactive functionality is incidental to, directly related to,  
43 or dependent on the provision of the content described by this  
44 section.

45 (b) "User" means a person who posts, uploads,  
46 transmits, shares, or otherwise publishes or receives content  
47 through a social media platform. The term includes a person who



48 has a social media platform account that the social media platform  
49 has disabled or locked.

50 (4) A social media platform must publish an acceptable use  
51 policy in a location on its website that is easily accessible to a  
52 user. A social media platform's acceptable use policy must:

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

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

57 (c) Explain the means by which users can notify the  
58 social media platform of content that potentially violates the  
59 acceptable use policy, illegal content, or illegal activity which  
60 includes:

61 (i) An email address or relevant complaint intake  
62 mechanism to handle user complaints; and

63 (ii) A complaint system; and

64 (d) Include publication of an annual transparency  
65 report outlining actions taken to enforce the policy.

66 (5) As part of a social media platform's acceptable use  
67 policy, the social media platform must publish an annual  
68 transparency report that includes, with respect to the preceding  
69 twelve-month period:

70 (a) The total number of instances in which the social  
71 media platform was alerted to illegal content, illegal activity,



72 or potentially policy-violating content discussing political,  
73 religious or cultural matters by:

74 (i) A user complaint;

75 (ii) An employee of or person contracting with the  
76 social media platform; or

77 (iii) An internal automated-detection tool;

78 (b) The number of instances in which the social media  
79 platform took action with respect to illegal content, illegal  
80 activity, or potentially policy-violating content discussing  
81 political, religious or cultural matters known to the platform due  
82 to the nature of the content as illegal content, illegal activity,  
83 or potentially policy-violating content, including:

84 (i) Content removal;

85 (ii) Content demonetization;

86 (iii) Content deprioritization;

87 (iv) The addition of an assessment to content;  
88 account suspension;

89 (v) Account removal; or

90 (vi) Any other action taken in accordance with the  
91 platform's acceptable use policy;

92 (c) The country of the user who provided the content  
93 for each instance described by paragraph (b) of this subsection;

94 (d) The number of coordinated campaigns, if applicable;



95 (e) The number of instances in which a user appealed  
96 the decision to remove the user 's potentially policy-violating  
97 content;

98 (f) The percentage of appeals that resulted in the  
99 restoration of content; and

100 (g) A description of each tool, practice, action or  
101 technique used in enforcing the acceptable use policy.

102 (6) The information described by subsection (5) of this  
103 section must be categorized by:

104 (a) The rule violated; and

105 (b) The source for the alert of illegal content,  
106 illegal activity, or potentially policy-violating content,  
107 including:

108 (i) A government;

109 (ii) A user;

110 (iii) An internal automated detection tool;

111 (iv) Coordination with other social media  
112 platforms; or

113 (v) Persons employed by or contracting with the  
114 platform.

115 (7) A social media platform must publish the information  
116 described by subsection (6) of this section with an open license,  
117 in a machine-readable and open format, and in a location on its  
118 website so that it is easily accessible to users.



119 (8) A social media platform must provide on its website an  
120 easily accessible electronic complaint system to enable a user to  
121 submit a complaint in good faith and track the status of the  
122 complaint, including a complaint regarding:

123 (a) Illegal content or activity; or

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

126 (9) A social media platform that receives notice of illegal  
127 content or illegal activity discussing political, religious or  
128 cultural matters on the social media platform must make a good  
129 faith effort to evaluate the legality of the content or activity  
130 within forty-eight (48) hours of receiving the notice, excluding  
131 hours during a Saturday or Sunday and subject to reasonable  
132 exceptions based on concerns about the legitimacy of the notice.

133 (10) Except as provided by subsection (11) of this section,  
134 if a social media platform removes content discussing political,  
135 religious or cultural matters based on a violation of the  
136 platform's acceptable use policy, the social media platform must,  
137 concurrently with the removal:

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

140 (b) Allow the user to appeal the decision to remove the  
141 content to the platform; and

142 (c) Provide written notice of the determination  
143 regarding an appeal to the user who provided the content.



144 (11) A social media platform is not required to provide a  
145 user with notice or an opportunity to appeal if the social media  
146 platform is unable to contact the user after taking reasonable  
147 steps to make contact or knows that the potentially  
148 policy-violating content relates to an ongoing law enforcement  
149 investigation.

150 (12) If a social media platform receives a user complaint on  
151 the social media platform's removal from the platform of content  
152 discussing political, religious or cultural matters provided by  
153 the user that the user believes was not potentially  
154 policy-violating content, the social media platform must, not  
155 later than the fourteenth day, excluding Saturdays and Sundays,  
156 after the date the platform receives the complaint:

157 (a) Review the content;

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

160 (c) Take appropriate steps based on the determination;  
161 and

162 (d) Notify the user regarding the determination made  
163 and the steps taken to reach the determination.

164 (13) The attorney general may bring an action against a  
165 social media platform to enjoin a platform not in compliance with  
166 this chapter.

167 (14) If an injunction is granted in an action brought under  
168 subsection (13) of this section, the attorney general may recover



169 costs incurred in bringing the action, including reasonable  
170 attorney's fees and reasonable investigative costs.

171 (15) This section may not be construed to limit or expand  
172 intellectual property law.

173 (16) Any person may notify the attorney general of a  
174 violation or potential violation of this chapter by a social media  
175 platform.

176 (17) The Legislature further declares that it would have  
177 enacted this section and each provision, section, subsection,  
178 paragraph, subparagraph, item, sentence, clause, phrase or word,  
179 and all constitutional applications of this section, irrespective  
180 of the fact that any part of this section were to be declared  
181 unconstitutional.

182 **SECTION 2.** This act shall take effect and be in force from  
183 and after July 31, 2022.

