

By: Representatives Currie, Stamps

To: Judiciary B

HOUSE BILL NO. 279

1 AN ACT TO PROHIBIT STATE EMPLOYEES WHO HAVE BEEN ISSUED
 2 ELECTRONIC DEVICES FOR THE PURPOSE OF PERFORMING WORK-RELATED
 3 FUNCTIONS FROM DOWNLOADING OR USING THE TIKTOK APPLICATION ON ANY
 4 DEVICE ISSUED BY THE STATE; TO REQUIRE THE REMOVAL OF SUCH
 5 APPLICATION FROM GOVERNMENT-ISSUED DEVICES; TO REQUIRE THE
 6 MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES, IN
 7 CONSULTATION WITH THE DIRECTOR OF INFORMATION TECHNOLOGY WITHIN
 8 THE DEPARTMENT OF FINANCE AND ADMINISTRATION, TO DEVELOP STANDARDS
 9 AND GUIDELINES FOR ALL STATE AGENCIES REQUIRING THE REMOVAL OF ANY
 10 COVERED APPLICATION FROM INFORMATION TECHNOLOGY CONSISTENT WITH
 11 THE ACCEPTABLE USE POLICY SPECIFIED IN LAW; TO BRING FORWARD
 12 SECTION 25-53-191, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF
 13 POSSIBLE AMENDMENTS; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** This act shall be known and may be cited as the
 16 "No TikTok on Government Devices Act."

17 **SECTION 2.** As used in this section, the following terms
 18 shall have the meaning ascribed in this subsection, unless the
 19 context of use clearly requires otherwise:

20 (a) "Covered application" means the social networking
 21 service TikTok or any successor application or service developed
 22 or provided by ByteDance Limited or an entity owned by ByteDance
 23 Limited.



24 (b) "State agency" means any agency, department,
25 commission, board, institution, council, office, bureau, division,
26 committee or subcommittee of the state or other instrumentality of
27 the state. However, the term "state agency" does not include
28 counties or municipalities.

29 (c) "State-issued devices" mean all systems and
30 devices, including laptops, cellular telephones, mobile tablets,
31 E-readers, pagers or personal digital assistant device having
32 wireless communication capability, that are issued, owned, leased
33 or otherwise controlled by the state or used by employees of state
34 agencies for the purpose of conducting state business.

35 (d) "Information technology":

36 (i) With respect to a state agency, means any
37 equipment or interconnected system or subsystem of equipment, used
38 in the automatic acquisition, storage, analysis, evaluation,
39 manipulation, management, movement, control, display, switching,
40 interchange, transmission, or reception of data or information by
41 the state agency, if the equipment is used by the state agency
42 directly or is used by a contractor under a contract with the
43 state agency that requires:

- 44 1. The use of that equipment; or
45 2. The use of that equipment to a significant
46 extent in the performance of a service or the furnishing of a
47 product; and



48 (ii) Includes computers, ancillary equipment
49 (including imaging peripherals, input, output, and storage devices
50 necessary for security and surveillance), peripheral equipment
51 designed to be controlled by the central processing unit of a
52 computer, software, firmware and similar procedures, services and
53 support services and related resources.

54 **SECTION 3.** (1) Not later than sixty (60) days after the
55 date of the effective date of this act, the Executive Director of
56 the Mississippi Department of Information Technology Services, in
57 consultation with the Director of Information Technology within
58 the Department of Finance and Administration, shall develop
59 standards and guidelines for state agencies requiring the removal
60 of any covered application from information technology consistent
61 with the acceptable use policy required for the use of all
62 wireless communication devices under Section 25-53-191.

63 (2) The standards and guidelines developed under
64 subsection (1) shall include:

65 (a) Exceptions for law enforcement activities, national
66 security interests and activities, and security researchers; and

67 (b) For any authorized use of a covered application
68 under an exception, requirements for state agencies to develop and
69 document risk mitigation actions for such use.

70 **SECTION 4.** Section 25-53-191, Mississippi Code of 1972, is
71 brought forward as follows:



72 25-53-191. (1) For the purposes of this section, the
73 following terms shall have the meanings ascribed to them in this
74 section unless the context otherwise clearly requires:

75 (a) "Department" means the Mississippi Department of
76 Information Technology.

77 (b) "State agency" means any agency, department,
78 commission, board, bureau, institution or other instrumentality of
79 the state.

80 (c) "Wireless communication device" means a cellular
81 telephone, pager or a personal digital assistant device having
82 wireless communication capability.

83 (2) Before a wireless communication device may be assigned,
84 issued or made available to an agency officer or employee, the
85 agency head, or his designee, shall sign a statement certifying
86 the need or reason for issuing the device. No officer or employee
87 of any state agency, except for an officer or employee of the
88 Mississippi Emergency Management Agency, shall be assigned or
89 issued more than one (1) such wireless communication device. No
90 officer or employee of any state agency to whom has been assigned,
91 issued or made available the use of a wireless communication
92 device, the cost of which is paid through the use of public funds,
93 shall use such device for personal use.

94 (3) A state agency shall not reimburse any officer or
95 employee for use of his or her personal wireless communication
96 device.



97 (4) Every state agency that, at the expense of the state
98 agency, assigns, issues or makes available to any of its officers
99 or employees a wireless communication device shall obtain and
100 maintain detailed billing for every wireless communication device
101 account. A list of approved vendors for the procurement of
102 wireless communication devices and the delivery of wireless
103 communication device services shall be developed for all state
104 agencies by the Mississippi Department of Information Technology
105 Services in conjunction with the Wireless Communication Commission
106 created in Section 25-53-171. The department, in conjunction with
107 the Wireless Communication Commission, shall exercise the option
108 of selecting one (1) vendor from which to procure wireless
109 communication devices and to provide wireless communication device
110 services, or if it deems such to be most advantageous to the state
111 agencies, it may select multiple vendors. The department, in
112 conjunction with the Wireless Communication Commission, shall
113 select a vendor or vendors on the basis of lowest and best bid
114 proposals. A state agency may not procure a wireless
115 communication device from any vendor or contract for wireless
116 communication device services with any vendor unless the vendor
117 appears on the list approved by the department, in conjunction
118 with the Wireless Communication Commission. A contract entered
119 into in violation of this section shall be void and unenforceable.

120 (5) The department shall promulgate a model acceptable use
121 policy defining the appropriate use of all wireless communication



122 devices. The acceptable use policy should specify that these
123 resources, including both devices and services, are provided at
124 the state agency's expense as tools for accomplishing the business
125 missions of the state agency; that all those resources are for
126 business use; and that more than incidental personal use of those
127 resources is prohibited. The acceptable use policy should require
128 that each official and employee issued one (1) of the above
129 devices or authorized to access one (1) of the above services sign
130 the policy and that the signed copy be placed in the personnel
131 file of the official or employee. The acceptable use policy
132 should also require that the use of these resources be tracked,
133 verified and signed by the official or employee and the supervisor
134 of the official or employee at each billing cycle or other
135 appropriate interval. All state agencies shall adopt the model
136 policy or adopt a policy that is, at minimum, as stringent as the
137 model policy and shall provide a copy of the policy to the
138 department.

139 (6) All state agencies shall purchase or acquire only the
140 lowest cost cellular telephone, pager or personal digital
141 assistance device which will carry out its intended use.

142 (7) The University of Mississippi Medical Center and its
143 employees, the Mississippi State University Extension Service and
144 its agents and faculty members, the Mississippi State University
145 Agricultural and Forestry Experiment Station and its faculty
146 members, the Mississippi State University Forestry and Wildlife



147 Research Center and its faculty members, and the Mississippi State
148 University College of Veterinary Medicine and its faculty members
149 shall be exempt from the application of this section.

150 (8) The State Auditor shall conduct necessary audits to
151 ensure compliance with the provisions of this section.

152 **SECTION 5.** This act shall take effect and be in force from
153 and after its passage.

