

By: Senator(s) Carter, Tate

To: Technology

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2140

1 AN ACT TO CREATE A NEW SECTION WITHIN TITLE 25, CHAPTER 53,
2 MISSISSIPPI CODE OF 1972, TO CREATE THE NATIONAL SECURITY ON STATE
3 DEVICES AND NETWORKS ACT; TO AMEND SECTION 25-53-191, MISSISSIPPI
4 CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** The following shall be codified as a new section
7 within Title 25, Chapter 53, Mississippi Code of 1972:

8 (1) This section shall be known and may be cited as the
9 "National Security on State Devices and Networks Act."

10 (2) For the purposes of this section, the following words
11 and phrases shall have the meanings ascribed in this section
12 unless the context clearly indicates otherwise:

13 (a) "TikTok" means the social media platform known as
14 TikTok, operated by TikTok, Incorporated in the United States and
15 owned by Chinese internet technology holding company ByteDance
16 Limited, and any of its successors or assigns.

17 (b) "State-issued devices" means any desktop computer,
18 laptop computer, cell phone, tablet or any other device capable of
19 internet connectivity that is issued to a state employee pursuant



20 to his or her employment and for use in carrying out his or her
21 professional duties.

22 (c) "State-operated networks" means any
23 telecommunications network, including wireless local area networks
24 and virtual private networks, or other information technology
25 network system owned or operated by the Mississippi Department of
26 Information Technology Services.

27 (d) "State agency" means any agency, department,
28 commission, board, bureau, institution or other instrumentality of
29 the state.

30 (3) No state employee shall download or use the TikTok
31 application or access the TikTok website on a state-issued device,
32 nor shall a state employee download the TikTok application or
33 access the TikTok website via a state-operated network. No state
34 agency or public officer, in his or her official capacity, shall
35 operate an account or publish any content on TikTok.

36 **SECTION 2.** Section 25-53-191, Mississippi Code of 1972, is
37 amended as follows:

38 25-53-191. (1) For the purposes of this section, the
39 following terms shall have the meanings ascribed to them in this
40 section unless the context otherwise clearly requires:

41 (a) "Department" means the Mississippi Department of
42 Information Technology.



43 (b) "State agency" means any agency, department,
44 commission, board, bureau, institution or other instrumentality of
45 the state.

46 (c) "Wireless communication device" means a cellular
47 telephone, pager or a personal digital assistant device having
48 wireless communication capability.

49 (2) Before a wireless communication device may be assigned,
50 issued or made available to an agency officer or employee, the
51 agency head, or his designee, shall sign a statement certifying
52 the need or reason for issuing the device. No officer or employee
53 of any state agency, except for an officer or employee of the
54 Mississippi Emergency Management Agency, shall be assigned or
55 issued more than one (1) such wireless communication device. No
56 officer or employee of any state agency to whom has been assigned,
57 issued or made available the use of a wireless communication
58 device, the cost of which is paid through the use of public funds,
59 shall use such device for personal use.

60 (3) A state agency shall not reimburse any officer or
61 employee for use of his or her personal wireless communication
62 device.

63 (4) Every state agency that, at the expense of the state
64 agency, assigns, issues or makes available to any of its officers
65 or employees a wireless communication device shall obtain and
66 maintain detailed billing for every wireless communication device
67 account. A list of approved vendors for the procurement of



68 wireless communication devices and the delivery of wireless
69 communication device services shall be developed for all state
70 agencies by the Mississippi Department of Information Technology
71 Services in conjunction with the Wireless Communication Commission
72 created in Section 25-53-171. The department, in conjunction with
73 the Wireless Communication Commission, shall exercise the option
74 of selecting one (1) vendor from which to procure wireless
75 communication devices and to provide wireless communication device
76 services, or if it deems such to be most advantageous to the state
77 agencies, it may select multiple vendors. The department, in
78 conjunction with the Wireless Communication Commission, shall
79 select a vendor or vendors on the basis of lowest and best bid
80 proposals. A state agency may not procure a wireless
81 communication device from any vendor or contract for wireless
82 communication device services with any vendor unless the vendor
83 appears on the list approved by the department, in conjunction
84 with the Wireless Communication Commission. A contract entered
85 into in violation of this section shall be void and unenforceable.

86 (5) The department shall promulgate a model acceptable use
87 policy defining the appropriate use of all wireless communication
88 devices. The department shall include in its definition of
89 appropriate use a prohibition on the social media platform TikTok,
90 pursuant to the National Security on State Devices and Networks
91 Act. The acceptable use policy should specify that these
92 resources, including both devices and services, are provided at



93 the state agency's expense as tools for accomplishing the business
94 missions of the state agency; that all those resources are for
95 business use; and that more than incidental personal use of those
96 resources is prohibited. The acceptable use policy should require
97 that each official and employee issued one (1) of the above
98 devices or authorized to access one (1) of the above services sign
99 the policy and that the signed copy be placed in the personnel
100 file of the official or employee. The acceptable use policy
101 should also require that the use of these resources be tracked,
102 verified and signed by the official or employee and the supervisor
103 of the official or employee at each billing cycle or other
104 appropriate interval. All state agencies shall adopt the model
105 policy or adopt a policy that is, at minimum, as stringent as the
106 model policy and shall provide a copy of the policy to the
107 department.

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

111 (7) The University of Mississippi Medical Center and its
112 employees, the Mississippi State University Extension Service and
113 its agents and faculty members, the Mississippi State University
114 Agricultural and Forestry Experiment Station and its faculty
115 members, the Mississippi State University Forestry and Wildlife
116 Research Center and its faculty members, and the Mississippi State



117 University College of Veterinary Medicine and its faculty members
118 shall be exempt from the application of this section.

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

121 **SECTION 3.** This act shall take effect and be in force from
122 and after July 1, 2023, and shall stand repealed on June 30, 2023.

