

By: Senator(s) Carter, Tate

To: Technology

SENATE BILL NO. 2140
(As Passed the Senate)

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

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

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

15 (b) "State-issued devices" means any desktop computer,
16 laptop computer, cell phone, tablet or any other device capable of
17 internet connectivity that is issued to a state employee pursuant
18 to his or her employment and for use in carrying out his or her
19 professional duties.



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

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

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

34 (4) The provisions of this section shall not apply to law
35 enforcement agencies of the state or its political subdivisions
36 when downloading, accessing or using TikTok is necessary to carry
37 out their official duties for bona fide law enforcement,
38 investigative or public safety purposes.

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

41 25-53-191. (1) For the purposes of this section, the
42 following terms shall have the meanings ascribed to them in this
43 section unless the context otherwise clearly requires:



44 (a) "Department" means the Mississippi Department of
45 Information Technology.

46 (b) "State agency" means any agency, department,
47 commission, board, bureau, institution or other instrumentality of
48 the state.

49 (c) "Wireless communication device" means a cellular
50 telephone, pager or a personal digital assistant device having
51 wireless communication capability.

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

63 (3) A state agency shall not reimburse any officer or
64 employee for use of his or her personal wireless communication
65 device.

66 (4) Every state agency that, at the expense of the state
67 agency, assigns, issues or makes available to any of its officers
68 or employees a wireless communication device shall obtain and



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

89 (5) The department shall promulgate a model acceptable use
90 policy defining the appropriate use of all wireless communication
91 devices. The department shall include in its definition of
92 appropriate use a prohibition on the social media platform TikTok,
93 pursuant to the National Security on State Devices and Networks



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

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

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



119 Research Center and its faculty members, and the Mississippi State
120 University College of Veterinary Medicine and its faculty members
121 shall be exempt from the application of this section.

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

124 **SECTION 3.** Section 1 of this act shall be codified as a new
125 section in Title 25, Chapter 53, Mississippi Code of 1972.

126 **SECTION 4.** This act shall take effect and be in force from
127 and after July 1, 2023, and shall stand repealed on June 30, 2023.

