

By: Representative Hood

To: Technology

HOUSE BILL NO. 1558

1 AN ACT TO REQUIRE THE OWNERS OR OPERATORS OF SOCIAL MEDIA
 2 WEBSITES, APPLICATIONS OR OTHER PLATFORMS WHO CONTRACT WITH A
 3 SOCIAL MEDIA USER IN THE STATE OF MISSISSIPPI TO ENSURE THAT THE
 4 CONTENT POLICIES OF THE SOCIAL MEDIA PLATFORM ADDRESS AND RESPOND
 5 TO RISKS HARMFUL TO YOUTH RELATED TO THE SELL AND MISUSE OF
 6 TOBACCO OR NICOTINE PRODUCTS; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** The Legislature finds that:

9 (a) The Legislature is opposed to social media content
 10 depicting tobacco or nicotine products harmful misuse, which youth
 11 can easily imitate.

12 (b) The State of Mississippi has an interest in
 13 ensuring youth do not have access to tobacco or nicotine products
 14 and do not view on social media the harmful misuse of these
 15 products, which can be easily imitated.

16 **SECTION 2.** (1) The purpose of this act is to deter youth
 17 from using or being influenced to use tobacco or nicotine
 18 products, especially the harmful misuse of these products.



19 (2) As used in this act, the following words and phrases
20 shall have the meanings as defined in this section unless the
21 context clearly indicates otherwise:

22 (a) "Harmful misuse" means the use of a tobacco or
23 nicotine product in a way that is not its intended product use,
24 can be easily imitated by or influence youth, and is harmful to
25 one's health.

26 (b) "Youth" means people under the age of twenty-one
27 (21), the legal age by which an individual is eligible to purchase
28 tobacco or nicotine products in the State of Mississippi.

29 **SECTION 3.** The owner or operator of a social media website,
30 application or other platform who contracts with a social media
31 user in the State of Mississippi must:

32 (a) Ensure that content policies address and respond to
33 risks harmful to youth related to:

34 (i) Social media content or profiles which
35 directly link to websites, applications or other platforms that
36 sell tobacco or nicotine products without age verification at the
37 time of access (i.e., no self-certification of age); and

38 (ii) Social media content that promotes the
39 harmful misuse of tobacco or nicotine products;

40 (b) Provide a means for users of a social media
41 website, application or platform to report the sale without age
42 verification or harmful misuse of tobacco or nicotine products;
43 and



44 (c) Have procedures in place for evaluating and
45 removing such material. In deciding whether to remove tobacco or
46 nicotine content, the website may consider:

47 (i) Whether youth can easily imitate or be
48 influenced by the harmful misuse depicted;

49 (ii) Whether individuals participating in the
50 harmful misuse depicted, or any youth imitating it, can be
51 seriously injured or harmed doing so;

52 (iii) Whether there are false health claims made
53 in the promotion of nicotine or tobacco products;

54 (iv) Whether the social media content or profile
55 directly links to websites, applications or other platforms that
56 sell tobacco or nicotine products without age verification at the
57 time of access;

58 (v) Whether there is commentary discouraging the
59 harmful misuse of a tobacco or nicotine product; or

60 (vi) Whether the harmful misuse is educational,
61 documentary, scientific or artistic in nature.

62 **SECTION 4.** This act shall take effect and be in force from
63 and after July 1, 2024.

