

By: Senator(s) Boyd

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2706

1 AN ACT TO PROHIBIT SOCIAL MEDIA PLATFORMS FROM DISPLAYING
 2 MATERIAL THAT COULD EASILY INFLUENCE MINORS TO ENGAGE IN THE
 3 HARMFUL MISUSE OF TOBACCO OR NICOTINE PRODUCTS; TO NOTE THAT THE
 4 LEGISLATURE IS OPPOSED TO SOCIAL MEDIA CONTENT DEPICTING HARMFUL
 5 MISUSE OF TOBACCO OR NICOTINE PRODUCTS; TO NOTE THAT THE STATE OF
 6 MISSISSIPPI HAS AN INTEREST IN PROTECTING MINORS FROM SUCH
 7 CONTENT; TO DEFINE TERMS; TO REQUIRE OWNERS AND OPERATORS OF
 8 SOCIAL MEDIA PLATFORMS TO ENACT POLICIES WHICH ADDRESS AND RESPOND
 9 TO RISKS OF HARM TO MINORS INVOLVING TOBACCO AND NICOTINE
 10 PRODUCTS; TO REQUIRE OWNERS AND OPERATORS OF SOCIAL MEDIA
 11 PLATFORMS TO PROVIDE A MEANS FOR USERS TO REPORT CONTENT WHICH
 12 DEPICTS THE HARMFUL MISUSE OF TOBACCO OR NICOTINE PRODUCTS; TO
 13 REQUIRE SOCIAL MEDIA PLATFORMS TO CONSIDER CERTAIN ASPECTS OF
 14 CONTENT REPORTED ACCORDING TO THIS ACT; AND FOR RELATED PURPOSES.

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

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

17 (a) The Legislature is opposed to social media content
 18 depicting harmful misuse of tobacco or nicotine products, which
 19 minors can easily imitate; and

20 (b) The State of Mississippi has an interest in
 21 ensuring that minors do not have access to tobacco or nicotine
 22 products and do not view the harmful misuse of these products on
 23 social media, which can be easily imitated.



24 **SECTION 2.** The purpose of this act is to deter minors from
25 using or being influenced to use tobacco or nicotine products by
26 preventing minors from witnessing the harmful misuse of tobacco or
27 nicotine products on social media.

28 **SECTION 3.** As used in this act, the following words and
29 phrases shall have the meanings ascribed herein unless the context
30 clearly indicates otherwise:

31 (a) "Harmful misuse" means the use of a tobacco or
32 nicotine product in a way that is not its intended product use,
33 can easily influence minors or be easily imitated by minors, and
34 is harmful to one's health.

35 (b) "Minors" means individuals under the age of
36 twenty-one (21), the legal age to purchase tobacco or nicotine
37 products in Mississippi.

38 **SECTION 4.** The owner or operator of a social media website,
39 application or other platform who contracts with a social media
40 user in the State of Mississippi shall:

41 (a) Ensure content policies address and respond to
42 risks harmful to minors related to:

43 (i) Social media content or profiles which
44 directly link to websites, applications or other platforms that
45 sell tobacco or nicotine products without age verification at the
46 time of access; and

47 (ii) Social media content that promotes the
48 harmful misuse of tobacco or nicotine products.



49 (b) Provide a means for users of a social media
50 website, application or platform to report the harmful misuse or
51 sale of tobacco or nicotine products occurring without age
52 verification; and

53 (c) Implement procedures for evaluating and removing
54 such harmful material. In deciding whether to remove tobacco or
55 nicotine content, the website shall consider, but is not limited
56 to considering, the following:

57 (i) Whether minors can easily imitate or be
58 influenced by the harmful misuse depicted;

59 (ii) Whether individuals participating in the
60 harmful misuse depicted, or any minors imitating the depiction,
61 can be seriously harmed doing so;

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

64 (iv) Whether the social media content or profile
65 directly links to websites, applications or other platforms that
66 sell tobacco or nicotine products without age verification at the
67 time of access;

68 (v) Whether there is commentary discouraging the
69 harmful misuse of a tobacco or nicotine product; and

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

72 **SECTION 5.** This act shall take effect and be in force from
73 and after July 1, 2024.

