

FIRST REGULAR SESSION

HOUSE BILL NO. 482

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COLEMAN (32).

1133H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to a cause of action against a social media website for censorship.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be known as section 537.107, to read as follows:

537.107. 1. This section shall be known and may be cited as the "Stop Social Media Censorship Act".

2. For purposes of this section, the following terms mean:

(1) "Hate speech", a catch-all phrase based on arbitrary standards concerning content that offends the delicate sensibilities of individuals who are employed by a social media website;

(2) "Obscene", any material or performance, if taken as a whole:

(a) Whose predominant appeal is to prurient interest when applying contemporary community standards;

(b) That the average person, applying contemporary community standards, would find to depict or describe sexual conduct in a patently offensive way; and

(c) That a reasonable person would find to lack serious literary, artistic, political, or scientific value;

(3) "Political speech", speech regarding the state, the government, the body politic, public administration, policy-making of government as distinguished from the administration or law of the civil aspects of government, or the military. "Political speech"

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 includes not only speech by government officials or bodies or candidates for office but also
18 any discussion of social issues;

19 (4) "Religious speech", speech regarding a set of unproven answers, truth claims,
20 faith-based assumptions, and naked assertions that attempt to explain greater
21 philosophical questions such as creation of the universe, human purpose, and whether
22 there is an afterlife;

23 (5) "Social media website", a website or application that:

24 (a) Enables users to communicate with each other by posting certain information,
25 comments, messages, or images;

26 (b) Is open to the public;

27 (c) Has more than seventy-five million users; and

28 (d) Was not affiliated with a specific religious or political group at its inception.

29 3. A social media website shall be held to higher standard for censorship for having
30 substantially created a digital public forum.

31 4. A social media website that intentionally censors the political speech or religious
32 speech of a user who resides in this state shall be subject to a private right of action by the
33 censored user. In the action, the injured party may seek:

34 (1) A minimum of seventy-five thousand dollars in statutory damages;

35 (2) Actual damages;

36 (3) Punitive damages, if there are aggravating factors; and

37 (4) Other forms of equitable relief.

38

39 The prevailing party may seek costs and attorney fees.

40 5. Hate speech shall not be a justifiable basis for a social media website to censor
41 users.

42 6. (1) A social media website that intentionally censors the political speech or
43 religious speech of a user who resides in this state shall be immune from liability if:

44 (a) The speech called for an immediate act of violence;

45 (b) The speech was pornographic or obscene;

46 (c) The censorship was the result of operational error;

47 (d) The censorship was the result of a court order;

48 (e) The speech came from an inauthentic source;

49 (f) The speech involved false impersonation;

50 (g) The speech enticed criminal conduct;

51 (h) The speech involved minors bullying minors; or

52 (i) The censored user is under eighteen years of age.

53 **(2) A social media website shall not be held liable for users censoring another user's**
54 **speech for any reason under Section 230 of the Communications Decency Act of 1996, 47**
55 **U.S.C. 230.**

56 **7. If a social media website meets the criteria to be classified as a public utility**
57 **under chapter 393 and is found by a court of competent jurisdiction to have intentionally**
58 **used an algorithm to suppress political speech or religious speech of a user who resides in**
59 **this state, the social media website shall be held liable and the user shall be entitled to the**
60 **relief set forth under subsection 4 of this section.**

61 **8. The attorney general may bring a civil cause of action against a social media**
62 **website in a court of competent jurisdiction on behalf of users who reside in this state and**
63 **whose political speech or religious speech was censored by the social media website in**
64 **violation of this section.**

65 **9. If a social media website intentionally censors a user in this state for political**
66 **speech or religious speech and if the social media website removes the censorship within**
67 **two days of the user appealing the censorship, the removal of the censorship may mitigate**
68 **damages.**

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