

FIRST REGULAR SESSION

# HOUSE BILL NO. 482

101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE COLEMAN (32).

1133H.011

DANA RADEMAN MILLER, Chief Clerk

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## 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.

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*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  
2 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  
2 Censorship Act".**

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

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

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

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

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

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

**14 (3) "Political speech", speech regarding the state, the government, the body politic,  
15 public administration, policy-making of government as distinguished from the  
16 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.**

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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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