
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Elizabeth O'Quin.

SB 196 Engrossed DIGEST Morris
2021 Regular Session

Proposed law creates the "Stop Social Media Censorship Act".

Proposed law defines the following terms:

- (1) An "algorithm" means a set of instructions designed to perform specific tasks.
- (2) "Hate speech" means a phrase that has content that an individual finds offensive based on his moral code.
- (3) "Obscene" means that an average person applying contemporary community standards would find the dominant theme of the material appeals to prurient interests.
- (4) "Political speech" means speech related to state, government, body politic, or public administration as it relates to governmental policymaking. Includes speech by the government or candidates for office and any discussion of social issues. The term does not include speech that concerns the administration, law, or civil aspects of government.
- (5) "Religious speech" means a set of unproven answers, truth claims, faith-based assumptions, and naked assertions that attempt to explain the greater questions on how the world was created, what constitutes right and wrong actions by humans, and what happens after death.
- (6) "Social media website" means an internet website or application that enables a user to communicate with others by posting information, comments, messages, or images that were open to the public, has more than 75 million subscribers, and from its inception, was not specifically affiliated with any one religion or political party.
- (7) "User" means a resident of this state who is a natural person eighteen years of age or older.

Proposed law provides the owner or operator of the social media website who contracts with a user in this state is subject to a private right of action by the user if the social media website knowingly deletes or censors the user's rights of religious speech or political speech, or uses an algorithm to disfavor or censor a user's religious or political speech.

Proposed law provides a social media website user may be awarded actual damages, plus up to \$75,000 in statutory damages, punitive damages if aggravating factors are shown, and other forms of relief.

Proposed law provides the prevailing party in a cause of action may be awarded court costs and

reasonable attorney fees.

Proposed law provides a social media website that restores the deleted or removed speech within a reasonable amount of time may use that fact to mitigate any damages.

Proposed law provides a social media website cannot use the social media website's user's alleged hate speech as the basis for the justification or defense of the social media website's actions at trial.

Proposed law provides the attorney general may bring a civil cause of action on behalf of a social media website user whose religious speech or political speech was censored by a social media website.

Proposed law provides the social media user does not have a civil cause of action if the social media website deletes or censors a social media website user's speech or uses an algorithm to disfavor or censor speech that calls for immediate acts of violence, is obscene or pornographic in nature, is the result of an operational error, is the result of a court order, is from an inauthentic source or involves false impersonation, entices criminal conduct, or involves the bullying of minors, or is another user censoring another user's speech.

Proposed law provides the state has a compelling interest in holding certain social media websites to a higher standard that substantially created a digital public square.

Proposed law provides the state has an interest in protecting and assisting residents in their rights of religious and political speech.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 45:1701-1704)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Makes technical changes.