

2021 Regular Session

HOUSE BILL NO. 14

BY REPRESENTATIVE HARRIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

DISCRIMINATION: Prohibits online content discrimination

1 AN ACT

2 To enact R.S. 9:2800.28, relative to online content discrimination; to provide for civil
3 liability for restricting a user's account or content based on race, gender, political
4 ideology, or religious beliefs; to provide for written notice prior to restriction; to
5 provide for prescription; to provide for a jury trial; to provide for damages; to
6 provide for definitions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 9:2800.28 is hereby enacted to read as follows:

9 §2800.28. Liability for online content discrimination

10 A. Any owner, operator, or provider of an interactive computer service shall
11 not restrict, either directly, manually, or through the use of an algorithm, a user's
12 account or content based on race, gender, political ideology, or religious beliefs.

13 B. An owner, operator, or provider of interactive computer services shall
14 provide written notice to the user within twenty-four hours of restricting a user's
15 account or content. The notice shall specify the authority and basis for the
16 restriction.

17 C.(1) If found in violation of Subsection A of this Section, the owner,
18 operator, or provider of an interactive computer service shall be civilly liable to any
19 of the following:

20 (a) A user injured by a violation of Subsection A of this Section.

1 (b) A user who reasonably otherwise would have received or viewed another
2 user's content but for a violation of Subsection A of this Section.

3 (2) Any action under this Section shall be brought within two years of the
4 date the violation was discovered or reasonably should have been discovered by the
5 user.

6 (3) Notwithstanding the limitations upon jury trials set forth in Code of Civil
7 Procedure Article 1732, a jury trial shall be available for claims brought under this
8 Section.

9 (4)(a) Any owner, operator, or provider of an interactive computer service
10 who violates the provisions of this Section shall be liable for any of the following:

11 (i) General and special damages.

12 (ii) Exemplary damages of fifty thousand dollars per violation of Subsection
13 A of this Section.

14 (iii) Exemplary damages of fifty thousand dollars per violation of Subsection
15 B of this Section.

16 (iv) Costs of court, fees, and reasonable attorney fees.

17 (b) The court may award injunctive relief.

18 D. The attorney general is authorized to investigate alleged violations of this
19 Section and recover damages on behalf of users entitled to relief under this Section,
20 as well as injunctive relief on behalf of the state.

21 E. In any terms of service or other agreement governing the provision of
22 interactive computer services to a user, an implied covenant of good faith and fair
23 dealing bars the owner, operator, or provider of interactive computer services from
24 restricting a user or user's content as provided under Subsection A of this Section.

25 F. For the purposes of this Section, the following definitions shall apply:

26 (1) "Algorithm" means a set of instructions designed to perform a specific
27 task and implemented by a computer.

28 (2) "Interactive computer service" means any information service, system,
29 or access software provider that provides or enables computer access to over ten

1 million users to a computer server, including specifically a service or system that
 2 provides access to the internet and such systems operated or services offered by
 3 libraries or educational institutions. Interactive computer services include social
 4 media platforms or websites.

5 (3) "Political ideology" includes a set of opinions related to politics,
 6 economics, government, social movements, and ethics.

7 (4) "Restrict" includes suspending or canceling a user's account, deleting a
 8 user's content, or limiting or partially limiting access to a user's account or content
 9 regardless of whether the limitation is readily apparent to the user.

10 (5) "Religious beliefs" include opinions on religion, faith, spirituality, faith-
 11 based practices, and religious texts.

12 G. Nothing in this Section shall be construed to limit or prohibit any other
 13 available cause of action for injury or damages incurred by a user as provided in
 14 Subsection C of this Section.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 14 Original

2021 Regular Session

Harris

Abstract: Provides for civil liability of interactive computer services that restrict a user's account or content based on race, gender, political ideology, or religious beliefs.

Proposed law provides for civil liability for the owner, operator, or provider of an interactive computer service who restricts a user's account or content based on race, gender, political ideology, or religious beliefs.

Proposed law provides that the interactive computer service must provide written notice to the user within 24 hours of restriction.

Proposed law provides that the interactive computer service shall be liable to a user whose account or content was restricted and a user who reasonably would have received or viewed another user's content but for the restriction.

Proposed law provides for a prescription of two years from when the violation was discovered or reasonably should have been discovered.

Proposed law provides for a jury trial.

Proposed law provides for damages including actual damages, statutory damages of \$50,000 per violation, and court costs, fees, and reasonable attorney fees.

Proposed law authorizes the attorney general to investigate alleged violations.

Proposed law is only applicable to interactive computer services with more than 10,000,000 users.

(Adds R.S. 9:2800.28)