

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, lewd, lascivious, filthy, 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, constitutes trademark or copyright infringement, is excessively violent, constitutes harassing spam or a commercial nature, is one user censoring another user's speech, or if the website merely permits the public to comment on the site owner's content.

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.

Proposed law shall not be construed to limit or expand any law pertaining to intellectual property.

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.

Senate Floor Amendments to engrossed bill

1. Adds exceptions to the definition of "social media website."
2. Adds a definition of "user profile."
3. Adds exceptions to the provisions of proposed law for social media websites that censor or delete speech that infringes on a trademark or copyright infringement, that is excessively violent, or that is harassing spam of a commercial nature.
4. Adds an exception to the provisions of proposed law for websites that permit the public to comment on the site owner's content.
5. Provides that proposed law does limit or expand any law pertaining to intellectual property.
6. Makes technical changes.