

**HOUSE SUMMARY OF SENATE AMENDMENTS****HB 361****2023 Regular Session****Deshotel**

ADMINISTRATION: Prohibits the use of TikTok and related applications on computers and networks owned or leased by the state

**Synopsis of Senate Amendments**

1. Requires the office of technology services to notify only the agency head of each executive branch agency about its covered application policy and only upon becoming aware the agency is in possession of a computer, device, or network owned or leased by the state. Requires the office to make the policy available to any agency upon request.
2. Requires the supreme court to develop and implement a policy for judicial branch agencies.
3. Requires the Joint Legislative Committee on Technology and Cybersecurity to develop a policy for legislative branch agencies and requires the Legislative Budgetary Control Council to oversee the implementation of the policy.
3. Provides that the civil penalty assessed for a failure to properly implement the policy may be recovered by the state in a civil action instituted by the attorney general.
4. Creates an exception for networks that are open and available for public access.

**Digest of Bill as Finally Passed by Senate**

Proposed law requires the office of technology services to develop a policy, subject to the approval of the Joint Legislative Committee on Technology and Cybersecurity, to prohibit the use of any covered application on computers, devices, and networks owned or leased by the state.

Proposed law defines "covered application" as the social networking service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited.

Proposed law provides that the policy shall not prohibit a public servant from having unrestricted access to a covered application for a legitimate scientific, educational, or law enforcement purpose as determined and approved by the public servant's agency prior to the public servant's access to the covered application. Further provides that the policy shall not prohibit any public servant from having unfiltered or unrestricted access to a covered application on a computer, device, or network that is not owned or leased by the governmental entity, so long as the public servant does not use the computer, device, or network to access a covered application in the course and scope of his public service.

Proposed law requires the office of technology services to notify the agency head of each executive branch agency of the policy upon becoming aware that the agency is in possession of a computer, device, or network owned or leased by the state.

Proposed law requires the supreme court to develop and implement a policy for judicial branch agencies that is substantially similar to the policy confected by the office of technology services.

Proposed law requires the Joint Legislative Committee on Technology and Cybersecurity to

develop a policy for legislative branch agencies that is substantially similar to the policy confected by the office of technology services and requires the Legislative Budgetary Control Council to oversee the implementation of the policy.

Proposed law requires the agency head of an agency using a state-owned or state-leased computer, device, or network to ensure that the agency properly implements the policy. Further provides that an agency head who fails to properly implement the policy shall be subject to a civil penalty not to exceed \$500 per violation, which may be recovered by the state in a civil action instituted by the attorney general. The agency head shall be personally liable for the payment of such penalty.

Proposed law does not apply to networks that are open and available for public access.

Proposed law requires the office of technology services to develop the policy and submit it to the Joint Committee on Technology and Cybersecurity no later than Aug. 23, 2023.

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

(Adds R.S. 42:1471-1474)