

32-LS1577\A  
Klein  
2/17/22

**SENATE BILL NO.**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

**BY SENATOR REINBOLD**

**Introduced:**  
**Referred:**

**A BILL**

**FOR AN ACT ENTITLED**

**"An Act relating to civil liability for censorship of speech by a social media platform."**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

\* **Section 1.** The uncoded law of the State of Alaska is amended by adding a new section to read:

SHORT TITLE. This Act may be known as the Stop Social Media Censorship Act.

\* **Sec. 2.** The uncoded law of the State of Alaska is amended by adding a new section to read:

LEGISLATIVE FINDINGS. The legislature finds that the state

(1) is opposed to censorship of online content, unless the content is harmful to minors or promotes human trafficking;

(2) has a compelling interest in holding certain social media platforms to higher standards for having substantially created a digital public square;

(3) has an interest in helping its residents, regardless of religious or political affiliation, enjoy their free exercise of rights in certain semipublic forums commonly used for religious and political speech; and

(4) has an interest in preventing social media platforms that have substantially created a digital public square from malicious interference in state elections.

\* **Sec. 3.** AS 09.68 is amended by adding a new section to read:

**Sec. 09.68.055. Civil liability for censorship of speech by a social media platform.** (a) Except as provided in (g) of this section, the owner or operator of a social media platform may not intentionally fact check, delete, or use an algorithm to disfavor, shadow ban, or otherwise censor the religious or political speech of a platform user.

(b) A social media platform that violates (a) of this section is liable in a civil action brought by the injured platform user for the following:

- (1) actual damages;
- (2) a penalty of not less than \$75,000 for each violation of (a) of this section; and
- (3) any appropriate equitable relief.

(c) A social media platform may mitigate damages if, upon request of a platform user, the social media platform restores the platform user's deleted or censored religious or political speech within a reasonable time.

(d) A court may not accept a platform user's alleged hate speech as justification for a social media platform to delete or censor the platform user's religious or political speech.

(e) The attorney general may bring a civil action against a social media platform for a violation of (a) of this section on behalf of a platform user whose religious or political speech has been deleted or censored by the social media platform.

(f) This section does not apply to deletion or censorship of a platform user's speech on a social media platform when that speech

- (1) calls for immediate acts of violence;
- (2) calls for a user to engage in self harm;
- (3) is pornographic;
- (4) is the result of operational error;
- (5) is the result of a court order;
- (6) comes from an inauthentic source or involves impersonation;

- (7) entices criminal conduct;  
(8) is harmful to minors; or  
(9) involves bullying of minors.

(g) Notwithstanding (a) - (f) of this section, bullying and harassing behavior are prohibited on social media platforms. A social media platform shall take steps to prevent bullying and harassing behavior and shall provide a platform user who hosts a page a mechanism to establish and enforce rules of decorum to prevent bullying and harassing behavior on the platform user's page.

(h) In this section,

- (1) "algorithm" means a set of instructions designed to perform a specific task;
- (2) "hate speech" means speech that an individual could find offensive based on the individual's personal moral code;
- (3) "platform user" means an individual over 18 years of age who resides in the state and contracts with a social media platform;
- (4) "political speech" means speech relating to a state, government, body politic, or public administration as that speech relates to governmental policy-making and any discussion of social issues;
- (5) "pornographic" means material that
- (A) the average person would reasonably find appeals to the prurient interest;
- (B) depicts or describes sexual conduct in an offensive manner;
- and
- (C) lacks serious literary, artistic, political, or scientific merit;
- (6) "religious" means a set of unproven faith-based assumptions or assertions that attempt to answer questions relating to how the world was created, what constitutes right and wrong human action, and what happens to humans after death;
- (7) "shadow ban" means a ban or partial ban of a platform user or the platform user's content from a social media platform in a manner that prevents the ban from being readily apparent to the platform user;

1 (8) "social media platform" means an Internet website or application  
2 that enables users to communicate with each other by posting information, comments,  
3 messages, or images and that

4 (A) is open to the public;

5 (B) has more than 75,000,000 subscribers; and

6 (C) has not been specifically associated with any single religion  
7 or political party since the inception of the Internet website or application.