

SENATE BILL NO. 214

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY SENATORS REINBOLD, Costello

Introduced: 2/22/22

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

8 LEGISLATIVE FINDINGS. The legislature finds that the state

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

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

13 (3) has an interest in helping its residents, regardless of religious or political
14 affiliation, enjoy their free exercise of rights in certain semipublic forums commonly used for
15 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 5,000,000 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.