

By: Representatives Currie, Calvert, Smith,
Hopkins, Williamson

To: Judiciary A

HOUSE BILL NO. 151

1 AN ACT TO CREATE THE "STOP SOCIAL MEDIA CENSORSHIP ACT"; TO
2 DEFINE CERTAIN TERMS RELATING TO SOCIAL MEDIA WEBSITES; TO
3 AUTHORIZE A SOCIAL MEDIA WEBSITE USER TO BRING A CAUSE OF ACTION
4 AGAINST A SOCIAL MEDIA WEBSITE FOR CENSORING THE WEBSITE USER'S
5 POLITICAL OR RELIGIOUS SPEECH OR USING AN ALGORITHM TO DISFAVOR,
6 SHADOWBAN OR CENSOR THE USER'S RELIGIOUS SPEECH OR POLITICAL
7 SPEECH; TO PROVIDE FOR DAMAGES RELATING TO A CAUSE OF ACTION
8 AGAINST A SOCIAL MEDIA WEBSITE; AND FOR RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 **SECTION 1.** This act shall be known and may be cited as the
11 "Stop Social Media Censorship Act."

12 **SECTION 2.** The Legislature finds that:

13 (a) The Legislature is opposed to online censorship
14 unless the content is injurious to children or promotes human
15 trafficking, only then is the Legislature for limited censorship;

16 (b) The State of Mississippi has a compelling interest
17 in holding certain social media websites to higher standards for
18 having substantially created a digital public square;

19 (c) The State of Mississippi has an interest in helping
20 its citizens enjoy their free exercise rights in certain
21 semi-public forums commonly used for religious and political



22 speech, regardless of which political party or religious
23 organization they ascribe to; and

24 (d) The State of Mississippi has an interest in
25 deterring the owners and operators of social media websites that
26 have substantially created a digital public square from
27 maliciously interfering in elections.

28 **SECTION 3.** The purpose of this act is to:

29 (a) Level the playing field between consumers and the
30 major social media websites;

31 (b) Encourage the free flow of political and religious
32 ideas and robust debate;

33 (c) Hold major social media websites to a higher
34 standard for having substantially created a digital public square;

35 (d) Deter bad-faith, unfair dealing, fraud, breach of
36 contract, unjust enrichment, and the marginalization or oppression
37 of competing worldviews;

38 (e) Establish that:

39 (i) Without truth, there is no freedom;

40 (ii) Freedom comes from the truth;

41 (iii) The proliferation of truth is vital to the
42 health of our Constitutional Republic; and

43 (iv) Social media censorship regarding religious
44 and political ideology has the potential to suppress the truth by
45 preventing different doctrine and ideologies from competing
46 and vying for superiority;



47 (f) Deter the owner or operator of a social media
48 website from engaging in false advertising; and

49 (g) Deter the owner or operator of a social media
50 website from maliciously interfering with local, regional, and
51 national elections.

52 **SECTION 4.** As used in this act, the following words and
53 phrases shall have the meanings as defined in this section unless
54 the context clearly indicates otherwise:

55 (a) "Algorithm" means a set of instructions designed to
56 perform a specific task.

57 (b) "Hate speech" means a phrase concerning content
58 that an individual finds offensive based on his or her personal
59 moral code.

60 (c) "Obscene material" shall have the meaning as
61 defined in Section 97-29-103.

62 (d) "Political speech" means speech relating to the
63 state, government, body politic, or public administration as it
64 relates to governmental policy-making, and the term includes
65 speech by the government or candidates for office and any
66 discussion of social issues.

67 (e) "Religious speech" means a set of unproven answers,
68 truth claims, faith-based assumptions and naked assertions that
69 attempt to explain such greater questions such as how the world
70 was created, what constitutes right and wrong actions by humans
71 and what happens after death.



72 (f) "Shadowban" means the act of blocking or partially
73 blocking a user or their content from an online community such
74 that it will not be readily apparent to the user that they have
75 been banned. The term also means stealth banning, ghost banning
76 or comment ghosting.

77 (g) "Social media website" means an Internet website or
78 application that enables users to communicate with each other by
79 posting information, comments, messages or images and that meets
80 all of the following requirements:

81 (i) Is open to the public;

82 (ii) Has more than seventy-five million
83 (75,000,000) subscribers;

84 (iii) Has not been specifically affiliated with
85 any one (1) religion or political party from its inception; and

86 (iv) Provides a means for the website's users to
87 report obscene materials and has in place procedures for
88 evaluating those reports and removing obscene material.

89 **SECTION 5.** (1) The owner or operator of a social media
90 website who contracts with a social media website user in the
91 State of Mississippi is subject to a private right of action by
92 such user if the social media website purposely:

93 (a) Deletes or censors the user's religious speech or
94 political speech; and

95 (b) Uses an algorithm to disfavor, shadowban or censor
96 the user's religious speech or political speech.



97 (2) A social media website user may be awarded all of the
98 following damages under this section:

99 (a) A minimum of Seventy-five Thousand Dollars
100 (\$75,000.00) in statutory damages per purposeful deletion or
101 censoring of the social media website user's speech;

102 (b) Actual damages;

103 (c) Punitive damages, if aggravating factors are
104 present; and

105 (d) Other forms of equitable relief.

106 (3) The prevailing party in a cause of action may be awarded
107 costs and reasonable attorney fees under this act.

108 (4) A social media website that restores from deletion or
109 removes the censoring of a social media website user's speech in a
110 reasonable amount of time may use that fact to mitigate any
111 damages.

112 (5) A social media website may not use the social media
113 website user's alleged hate speech as a basis for justification or
114 defense of the social media website's actions at trial.

115 (6) The Attorney General may also bring a civil cause of
116 action under this section on behalf of a social media website user
117 who resides in this state and whose religious speech or
118 political speech has been censored by a social media website.

119 (7) This section does not apply to any of the following:



120 (a) A social media website that deletes or censors a
121 social media website user's speech or that uses an algorithm to
122 disfavor or censor speech that:

123 (i) Calls for immediate acts of violence;

124 (ii) Calls for a user to harm themselves;

125 (iii) Is obscene material or material that is
126 harmful to minors;

127 (iv) Is the result of operational error;

128 (v) Is the result of a court order;

129 (vi) Comes from an inauthentic source or involves
130 false impersonation;

131 (vii) Entices criminal conduct; or

132 (viii) Involves minors bullying minors; or

133 (b) A social media website user's censoring of another
134 social media website user's speech.

135 (8) Only social media website users who are eighteen (18)
136 years of age or older have standing to seek enforcement of this
137 act.

138 (9) The venue for any civil action brought under this act
139 shall be in the State of Mississippi.

140 **SECTION 6.** This act shall take effect and be in force from
141 and after July 1, 2021.

