

HOUSE BILL 859

By Griffey

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 8; Title 25; Title 29 and Title 47, relative to
social media.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding the following as a new part:

47-18-3201. Part definitions.

As used in this part:

(1) "Censor" means to

(A) Reduce visibility or accessibility of content on the social media platform;

(B) Remove content from the social media platform; or

(C) Blur or obstruct content on the social media platform;

(2) "Contract" means an agreement signed, agreed to, and entered into by a user and a social media platform, including, but not limited to, terms of service, data policies, and community standards;

(3) "Political speech" means expression related to past, present, or future government actions, political parties, candidates for office or political officeholders, or elections;

(4) "Religious speech" means expression related to, or in service of, a user's own religious beliefs;

(5) "Social media platform" means an application or website through which users are able to create and share content and find and connect with other users; and

(6) "User" means an individual who resides in this state, or an entity operating in this state, with permission to create and share content on a social media platform.

47-18-3202. Censorship of social media content prohibited.

(a) A social media platform shall not include in its contract with a user a provision limiting, authorizing the limitation of, or censoring political or religious speech. Such provisions are void as against the public policy of this state.

(b) There is created a civil cause of action for a user whose speech has been limited or censored by a social media platform in violation of this section. A court may award treble compensatory, consequential, and incidental damages for a violation under this section, in addition to other damages permitted under law.

(c) The attorney general and reporter may bring a case on behalf of the state pertaining to violations of this section in the same manner as described in § 47-18-108.

SECTION 2. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 3. The headings to sections in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 4. This act takes effect July 1, 2021, the public welfare requiring it, and applies to contracts entered into, amended, or renewed on or after that date.