
HOUSE BILL 2435

State of Washington

68th Legislature

2024 Regular Session

By Representative Walsh

1 AN ACT Relating to banning TikTok in Washington; adding a new
2 chapter to Title 19 RCW; creating new sections; prescribing
3 penalties; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds the People's
6 Republic of China has an interest in gathering information about
7 Washington residents, Washington companies, and the intellectual
8 property of users to engage in corporate and international espionage.

9 The legislature further finds TikTok is a wholly owned subsidiary
10 of ByteDance, a Chinese corporation.

11 The legislature further finds the People's Republic of China
12 exercises control and oversight over ByteDance, like other Chinese
13 corporations, and can direct the company to share user information,
14 including real-time physical locations of users.

15 The legislature further finds TikTok gathers significant
16 information from its users, accessing data against their will to
17 share with the People's Republic of China.

18 The legislature further finds TikTok fails to remove, and may
19 even promote, dangerous content that directs minors to engage in
20 dangerous activities including, but not limited to, throwing objects
21 at moving automobiles, taking excessive amounts of medication,

1 lighting a mirror on fire and then attempting to extinguish it using
2 only one's body parts, inducing unconsciousness through oxygen
3 deprivation, cooking chicken in NyQuil, pouring hot wax on a user's
4 face, attempting to break an unsuspecting passerby's skull by
5 tripping him or her into landing face first into a hard surface,
6 placing metal objects in electrical outlets, swerving cars at high
7 rates of speed, smearing human feces on toddlers, licking doorknobs
8 and toilet seats to place oneself at risk of contracting coronavirus,
9 attempting to climb stacks of milk crates, shooting passersby with
10 air rifles, loosening lug nuts on vehicles, and stealing utilities
11 from public places.

12 The legislature further finds TikTok's stealing of information
13 and data from users and its ability to share that data with the
14 Chinese Communist Party unacceptably infringes on Washington
15 residents' right to privacy.

16 NEW SECTION. **Sec. 2.** The definitions in this section apply
17 throughout this chapter unless the context clearly requires
18 otherwise.

19 (1) "Discrete violation" means each time that a user accesses
20 TikTok, is offered the ability to access TikTok, or is offered the
21 ability to download TikTok.

22 (2) "Entity" means a mobile application store provider, TikTok,
23 or ByteDance or any successor.

24 (3) "Mobile application" means a type of software program
25 designed to run on a mobile device.

26 (4) "Mobile application store" means an electronic marketplace
27 designed to offer free or paid mobile applications to users for
28 download or use.

29 (5) "Mobile application store provider" means a company that owns
30 or operates a mobile application store.

31 (6) "Territorial jurisdiction" means all places subject to the
32 criminal jurisdiction of Washington.

33 (7) "Tiktok" means the social networking service owned by the
34 Chinese company ByteDance limited or any successors.

35 NEW SECTION. **Sec. 3.** (1) TikTok may not operate within the
36 territorial jurisdiction of Washington. An entity violates this
37 prohibition when it makes TikTok available for download or use within
38 the territorial jurisdiction of Washington.

1 (2) An entity that violates a provision of this section is liable
2 in the amount of \$10,000 for each discrete violation and is liable
3 for an additional \$10,000 each day thereafter that the violation
4 continues.

5 (3) It is an affirmative defense to this section if the violating
6 entity could not have reasonably known that the violation occurred
7 within the territorial jurisdiction of Washington.

8 (4) Penalties under this section do not apply to law enforcement
9 activities, national security interests and activities, security
10 research activities, or essential government uses permitted by the
11 governor on the information technology system of the state.

12 (5) Penalties in this section do not apply to users of TikTok.

13 (6) The Washington attorney general shall enforce the provisions
14 of this section and shall have exclusive power to do so.

15 NEW SECTION. **Sec. 4.** Sections 2 and 3 of this act constitute a
16 new chapter in Title 19 RCW.

17 NEW SECTION. **Sec. 5.** If any provision of this act or its
18 application to any person or circumstance is held invalid, the
19 remainder of the act or the application of the provision to other
20 persons or circumstances is not affected.

21 NEW SECTION. **Sec. 6.** This act is void if TikTok is acquired by
22 or sold to a company that is not incorporated in any other country
23 designated as a foreign adversary in 15 C.F.R. 7.4 at the time TikTok
24 is sold or acquired. If this act is voided under this section, the
25 attorney general must provide written notice of the last effective
26 date of this section to affected parties, the chief clerk of the
27 house of representatives, the secretary of the senate, the office of
28 the code reviser, and others as deemed appropriate by the attorney
29 general.

30 NEW SECTION. **Sec. 7.** This act takes effect January 1, 2025.

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