

By: Hughes, et al.

S.B. No. 2373

A BILL TO BE ENTITLED

AN ACT

relating to certain deceptive trade practices by interactive computer services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as the Social Media Deceptive Trade Practices Act.

SECTION 2. Chapter 17, Business & Commerce Code, is amended by adding Subchapter M to read as follows:

SUBCHAPTER M. DISCOURSE ON INTERACTIVE WEB-BASED PLATFORMS

Sec. 17.961. DEFINITIONS. In this subchapter:

(1) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a server, including a service, system, website, web application, or web portal that provides a social media platform for users to engage in expressive activity.

(2) "User" means any person that posts, uploads, transmits, or otherwise publishes content through any interactive computer service, including a social media platform.

Sec. 17.962. INAPPLICABILITY OF SUBCHAPTER. This subchapter does not apply to an Internet service provider as defined by Section 324.055.

Sec. 17.963. UNLAWFUL ACTS. (a) Except as provided by Subsection (b), an interactive computer service that represents the

1 service as viewpoint neutral, impartial, or non-biased may not on  
2 the basis of the content or viewpoint expressed:

- 3 (1) block a user's speech;
- 4 (2) censor a user's speech;
- 5 (3) ban a user;
- 6 (4) remove a user's speech;
- 7 (5) shadow ban a user;
- 8 (6) de-platform a user;
- 9 (7) de-boost a user's speech;
- 10 (8) de-monetize a user; or
- 11 (9) otherwise restrict speech of a user.

12 (b) Pursuant to 47 U.S.C. Section 230(c), it is a defense to  
13 liability under this section that an interactive computer service:

14 (1) voluntarily and in good faith acted to restrict  
15 access to or availability of content that the interactive computer  
16 service reasonably considers to be obscene, lewd, lascivious,  
17 filthy, excessively violent, harassing, or otherwise  
18 objectionable, whether or not such content is constitutionally  
19 protected; or

20 (2) acted to enable or make available the technical  
21 means to restrict access to content described in Subdivision (1).

22 Sec. 17.964. DECEPTIVE TRADE PRACTICE. A violation of this  
23 subchapter is a false, misleading, or deceptive act or practice  
24 within the meaning of Section 17.46 and is subject to an enforcement  
25 action by the attorney general under Subchapter E and to the  
26 penalties and remedies contained in Section 17.47.

27 SECTION 3. This Act takes effect September 1, 2019.