

1-1 By: Hughes, Bettencourt S.B. No. 2373
 1-2 (In the Senate - Filed March 8, 2019; March 21, 2019, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 17, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 0, 1 present not
 1-6 voting; April 17, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16	X			
1-17				X

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 2373 By: Hughes

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to certain deceptive trade practices by interactive
 1-22 computer services.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. This Act may be cited as the Social Media
 1-25 Deceptive Trade Practices Act.

1-26 SECTION 2. Chapter 17, Business & Commerce Code, is amended
 1-27 by adding Subchapter M to read as follows:

1-28 SUBCHAPTER M. DISCOURSE ON INTERACTIVE WEB-BASED PLATFORMS

1-29 Sec. 17.961. DEFINITIONS. In this subchapter:

1-30 (1) "Interactive computer service" means any
 1-31 information service, system, or access software provider that
 1-32 provides or enables computer access by multiple users to a server,
 1-33 including a service, system, web site, web application, or web
 1-34 portal that provides a social media platform for users to engage in
 1-35 expressive activity.

1-36 (2) "User" means any person that posts, uploads,
 1-37 transmits, or otherwise publishes content through any interactive
 1-38 computer service, including a social media platform.

1-39 Sec. 17.962. INAPPLICABILITY OF SUBCHAPTER. This
 1-40 subchapter does not apply to an Internet service provider as
 1-41 defined by Section 324.055.

1-42 Sec. 17.963. UNLAWFUL ACTS. (a) Except as provided by
 1-43 Subsection (b), an interactive computer service that represents the
 1-44 service as viewpoint neutral, impartial, or non-biased may not on
 1-45 the basis of the content or viewpoint expressed:

- 1-46 (1) block a user's speech;
- 1-47 (2) censor a user's speech;
- 1-48 (3) ban a user;
- 1-49 (4) remove a user's speech;
- 1-50 (5) shadow ban a user;
- 1-51 (6) de-platform a user;
- 1-52 (7) de-boost a user's speech;
- 1-53 (8) de-monetize a user; or
- 1-54 (9) otherwise restrict speech of a user.

1-55 (b) Pursuant to 47 U.S.C. Section 230(c), it is a defense to
 1-56 liability under this section that an interactive computer service:

1-57 (1) voluntarily and in good faith acted to restrict
 1-58 access to or availability of content that is objectively considered
 1-59 to be obscene, lewd, lascivious, filthy, excessively violent,
 1-60 harassing, or otherwise objectionable, whether or not such content

2-1 is constitutionally protected; or
2-2 (2) acted to enable or make available the technical
2-3 means to restrict access to content described in Subdivision (1).
2-4 Sec. 17.964. DECEPTIVE TRADE PRACTICE. A violation of this
2-5 subchapter is a false, misleading, or deceptive act or practice
2-6 within the meaning of Section 17.46 and is actionable in a public
2-7 suit brought under Subchapter E.
2-8 SECTION 3. This Act takes effect September 1, 2019.

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