87R8062 CJC-D

By:  Hughes S.B. No. 2119

A BILL TO BE ENTITLED

AN ACT

relating to state contracts with certain companies that censor their users' speech.

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

SECTION 1.  Subtitle F, Title 10, Government Code, is amended by adding Chapter 2275 to read as follows:

CHAPTER 2275. PROHIBITION ON CONTRACTS WITH CERTAIN COMPANIES THAT CENSOR SPEECH

Sec. 2275.0001.  DEFINITIONS. In this chapter:

(1)  "Interactive computer services company" means an 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 at least 10,000 users to engage in expressive activity. The term does not include an Internet service provider as defined by Section 324.055, Business & Commerce Code.

(2)  "State agency" has the meaning assigned by Section 2251.001.

(3)  "User" means a person that posts, uploads, transmits, or otherwise publishes content using an interactive computer services company.

Sec. 2275.0002.  PROVISION REQUIRED IN CONTRACT. (a) A state agency may not enter into a contract with an interactive computer services company unless the contract contains a written verification from the company that, during the term of the contract, the company will not block, censor, remove, or otherwise restrict a user's speech.

(b)  An interactive computer services company may not be considered to have violated Subsection (a) based solely on the adoption by the company of a policy to:

(1)  restrict access to or availability of content that the interactive computer services company or user of the interactive computer services company reasonably considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, regardless of whether that content is constitutionally protected; or

(2)  enable or make available the technical means to restrict access to content described by Subdivision (1).

Sec. 2275.0003.  ASSISTANCE FROM ATTORNEY GENERAL. On the request of a state agency, the attorney general shall assist the agency in determining whether an interactive computer services company has engaged in conduct that violates Section 2275.0002(a).

SECTION 2.  The changes in law made by this Act apply only to a contract entered into on or after the effective date of this Act. A contract entered into before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2021.