An Act relating to the prohibition of social media censorship and suppression of religious and political speech.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. NEW SECTION. 686.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. “Algorithm” means a set of instructions designed to perform a specific task.
2. “Hate speech” means content that a person arbitrarily finds offensive based on the person’s personal moral code.
3. “Obscene” means content that to the average person, when applying contemporary community standards, taken as a whole appeals to prurient interests, and lacks serious literary, artistic, political, or scientific value.
4. “Political speech” means speech relating to the state, government, body politic, public administration, or government policymaking, including speech relating to social issues.
5. “Political speech” does not include speech concerning the administration of or the law relating to the civil aspects of government.
6. “Social media internet site” means an internet site or application that enables users to communicate with each other by posting information, comments, messages, or images and meets all of the following criteria:
   a. Is open to the public.
   b. Has more than seventy-five million users.
   c. Has not been specifically affiliated with any one religion or political party from its inception.

Sec. 2. NEW SECTION. 686.2 Civil action.

A social media internet site user may bring a civil action against the owner or operator of a social media internet site with users in this state if the social media internet site purposely does any of the following:

1. Censors a social media internet site user’s religious or political speech.
2. Uses an algorithm to suppress a social media internet site user’s religious or political speech.

Sec. 3. NEW SECTION. 686.3 Damages.
A social media internet site user may be awarded damages under section 686.2, including civil damages of seventy-five thousand dollars for each purposeful censoring or suppression of the social media user’s speech, actual damages, forms of equitable relief, and attorney fees.

Sec. 4. NEW SECTION. 686.4 Hate speech not a defense.

It is not a defense to a civil action under section 686.2 that the social media internet site user’s speech was hate speech.

Sec. 5. NEW SECTION. 686.5 Defenses.

A social media internet site shall not be found liable under section 686.2 if the censored speech calls for immediate acts of violence, is obscene or pornographic in nature, was censored as a result of operational error, was censored as a result of a court order, came from an inauthentic source or involved false impersonation, enticed criminal conduct, involved minors bullying minors, or if the speech was censored by another social media internet site user.

Sec. 6. NEW SECTION. 686.6 Standing — eighteen years of age or older.

Only social media internet site users eighteen years of age or older have standing to enforce this chapter.

Sec. 7. NEW SECTION. 686.7 Attorney general may enforce.

The attorney general may bring a civil action under section 686.2 on behalf of a social media internet user who resides in this state whose religious or political speech has been censored by a social media internet site.

Sec. 8. NEW SECTION. 686.8 Venue.

The venue for any civil action brought under section 686.2 shall be in this state.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation’s substance by the members of the general assembly.

This bill relates to the prohibition of social media censorship and suppression of religious and political speech.

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-2- asf/jh 2/3
The bill creates a new Code chapter. The bill provides that a social media internet site user may bring a civil action against the owner or operator of a social media internet site with users in this state if the social media internet site purposely censors a social media internet site user’s religious or political speech or uses an algorithm to suppress the social media internet site user’s religious or political speech. The bill provides for damages up to $75,000 for each purposeful act of censorship or suppression, as well as actual damages, equitable relief, and attorney fees. The bill sets forth what a social media internet site may use as a defense and what a social media internet site may not use as a defense for censorship or suppression. The bill provides that the Code chapter may be enforced by a social media internet site user who is 18 years old or older or by the attorney general. The bill provides that venue is in the state of Iowa.