
Introduced by Assembly Member Gallagher

February 22, 2019

An act to add Title 15.5 (commencing with Section 3200) to Part 4 of Division 3 of the Civil Code, relating to the internet.

LEGISLATIVE COUNSEL'S DIGEST

AB 1316, as amended, Gallagher. Internet: social media or search engine service: censorship.

Existing law prohibits an internet service provider from blocking or impairing lawful internet content and applications, engaging in paid prioritization, or unreasonably interfering with a user's ability to access and use lawful internet content.

This bill would prohibit a person who operates a social media internet website located in California, as defined, from removing or manipulating content from that site on the basis of the political affiliation or political viewpoint of that ~~content, except as provided by the social media internet website's terms and conditions of use.~~ *content. However, the bill would authorize a site to remove content of a political nature if the site's content is limited to the promotion of only certain political viewpoints and the content is inconsistent with those viewpoints or the content violates the site's community values, provided that the content limitation and community values are clearly stated in the user terms and conditions.*

Digest Key

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Title 15.5 (commencing with Section 3200) is added to Part 4 of Division 3 of the Civil Code, to read:

TITLE 15.5. Internet Censorship

3200. (a) A person who operates a social media internet website located in California shall not remove or manipulate content from that internet website on the basis of the political affiliation or political viewpoint of that ~~content, except as provided by the social media internet website's terms and conditions of use.~~ *content.*

(b) Notwithstanding subdivision (a), a social media internet website may remove content of a political nature if, consistent with its user terms and conditions, the social media internet website's content is limited to the promotion of only certain political viewpoints and the content is inconsistent with those viewpoints or the content

violates the social media internet website's community values. The social media internet website shall clearly state a limitation to the promotion of only certain political viewpoints and its community values in its user terms and conditions.

(c) This section does not prohibit a social media internet website from removing content or communications that are obscene, threatening or harassing to another user, advocate violence, or purport to state factual information that is demonstrably false.

~~(b)~~

(d) As used in this section:

(1) "Located in California" means, to the extent consistent with federal law, either the person operating the services described in subdivision (a) above maintains a business in California, or the user of that service is located in California.

(2) "Social media" means an electronic service or account held open to the general public to post, in either a public or semipublic page dedicated to a particular user, electronic content or communication, including, but not limited to, videos, still photographs, or messages, intended to facilitate the sharing of information, ideas, personal messages, and other content.