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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **1479**

02/22/2021

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The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to civil actions; permitting cause of action against interactive computer
1.3 service providers for censoring social media content; proposing coding for new
1.4 law in Minnesota Statutes, chapter 604.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[604.191] CIVIL LIABILITY FOR SOCIAL MEDIA SITE CENSORSHIP.**

1.7 Subdivision 1. **Definitions.** For the purposes of this section, the following terms have
1.8 the meanings given them.

1.9 (a) "End user" means a person or entity that accesses a social media site.

1.10 (b) "Information content provider" means any person or entity that is responsible, in
1.11 whole or part, for the creation or development of information provided through the Internet
1.12 or any other interactive computer service. Information content provider may include an end
1.13 user.

1.14 (c) "Interactive computer service" means any information service, system, or access
1.15 software provider that provides or enables computer access by multiple end users to a
1.16 computer server, including a service or system that provides access to the Internet and
1.17 systems operated or services offered by libraries or educational institutions.

1.18 (d) "Social media content" means information created or developed by an information
1.19 content provider and delivered to end users of an interactive computer service.

1.20 (e) "Social media site" means a website through which an Internet content provider may
1.21 generate social media content and find and connect with other end users with common
1.22 interests.

2.1 Subd. 2. **Applicability.** (a) This section applies to an interactive computer service
2.2 provider who:

2.3 (1) takes action that is immune from civil liability under federal law;

2.4 (2) is not considered a publisher;

2.5 (3) has over one million end users; and

2.6 (4) is a provider of a social media site.

2.7 (b) Immune from civil liability in paragraph (a) means an action by an interactive
2.8 computer service provider:

2.9 (1) voluntarily taken in good faith to restrict access to or the availability of social media
2.10 content that the provider or end user considers obscene, lewd, lascivious, filthy, excessively
2.11 violent, harassing, or otherwise objectionable, regardless of whether the material is
2.12 constitutionally protected; or

2.13 (2) taken to provide users with the technical means to restrict access to content described
2.14 in clause (1).

2.15 (c) An interactive computer service provider may state affirmatively that it is a publisher
2.16 in the provider's terms of service. If an information content provider or end user agrees to
2.17 the statement in the provider's terms of service, the provider is not liable under this section.

2.18 Subd. 3. **Prohibition.** (a) An interactive computer service provider may only restrict,
2.19 censor, or suppress social media content that is obscene, lewd, lascivious, filthy, excessively
2.20 violent, harassing, or otherwise objectionable in its subject matter.

2.21 (b) Notwithstanding the prohibition in paragraph (a), an interactive computer service
2.22 provider may limit social media content to subject matter expressly stated in the provider's
2.23 terms of service.

2.24 Subd. 4. **Civil cause of action; damages.** (a) The following persons may bring an action
2.25 to enjoin a violation of this section or to recover damages for a violation of subdivision 3:

2.26 (1) an information content provider whose social media content was restricted, censored,
2.27 or suppressed by an interactive computer service provider; and

2.28 (2) an end user that reasonably would have received the social media content that was
2.29 restricted, censored, or suppressed by the interactive computer service provider.

2.30 (b) An interactive computer service provider that violates subdivision 3 is liable to each
2.31 injured person for civil damages, including treble damages for compensatory, consequential,

3.1 and incidental damages. The court may award punitive damages in the amount determined
3.2 by the court. The court may award reasonable attorney fees and court costs to a prevailing
3.3 plaintiff.

3.4 Subd. 5. **Venue.** An action under this section may be brought in any district court in the
3.5 county where any of the persons named in subdivision 4, paragraph (a), resides.