STATE OF NEW YORK

7275

IN SENATE

January 15, 2020

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to enacting the social media hate speech accountability act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as the "social media hate speech accountability act".

§ 2. The general business law is amended by adding a new section 394-ccc to read as follows:

§ 394-ccc. Social media networks; hate speech prohibited. 1. As used in this section, the following terms shall have the following meanings:

(a) "hate speech" means a public expression, either verbally, in writing or through images, which intentionally makes an insulting statement about a group of persons because of race, ethnicity, nationality, religion or beliefs, sexual orientation, gender identity or physical, mental or intellectual disability.

(b) "internet service provider" means any person, business or organization qualified to do business in this state that provides individuals, corporations, or other entities with the ability to connect to the internet through equipment that is located in this state.

(c) "telemedia service providers" or "providers" means service providers, which, for profit-making purposes, operate internet platforms that are designed to enable users to share any content with other users or to make such content available to the public through social media networks, including, but not limited to Facebook, YouTube, Twitter, Instagram, Snapchat, Tumblr and Flickr.

2. Internet platforms offering journalistic or editorial content, the responsibility for which lies with the service provider itself, and such internet platforms that are designed to enable individual communication or the dissemination of specific content shall not constitute social media networks as defined in paragraph (c) of subdivision one of this section.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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3. (a) The provider of a social media network shall maintain an effective and transparent procedure for handling complaints about hate speech content in accordance with this subdivision. The provider shall supply users with an easily recognizable, directly accessible, and permanently available procedure for submitting complaints about hate speech.

(b) Such procedure shall ensure that the provider of the social media network:

(i) takes immediate note of the complaint and checks whether the content reported in the complaint is hate speech and subject to removal or whether access to the content must be blocked;

(ii) removes or blocks access to content that is hate speech within twenty-four hours of receiving the complaint; this shall not apply if the social media network has reached agreement with the competent law enforcement authority on a longer period for deleting or blocking any hate speech content;

(iii) removes or blocks access to all hate speech content immediately, this generally being within seven days of receiving the complaint; the seven day time limit may be exceeded if the decision regarding the hatefulness of the content is dependent on the falsity of a factual allegation or is clearly dependent on other factual circumstances; in such cases, the social media network can give the user an opportunity to respond to the complaint before the decision is rendered; and

(iv) immediately notifies the person submitting the complaint and the user about any decision, while also providing reasons for its decision.

4. An offense shall be deemed to have been committed by any provider who, intentionally or negligently fails to:

(a) provide, to provide correctly or to provide completely, a procedure mentioned therein for dealing with complaints submitted by users whose place of residence is located in New York state;

(b) supply a procedure mentioned therein or to supply such procedure correctly; or

(c) monitor the handling of complaints or to monitor such handling of complaints correctly.

5. (a) The attorney general may bring an action against a provider that violates the provisions of this section:

(i) to enjoin further violation of the provisions of this section; and

(ii) to recover up to one million dollars for any violation of this section, including any offense not committed in this state.

(b) In an action under subparagraph (ii) of paragraph (a) of this subdivision, a court may increase the damages up to three times the damages allowed by such paragraph where the defendant has been found to have engaged in a pattern and practice of violating the provisions of this section.

(c) Nothing in this section shall be construed to restrict any right which any person may have under any other statute or common law.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.