STATE OF NEW YORK

4531--A

2021-2022 Regular Sessions

IN SENATE

February 5, 2021

Introduced by Sen. KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Internet and Technology -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to requiring social media networks to provide and maintain mechanisms for reporting election misinformation on their platform

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

Section 1. The general business law is amended by adding a new section 394-ccc to read as follows:

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

(a) "Election misinformation" means a public expression, either verbally, in writing or through images, which intentionally is misleading about a federal, state or local election.

(b) "Social media network" 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.

2. A social media network that conducts business in the state shall provide and maintain a clear and easily accessible mechanism for individual users to report incidents of election misinformation. Such mechanism shall be clearly accessible to users of such network and easily accessed from both a social media networks' application and website, and shall allow the social media network to provide a direct response to any individual reporting election misinformation informing them of how the matter is being handled.

3. Each social media network shall have a clear and concise policy readily available and accessible on their website and application which

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

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includes how such social media network will respond and address the reports of incidents of election misinformation on their platform.

4. Nothing in this section shall be construed (a) as an obligation imposed on a social media network that adversely affects the rights or freedoms of any persons, such as exercising the right of free speech pursuant to the first amendment to the United States Constitution, or (b) to add to or increase liability of a social media network for anything other than the failure to provide a mechanism for a user to report to the social media network any incidents of election misinformation on their platform and to receive a response on such report.

5. Any social media platform that knowingly fails to comply with the requirements of this section shall be assessed a civil penalty for such violation by the attorney general not to exceed one thousand dollars. Each day such offense shall continue shall constitute a separate additional violation. In determination of any such violation, the attorney general shall be authorized to take proof and make a determination of the relevant facts and to issue subpoenas in accordance with the civil practice law and rules.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.