

**Amendment - 1st Reading-white - Requested by: Matt Regier - (H) Energy, Technology and Federal Relations**

- 2023

68th Legislature 2023

Drafter: Laura Sankey Keip, 406-444-4410

HB0770.001.001

1 HOUSE BILL NO. 770  
2 INTRODUCED BY M. REGIER, K. ZOLNIKOV  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS REGARDING REGULATION OF  
5 ELECTRONIC AND SOCIAL MEDIA COMMUNICATIONS; REQUIRING SOCIAL MEDIA PLATFORMS TO  
6 PUBLICLY DISCLOSE CERTAIN INFORMATION; REQUIRING SOCIAL MEDIA PLATFORMS TO PUBLISH  
7 ACCEPTABLE USE POLICIES AND TRANSPARENCY REPORTS; PROVIDING REQUIREMENTS FOR  
8 REMOVAL OF CONTENT FROM SOCIAL MEDIA PLATFORMS AND REQUIRING AN APPEAL  
9 PROCEDURE TO CHALLENGE THE REMOVAL; PROHIBITING CENSORSHIP BY SOCIAL MEDIA  
10 PLATFORMS; PROVIDING A CAUSE OF ACTION AND REMEDIES AGAINST A SOCIAL MEDIA  
11 PLATFORM; PROHIBITING TRANSMISSION OF CERTAIN COMMERCIAL E-MAIL MESSAGES;  
12 PROVIDING REQUIREMENTS FOR TRANSMISSION OF UNSOLICITED E-MAIL MESSAGES;  
13 PROHIBITING AN E-MAIL SERVICE PROVIDER FROM IMPEDING TRANSMISSION OF E-MAIL  
14 MESSAGES OR SELLING OR PROVIDING CERTAIN E-MAIL ADDRESSES TO ANOTHER; PROVIDING A  
15 CRIMINAL PENALTY FOR TRANSMISSION OF CERTAIN OBSCENE E-MAIL MESSAGES; PROVIDING  
16 CIVIL ACTIONS, DAMAGES, AND PENALTIES FOR VIOLATIONS INVOLVING TRANSMISSION OF E-MAIL  
17 MESSAGES; PROVIDING IMMUNITIES AND QUALIFIED IMMUNITIES FOR TELECOMMUNICATIONS  
18 CARRIERS, E-MAIL SERVICE PROVIDERS, AND E-MAIL MESSAGE SENDERS; PROVIDING  
19 DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

20

21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

22

23 NEW SECTION. **Section 1. Legislative findings.** The legislature finds that:

24 (1) each person in this state has a fundamental interest in the free exchange of ideas and  
25 information, including the freedom of others to share and receive ideas and information;

26 (2) this state has a fundamental interest in protecting the free exchange of ideas and information in  
27 this state;

**Amendment - 1st Reading-white - Requested by: Matt Regier - (H) Energy, Technology and Federal Relations**

- 2023

68th Legislature 2023

Drafter: Laura Sankey Keip, 406-444-4410

HB0770.001.001

1 (3) social media platforms function as common carriers, are affected with a public interest, are  
2 central public forums for debate, and have enjoyed government support in the United States; and

3 (4) social media platforms with the largest numbers of users are common carriers by virtue of their  
4 market dominance.

5  
6 NEW SECTION. Section 2. Definitions. As used in [sections 1 through 15], the following definitions  
7 apply:

8 (1) "Censor" means to block, ban, remove, deplatform, demonetize, deboost, restrict, deny equal  
9 access or visibility to, or otherwise discriminate against expression.

10 (2) "Expression" means any word, music, sound, still or moving image, number, or other  
11 perceivable communication.

12 (3) "Internet services provider" has the meaning provided in 2-17-602.

13 (4) "Receive" means, with respect to an expression, to read, hear, look at, access, or gain access  
14 to the expression.

15 (5) (a) "Social media platform" means a website or application that is open to the public, allows a  
16 user to create an account, and enables users to communicate with other users for the primary purpose of  
17 posting information, comments, messages, or images.

18 (b) The term does not include:

19 (i) an internet services provider;

20 (ii) electronic mail; or

21 (iii) an online service, application, or website:

22 (A) that consists primarily of news, sports, entertainment, or other information or content that is not  
23 user generated but is instead preselected by the provider; ~~or~~

24 (B) for which any chat, comments, or interactive functionality is incidental to or dependent on the  
25 provision of the content described in subsection (5)(b)(iii)(A); or

26 (C) whose primary purpose is related to academic or scholarly research.

27 (6) "Unlawful expression" means an expression that is unlawful under the United States

**Amendment - 1st Reading-white - Requested by: Matt Regier - (H) Energy, Technology and Federal Relations**

- 2023

68th Legislature 2023

Drafter: Laura Sankey Keip, 406-444-4410

HB0770.001.001

1 constitution, the Montana constitution, federal law, or the laws of this state, including expression that constitutes  
2 a tort under federal law or the laws of this state.

3 (7) "User" means a person who posts, uploads, transmits, shares, or otherwise publishes or  
4 receives content or expression through a social media platform. The term includes a person who has a social  
5 media platform account that the social media platform has locked or disabled.

6  
7 **NEW SECTION. Section 3. Public disclosures.** (1) A social media platform shall, in accordance  
8 with [sections 1 through 15], publicly disclose accurate information regarding its content management, data  
9 management, and business practices, including specific information regarding the manner in which the social  
10 media platform:

- 11 (a) curates and targets content to users;
- 12 (b) places and promotes content, services, and products, including its own content, services, and  
13 products;
- 14 (c) moderates content;
- 15 (d) uses search, ranking, or other algorithms or procedures that determine results on the platform;
- 16 and
- 17 (e) provides users' performance data on the use of the social media platform and its products and  
18 services.

19 (2) The disclosures required under subsection (1) must be sufficient to enable users to make an  
20 informed choice regarding the purchase of, use of access to, or use of services from the platform.

21 (3) A social media platform shall publish the disclosure required under subsection (1) on a website  
22 that is easily accessible by the public.

23  
24 **NEW SECTION. Section 4. Acceptable use policy.** (1) A social media platform shall publish an  
25 acceptable use policy in a location that is easily accessible to a user.

26 (2) A social media platform's acceptable use policy must:

- 27 (a) reasonably inform users about the types of content allowed on the social media platform;