

CONDUCT OF NONBIASED INTERACTIVE COMPUTER SERVICES

House Bill 4801 as introduced
Sponsor: Rep. John Reilly
Committee: Communications and Technology
Complete to 9-17-19

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<http://www.house.mi.gov/hfa>

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4801 would amend the Consumer Protection Act to prohibit certain *interactive computer service* providers from restricting the speech of a service *user*.

Interactive computer service would mean any information service, system, or access software provider that provides or enables computer access by multiple users to a server, including a service, system, website, web application, or web portal that provides a social media platform for users to engage in expressive activity.

User would mean any person that posts, uploads, transmits, or otherwise publishes content through a social media platform or other interactive computer service.

The bill would add section 3j to the act, which would prohibit a person that is engaged in trade or commerce as a provider of an interactive computer service and that represents that service as viewpoint neutral, impartial, or nonbiased from restricting the speech of a user on the basis of the content or viewpoint expressed. Specifically, a provider could not block, censor, or remove a user's speech, ban, *shadow ban*, *deplatform*, *deboost*, or *demonetize* a user, or otherwise restrict the speech of a user. The bill would make violation of section 3j an unfair trade practice under the act.

Shadow ban would mean to suppress the appearance of user-submitted content, wholly or in part, to other users of the service without notice to the author of the content.

Deplatform would mean to disable a user's account permanently or for a period longer than one month or to prohibit a user from using the service with an alternative account.

Deboost would mean to prohibit a user from using a generally available option to purchase exposure for user-submitted content to other users or to reverse such a purchase.

Demonetize would mean to exclude a user, in whole or in part, from a generally available advertising revenue-sharing agreement.

Under 47 USC 230(c), it would be a defense to liability under section 3j if an interactive computer service voluntarily and in good faith acted to restrict access to or the availability of content that the interactive computer service reasonably considered to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not that content is constitutionally protected, or acted to enable or make available the technical means to restrict access to such content.

Section 3j would not apply to a telecommunication provider as defined in the Michigan Telecommunications Act.

The bill would take effect 90 days after its enactment.

MCL 445.903 and proposed MCL 445.903j

FISCAL IMPACT:

House Bill 4801 would have no direct fiscal impact on state or local government.

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