

STATE OF NEW YORK

4511--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 hateful conduct on their platform

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

1 Section 1. The general business law is amended by adding a new section
2 394-ccc to read as follows:

3 § 394-ccc. Social media networks; hateful conduct prohibited. 1. As
4 used in this section, the following terms shall have the following mean-
5 ings:

6 (a) "Hateful conduct" means the use of a social media network to vili-
7 fy, humiliate, or incite violence against a group or a class of persons
8 on the basis of race, color, religion, ethnicity, national origin, disa-
9 bility, sex, sexual orientation, gender identity or gender expression.

10 (b) "Social media network" means service providers, which, for
11 profit-making purposes, operate internet platforms that are designed to
12 enable users to share any content with other users or to make such
13 content available to the public.

14 2. A social media network that conducts business in the state, shall
15 provide and maintain a clear and easily accessible mechanism for indi-
16 vidual users to report incidents of hateful conduct. Such mechanism
17 shall be clearly accessible to users of such network and easily accessed
18 from both a social media networks' application and website, and shall
19 allow the social media network to provide a direct response to any indi-
20 vidual reporting hateful conduct informing them of how the matter is
21 being handled.

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

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1 3. Each social media network shall have a clear and concise policy
2 readily available and accessible on their website and application which
3 includes how such social media network will respond and address the
4 reports of incidents of hateful conduct on their platform.

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

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

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