

CHAPTER 50

(SB 20)

AN ACT relating to banning social media applications from state government technology and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

- (1) *For the purposes of this section, "TikTok" means the social networking service owned by the Chinese company ByteDance Limited or any successor application.*
- (2) *Except as provided in subsection (7)(b) of this section, no executive branch employee, executive branch agency, or person or entity who contracts with the Commonwealth shall download or use the TikTok application or visit the TikTok website on any:*
 - (a) *Network owned, operated, or otherwise under the control of state government; or*
 - (b) *State government-issued device, including but not limited to:*
 1. *Cellphone;*
 2. *Computer; or*
 3. *Any other device capable of Internet connectivity.*
- (3) *The Commonwealth Office of Technology shall implement controls to prevent the use of TikTok for the executive branch agencies in which it has control over the network, and on any device connected to a network, owned, operated, or otherwise under control of the Commonwealth Office of Technology.*
- (4) *No member of the General Assembly, legislative staff, legislative agency or entity, or person or entity who contracts with the General Assembly, Legislative Research Commission, or legislative branch shall download or use the TikTok application or visit the TikTok website on any:*
 - (a) *Network owned, operated, or otherwise under the control of state government; or*
 - (b) *State government-issued device, including but not limited to:*
 1. *Cellphone;*
 2. *Computer; or*
 3. *Any other device capable of Internet connectivity.*
- (5) *The legislative branch of state government shall implement controls to prevent the use of TikTok on any device connected to any network owned, operated, or otherwise under the control of the legislative branch of state government.*
- (6) *The judicial branch of state government may implement controls to prevent the use of TikTok on any device connected to any network owned, operated, or otherwise under the control of judicial branch of state government.*
- (7) *This section shall not apply to any:*
 - (a) *Public postsecondary education institution operating under KRS Chapter 164; or*
 - (b) *Executive branch agency that determines that the use of TikTok is necessary for:*
 1. *Law enforcement activities;*
 2. *Civil investigations or civil enforcement activities; or*
 3. *Research on security practices or security threats;*

so long as the agency takes appropriate steps to obtain the necessary access without endangering the agency's network, or any other network owned, operated, or otherwise under the control of state government.

➔Section 2. Whereas preserving the safety, security, privacy, and way of life of the Commonwealth and its citizens is of paramount importance, and the state must take steps to prevent the collection of private data of Kentucky citizens by platforms such as TikTok that may share sensitive information with foreign governments, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor March 22, 2023.