

1 AN ACT relating to technology transparency.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Algorithm" means a set of instructions designed to perform a specific*
7 *task;*

8 *(b) "Shadowban" means the act of blocking or partially blocking a user or a*
9 *user's content from on online community in a manner that will not be*
10 *readily apparent to the user that he or she has been blocked or banned; and*

11 *(c) "Social media Web site" means an Internet Web site or application through*
12 *which a user creates, shares, and interacts with content, including videos,*
13 *still photographs, blogs, video blogs, podcasts, instant or text messages, e-*
14 *mail, online services or accounts, or Internet Web site profiles or locations.*

15 *(2) A social media Web site shall not:*

16 *(a) Delete or censor a user's religious or political speech;*

17 *(b) Use an algorithm to disfavor, shadowban, or censor a user's religious or*
18 *political speech; or*

19 *(c) Frequently change terms of use without clearly communicating with social*
20 *media users and obtaining prior consent to changes.*

21 *(3) If an individual or business user's social media Web site account is disabled or*
22 *suspended by the social media Web site, the owner or operator of the Web site*
23 *shall provide electronic notice to the user within thirty (30) days after taking such*
24 *action. The notice shall be in writing and shall explain why the user's account*
25 *was suspended or disabled.*

26 *(4) Subsection (2) of this section shall not apply to a social media Web site that*
27 *deletes or censors a social media Web site user's speech or that uses an algorithm*

1 to disfavor, shadowban, or censor speech that:

2 (a) Calls for immediate acts of violence;

3 (b) Contains obscene material harmful to minors;

4 (c) Is the result of operational error;

5 (d) Is the result of a court order;

6 (e) Comes from an inauthentic source or involves false impersonation;

7 (f) Incites criminal conduct; or

8 (g) Involves minors bullying minors.

9 (5) If the owner or operator of a social media Web site deletes, censors, or uses an
10 algorithm as outlined in subsection (2) of this section, a social media Web site
11 user may bring an action against a social media Web site in a court of competent
12 jurisdiction. The court may, in its discretion award:

13 (a) A minimum of seventy-five thousand dollars (\$75,000) in statutory damages
14 per purposeful deletion or censorship of the social media user's speech; or

15 (b) Actual damages, if greater than the statutory damages pursuant to
16 paragraph (a) of this subsection.

17 (6) An owner or operator of a social media Web site that engages in any of the
18 practices described in subsection (2) of this section shall also be subject to the
19 provisions of the Consumer Protection Act pursuant to KRS 367.110 to 367.300
20 and the penalties provided for in Chapter 367.