

1 AN ACT relating to government social media accounts.

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

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

5 (1) As used in this section:

6 (a) "Harassment" means conduct that would be considered to the average
7 person, applying contemporary community standards, to be severe,
8 pervasive, and objectively offensive;

9 (b) "Obscene" has the same meaning as in KRS 531.010;

10 (c) "Public agency" has the same meaning as in KRS 61.870, but does not
11 include public schools or school districts; and

12 (d) "Social media platform" has the same meaning as in KRS 17.544.

13 (2) (a) A public agency, or individual acting on behalf of a public agency, shall not
14 disable the ability for a person or entity to comment, delete a person's or
15 entity's comments, block a person or entity from commenting, hide a
16 person's or entity's comments, or take any other action which prohibits a
17 social media account from engaging freely on a social media platform:

18 1. Designated by the public agency to communicate government business
19 to the public; or

20 2. Of an individual acting on behalf of a public agency who has:

21 a. The authority to speak on the public agency's behalf; and
22 b. Purported to exercise that authority in social media posts.

23 (b) Removal of entire posts once reactions, comments, shares, or any other
24 form of engagement with the post have been made shall be considered
25 destruction of a public record.

26 (3) A public agency, or individual acting on behalf of a public agency, may disable or
27 delete comments or block a person from commenting if a court of appropriate

1 *jurisdiction determines that a comment:*

2 (a) *Is libelous or slanderous;*

3 (b) *Is obscene;*

4 (c) *Would be considered harassment; or*

5 (d) *Would pose an imminent threat to the public or public safety.*

6 (4) *A person or entity may bring forth a cause of action against a public agency, or*

7 *an individual acting on behalf of a public agency pursuant to subsection (2)(b) of*

8 *this section, for any violation of this section. If a person prevails in his or her*

9 *cause of action, he or she may obtain appropriate relief, including but not limited*

10 *to injunctive or declaratory relief, litigation costs, and attorney's fees.*

11 ➔ SECTION 2. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO

12 READ AS FOLLOWS:

13 (1) *For the purposes of this section, "official electronic school communication"*

14 *includes electronic communication sent from or on behalf of an official account*

15 *of a public school, school district, or by an individual acting in his or her official*

16 *capacity on behalf of a public school or school district, including but not limited*

17 *to:*

18 (a) *Email correspondence from a school-issued email account;*

19 (b) *Updates to a public school or school district webpage;*

20 (c) *Social media posts published by an official account of a public school or*

21 *school district; or*

22 (d) *Other electronic communications transmitted by a public school or school*

23 *district employee or agent through the public school or school district's*

24 *traceable communication system.*

25 (2) *A public school, school district, or individual acting in his or her official capacity*

26 *on behalf of a public school or school district shall not directly or indirectly*

27 *publish any official electronic school communication to advocate for or against a*

1 *political topic, party, candidate, or question, including but not limited to:*

2 *(a) Any proposed increase in tax rate;*

3 *(b) An application to establish a public charter school;*

4 *(c) A bill before the United States Congress or the Kentucky General Assembly;*

5 *or*

6 *(d) A political question that appears on a ballot.*

7 *(3) A public school, school district, or individual acting in his or her official capacity*

8 *on behalf of a public school or school district that directly or indirectly publishes*

9 *an official electronic school communication related to a political topic, party, or*

10 *question shall not restrict lawful public commentary on the communication*

11 *unless the restriction is necessary to maintain the safety and privacy of students*

12 *and children.*