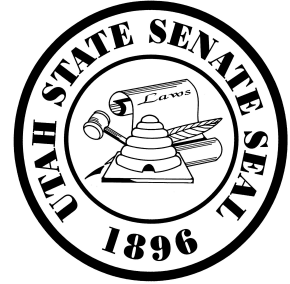




Performance Note
SB0228 - Electronic Free Speech
Amendments
Sponsor: Sen. McKell, Michael K.



Performance Note Report

Author: Peter Anjewierden

Agency: Department of Commerce

Funding For:

New Services or Benefit

Public Benefit:

Purpose: Purposes and Duties of the Program: This bill requires a social media corporation to disclose moderation practices to account holders each year. It requires a social media corporation to notify an account holder within 24 hours of moderating a post or account. The bill also prohibits a social media corporation from inequitable moderation practices, including removing, suppressing, or flagging a post or account because of the content of the post (see lines 67-69, 143-144). If a social media corporation moderates a post or account, the corporation must notify the account holder within 24 hours, and must provide an opportunity to appeal. If the moderation was inequitable, the corporation must reinstate the post or account. If there is a possibility that the moderation was inequitable, the corporation must refer the moderation to an independent review board. Appeals must be handled within specified timeframes. Account holders may file complaints with the Utah Division of Consumer Protection. The Division may investigate a complaint to determine whether a social media corporation violated the bill provisions. The Division may refer violations to the Attorney General for enforcement. A social media corporation has an opportunity to cure a first violation before the Attorney General takes action. Consumers may file complaints with the Utah Division of Consumer Protection alleging violations of the bill provisions. Violations shall be referred to the Attorney General office for enforcement. A social media corporation has an opportunity to cure a first violation before the Attorney General takes action.

Services: Account holders may file complaints with the Utah Division of Consumer Protection. The Division is charged with investigating complaints to determine whether a social media corporation violated the bill provisions. The Division may refer violations to the Attorney General for enforcement.

Expected Outcome: Increased disclosure to account holders. Rights for a consumer to appeal a moderation action taken by a social media corporation. Oversight of social media corporations moderation actions.

Implementations and Resources: Funding for a position to implement the bill would begin on July 1st 2021. The division would begin work on the requirements and infrastructure before then, and would expect to have an individual trained by September 2021 to perform the work required by the bill.

How: It is anticipated that the proposed ability to take complaints from consumers regarding inequitable moderation of social media posts will make consumers aware of the regulation quickly and will grow in volume.

Performance Measures

Goal

Title: Cases closed within Expected Timeframe

Description: If appropriated, an investigator would review and investigate complaints from consumers to determine whether they have merit. This review would take place within a timeframe established by the Division of Consumer Protection with a goal to handle 80 percent of complaints within the established timeframe. Complaint review will be implemented in the process the Division has established and made possible by the increase in bandwidth to review and investigate new consumer complaints in a manner consistent with division processes.

Collection Method: Measure when cases come in and the percent closed within the allotted time.

	2021	2022	2023
closed	80.00	80.00	80.00
Baseline	0.00	0.00	0.00

By rule, performance notes are provided by the governmental entity that will supervise the new agency or administer the new program. Performance notes are not written by the Office of the Legislative Fiscal Analyst.