

57 Section 2. Section **13-58-102** is enacted to read:

58 **13-58-102. Definitions.**

59 In this chapter:

60 (1) "Account holder" means a Utah resident who has or opens an account to use a
61 social media corporation's platform.

62 (2) "Director" means the director of the division.

63 (3) "Division" means the Division of Consumer Protection in the Department of
64 Commerce established in Section [13-2-1](#).

65 (4) "Flag" means the act of a social media corporation singling out a post because of
66 the post's content.

67 (5) (a) "Inequitable moderation practice" means a moderation practice that results in a
68 social media corporation removing, suppressing, or flagging an account holder's post or
69 account because of the content of the post.

70 (b) "Inequitable moderation practice" includes:

71 (i) an inconsistent application of a social media corporation's terms of use to justify a
72 moderation practice; and

73 (ii) moderating content that does not violate a social media corporation's terms of use.

74 (6) (a) "Interactive computer service" means any information service, system, or access
75 software provider that:

76 (i) provides or enables computer access by multiple users to a computer server; ~~§~~→ and ←~~§~~

77 (ii) provides access to the Internet ~~§~~→ [;

78 ~~—~~ (iii) provides a platform; and

79 ~~—~~ (iv) has at least 20,000,000 account holders] ←~~§~~ .

80 (b) "Interactive computer service" includes:

81 (i) a web service;

82 (ii) a web system;

83 (iii) a website;

84 (iv) a web application; or

85 (v) a web portal.

86 (7) (a) "Moderation practice" means a method a social media corporation employs to
87 regulate a post.

88 (b) "Moderation practice" includes:

89 (i) flagging a post;

90 (ii) removing a post;

91 (iii) suspending an account holder's account; or

92 (iv) revoking an account holder's access to a platform.

93 (8) (a) "Platform" means an online forum that a social media corporation makes

94 available for an account holder to:

95 (i) create a profile;

96 (ii) upload posts;

97 (iii) view the posts of other account holders; and

98 (iv) interact with other account holders or users.

99 (b) "Platform" does not include:

100 (i) electronic mail; or

101 (ii) an online service, website, or application on which:

102 (A) the majority of the content that is posted or created is posted or created by the

103 provider of the online service, website, or application; and

104 (B) the ability to chat, comment, or interact with other users is directly related to the
105 provider's content.

106 (9) "Post" means content that an account holder makes available on the account

107 holder's account for other account holders or users to view.

108 (10) "Social media corporation" means any domestic corporation or foreign corporation

109 that ~~is~~ **provides a platform that has at least 20,000,000 account holders and** ~~is~~ **is an**

109a interactive computer service.

110 (11) "Terms of use" means the terms to which an account holder must agree before an

111 account holder can open or continue to use an account on a platform.

112 (12) (a) "User" means an individual who has access to view the post of an account

113 holder.

114 (b) "User" includes an account holder.

115 (13) (a) "Utah resident" means a person who lives or operates in Utah and:

116 (i) if the person is an individual, has a primary residence in Utah; or

117 (ii) if the person is a business, has a principal place of business in Utah.

118 (b) "Utah resident" does not include a person who has a primary residence or principal