

Senate Bill 93

By: Senators Anavitarte of the 31st, Kennedy of the 18th, Gooch of the 51st, Robertson of the 29th, Brass of the 28th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 29 of Title 50 of the Official Code of Georgia Annotated, relating to
2 information technology, so as to restrict the use of certain social media platforms on state
3 equipment; to provide for definitions; to prohibit a state employee or student from installing,
4 using, or visiting on state equipment a social media platform that is controlled or influenced
5 by a foreign adversary; to provide for exceptions for law enforcement purposes,
6 cybersecurity research and development, judicial proceedings, and legislative proceedings;
7 to make such prohibition applicable to the executive, legislative, and judicial branches of
8 government in this state; to provide for the director of the Georgia Emergency Management
9 and Homeland Security Agency to prepare, maintain, and update a list of foreign adversaries
10 and to make such list available to the public; to allow for preemption; to provide for related
11 matters; to provide for legislative findings; to provide for an effective date; to repeal
12 conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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SECTION 1.

15 The General Assembly finds that:

16 (1) This state has a fundamental interest in ensuring the safety, security, and general
17 welfare of the government and the public, including maintaining a strong and robust
18 cybersecurity infrastructure and protecting the security and integrity of the state
19 government's data;

20 (2) This state has a duty to take action to preserve the safety and security of this state and
21 the people and businesses of this state against cyberthreats from foreign adversaries;

22 (3) Companies that own or operate social media platforms have the capability to track and
23 store users' detailed public and nonpublic personal data;

24 (4) Certain social media platforms are owned by companies that are located in countries
25 that are considered foreign adversaries to the United States, and such social media
26 platforms pose a security risk to the people of this state due to such foreign government's
27 access to the data of users in this state;

28 (5) Certain foreign adversaries, such as the People's Republic of China, legally require
29 companies to share data with their respective foreign governments; and

30 (6) Executive and legislative branches of the federal government and state governments,
31 including this state, have taken actions to prohibit the use of certain social media platforms
32 on all government issued equipment, citing security concerns.

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SECTION 2.

34 Chapter 29 of Title 50 of the Official Code of Georgia Annotated, relating to information
35 technology, is amended by designating Code Sections 50-29-1 through 50-29-12 as Article 1
36 and by adding a new article to read as follows:

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"ARTICLE 238 50-29-20.39 As used in this article, the term:40 (1) 'Company' shall have the same meaning as provided for in Code Section 50-5-84.1.41 (2) 'Foreign adversary' means a foreign government or foreign nongovernmental entity
42 as listed in 15 C.F.R. 7.4(a).43 (3) 'Scrutinized company' means any company directly or indirectly owned or operated
44 by a foreign adversary or that is domiciled in, has its principal place of business in, has
45 headquarters in, or is organized under the laws of a foreign adversary.46 (4) 'Social media platform' means an internet website or application that is open to the
47 public, allows users to create accounts, enables users to communicate or interact with
48 other users, permits users to create or post content, messages, information, or images that
49 are viewable by other users, and permits users to comment on or message other users
50 regarding such content, messages, information, or images.51 (5) 'State agency' means any agency, authority, department, institution, board, bureau,
52 commission, committee, office, or instrumentality of the executive, legislative, or judicial
53 branch of government of this state.54 (6) 'State employee' means an officer, official, employee, or independent contractor of
55 a state agency.56 (7) 'State equipment' means any electronic device, including any system, computer,
57 mobile device, cell phone, or other technological equipment capable of internet
58 connectivity, that is owned, leased, or otherwise controlled by a state agency and used for
59 state business.60 (8) 'Student' means a person who is eligible to be included in a program count under
61 Code Section 20-2-160.

62 50-29-21.

63 (a) Except as provided for in subsection (b) of this Code section, a state employee or
64 student shall not install, use, or visit any social media platform on state equipment if any
65 of the following conditions are met:

66 (1) A scrutinized company owns or operates such social media platform;

67 (2) A foreign adversary:

68 (A) Has substantial control or influence, directly or indirectly, over the scrutinized
69 company that owns such social media platform;

70 (B) Owns, controls, or holds, directly or indirectly, 10 percent or more of the voting
71 shares of a scrutinized company that owns or is affiliated with the social media
72 platform;

73 (C) Could compel the scrutinized company to share with the foreign adversary any data
74 acquired through such social media platform on a user in this state; or

75 (D) Has substantial control or influence, directly or indirectly, over the content
76 moderation practices of such social media platform; or

77 (3) The social media platform uses software or an algorithm that is directly or indirectly
78 controlled or monitored by a foreign adversary.

79 (b) Notwithstanding the provisions in subsection (a), a state employee may install, use, or
80 visit such social media platform for law enforcement purposes, cybersecurity research and
81 development, judicial proceedings, or legislative proceedings.

82 (c) The provisions of this Code section shall be broadly construed and are explicitly made
83 applicable to the executive, legislative, and judicial branches of this state.

84 50-29-22.

85 (a) The director of the Georgia Emergency Management and Homeland Security Agency
86 shall prepare and maintain a list of foreign adversaries and shall make such list available
87 to the public on such agency's website.

88 (b) The director shall update the list of foreign adversaries provided for in subsection (a)
89 of this Code section as necessary.

90 50-29-23.

91 Nothing in this article shall preempt any federal law or authority."

92 **SECTION 3.**

93 This Act shall become effective upon its approval by the Governor or upon its becoming law
94 without such approval.

95 **SECTION 4.**

96 All laws and parts of laws in conflict with this Act are repealed.