

The Senate Committee on Veterans, Military, and Homeland Security offered the following substitute to SB 93:

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 social media
10 platforms and to make such list available to the public; to allow for preemption; to provide
11 for related matters; to provide for legislative findings; to provide for an effective date; to
12 repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14

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' means any sole proprietorship, organization, association, corporation,
41 partnership, joint venture, limited partnership, limited liability partnership, limited
42 liability company, or other entity or business association, including all wholly owned
43 subsidiaries, majority owned subsidiaries, parent companies, or affiliates of such entities
44 or business associations, that exists for the purpose of making profit.

45 (2) 'Foreign adversary' means a foreign government or foreign nongovernmental entity
46 as listed in 15 C.F.R. 7.4(a).

47 (3) 'Social media platform' means an internet website or application that is open to the
48 public, allows users to create accounts, enables users to communicate or interact with
49 other users, permits users to create or post content, messages, information, or images that
50 are viewable by other users, and permits users to comment on or message other users
51 regarding such content, messages, information, or images.

52 (4) 'State agency' means any agency, authority, department, institution, board, bureau,
53 commission, committee, office, or instrumentality of the executive, legislative, or judicial
54 branch of government of this state.

55 (5) 'State employee' means an officer, official, employee, or independent contractor of
56 a state agency.

57 (6) 'State equipment' means any electronic device, including any system, computer,
58 mobile device, cell phone, or other technological equipment capable of internet
59 connectivity, that is owned, leased, or otherwise controlled by a state agency and used for
60 state business.

61 (7) 'Student' means a person who is eligible to be included in a program count under
62 Code Section 20-2-160.

63 50-29-21.

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

67 (1) The company that directly or indirectly owns or directly or indirectly operates such
68 social media platform is directly or indirectly owned or directly or indirectly operated by
69 a foreign adversary or is domiciled in, has its principal place of business in, has
70 headquarters in, or is organized under the laws of a foreign adversary;

71 (2) A foreign adversary has substantial control or influence, directly or indirectly, over
72 the content moderation practices of such social media platform company which directly
73 or indirectly owns or directly or indirectly operates such social media platform; or

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

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

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

81 50-29-22.

82 (a) The director of the Georgia Emergency Management and Homeland Security Agency
83 shall prepare and maintain a list of social media platforms and shall make such list
84 available to the public on such agency's website.

85 (b) The director shall update the list of social media platforms provided for in subsection
86 (a) of this Code section as necessary.

87 (c) This Code section shall be exempt from the requirements of Chapter 13 of this title, the
88 'Georgia Administrative Procedure Act.'

89 50-29-23.

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

91 **SECTION 3.**

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

94 **SECTION 4.**

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