

The House Committee on Public Safety and Homeland Security offers 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 a social media platform that is controlled or influenced by a foreign
5 adversary on state equipment; to provide for exceptions; to provide for applicability; to
6 provide for the establishment and maintenance of a list of prohibited social media platforms
7 upon state equipment by the director of the Georgia Emergency Management and Homeland
8 Security Agency; to make such list available to the public; to provide for interpretation; to
9 provide for related matters; to provide for legislative findings; to provide for an effective
10 date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 The General Assembly finds that:

14 (1) This state has a fundamental interest in ensuring the safety, security, and general
15 welfare of the government and the public, including maintaining a strong and robust

16 cybersecurity infrastructure and protecting the security and integrity of the state
17 government's data;

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

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

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

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

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

31 **SECTION 2.**

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

35 "ARTICLE 2

36 50-29-20.

37 As used in this article, the term:

38 (1) 'Company' means any sole proprietorship, organization, association, corporation,
39 partnership, joint venture, limited partnership, limited liability partnership, limited

40 liability company, or other entity or business association, including all wholly owned
41 subsidiaries, majority owned subsidiaries, parent companies, or affiliates of such entities
42 or business associations, that exists for the purpose of making profit.

43 (2) 'Foreign adversary' means a foreign government or foreign nongovernmental entity
44 as listed in 15 C.F.R. 7.4(a) in effect on January 1, 2023.

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

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

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

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

59 (7) 'Student' means a person who is included in a full-time equivalent program count
60 under Code Section 20-2-160.

61 50-29-21.

62 (a) Except as provided for in subsection (b) of this Code section, a state employee or
63 student shall not install, use, or visit any social media platform on state equipment when:

64 (1) The company that directly or indirectly owns or operates such social media platform
65 is:

66 (A) Directly or indirectly owned or operated by a foreign adversary or is domiciled in,
67 has its principal place of business in, has headquarters in, or is organized under the laws
68 of a foreign adversary;

69 (B) Domiciled or has its principal place of business or headquarters in a foreign
70 adversary; or

71 (C) Organized under the laws of a foreign adversary.

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

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

77 (b) Notwithstanding the provisions in subsection (a) of this Code section, a state employee
78 shall be authorized to install, use, or visit a social media platform that is otherwise
79 prohibited pursuant to this Code section on state equipment for law enforcement purposes,
80 cybersecurity research and development, or judicial or legislative proceedings.

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

83 50-29-22.

84 (a) The director of the Georgia Emergency Management and Homeland Security Agency
85 shall prepare and maintain a list of social media platforms that violate the provisions of
86 Code Section 50-29-21, as determined by the director. Such list shall be made available
87 to the public on such agency's website.

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

90 (c) The requirements of Chapter 13 of this title, the 'Georgia Administrative Procedure
91 Act,' shall not apply to this Code section.

92 50-29-23.

93 Nothing in this article shall be construed to preempt any federal law or authority."

94 **SECTION 3.**

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

97 **SECTION 4.**

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