

LOST

Senators Tillery of the 19th and Bearden of the 30th offered the following amendment #1:

1 *Amend HB 945 (LC 62 0310S) by inserting ", 10," after "7" on line 1.*

2 *By inserting ", commerce and trade," after "finance" on line 2.*

3 *By inserting "to protect the exercise of constitutional rights; to prohibit discrimination in the*
4 *provision of essential services; to provide for public and private enforcement;" before "to*
5 *provide" on line 24.*

6 *By inserting after line 975 the following:*

7 Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to
8 deceptive or unfair practices, is amended by adding a new part to read as follows:

9 Part 10

10 10-1-439.20.

11 As used in this part, the term:

12 (1) 'Discriminate in the provision of essential services' means restricting or terminating
13 the provision of essential services to a person based on such person's social credit score
14 or such person's exercise of any constitutional right protected by the first ten amendments
15 to the United States Constitution.

16 (2) 'Essential services' means financial services or utility services.

17 (3) 'Established business relationship' means an open account or other existing agreement
18 for the provision of essential services.

19 (4) 'Financial institution' means a bank or credit union that has more than \$2 billion in
20 assets and any affiliate or subsidiary thereof or a payment processor, credit card
21 company, credit card network, payment network, payment service provider, or payment
22 gateway that has processed more than \$2 billion in transactions in the most recent
23 calendar year and any affiliate or subsidiary thereof.

24 (5) 'Financial services' means any financial product or service offered by a financial
25 institution.

26 (6) 'Person' means any individual, partnership, association, joint stock company, trust,
27 corporation, nonprofit organization, or other business or legal entity.

28 (7) 'Social credit score' means a score or rating based in any way on an assessment of:

29 (A) A person's exercise of any constitutional right protected by the first ten
30 amendments to the United States Constitution;

31 (B) A person's failure or refusal to adopt any policy or make any disclosure relating to
32 emissions of greenhouse gases, as defined in Code Section 12-6-221, beyond what is
33 required by applicable state or federal law;

34 (C) A person's failure or refusal to conduct any type of racial, diversity, or gender audit
35 or disclosure or to implement any quota or give any preference or benefit based in
36 whole or in part on race, diversity, or gender;

37 (D) A person's failure or refusal to facilitate or assist employees in obtaining abortions
38 or gender reassignment services; or

39 (E) A person's participation in any lawful business activities or associations, including,
40 without limitation, business activities or associations relating to firearms, ammunition,
41 oil, or natural gas; provided, however, that for the purpose of this subparagraph only,
42 the term 'social credit score' shall not include a financial institution's evaluation of the
43 quantifiable financial risk of a person based on impartial financial risk based standards
44 concerning such business associations or activities that are established in advance by
45 the financial institution and publicly disclosed to its customers and potential customers;

46 and provided, further, that nothing in this subparagraph shall require the public
47 disclosure of any information relating to investigations that is prohibited from being
48 publicly disclosed under applicable federal laws or limit or restrict the protections
49 afforded under Code Section 7-1-360.

50 (8) 'Utility services' means and includes electric services, water and sewer services,
51 natural gas services, and broadband services.

52 (9) 'Utility services provider' means any private business entity or enterprise that
53 provides utility services to retail customers.

54 10-1-439.21.

55 An essential services provider shall not:

56 (1) Discriminate in the provision of essential services against a person that has an
57 established business relationship with such essential services provider; or

58 (2) Agree, conspire, or coordinate, directly or indirectly, including through any
59 intermediary or third party, with another person or group of persons to engage in activity
60 that is prohibited by paragraph (1) of this Code section.

61 10-1-439.22.

62 (a) A violation of any provision of this part shall constitute an unfair or deceptive act or
63 practice under, and shall be subject to the provisions of, Part 2 of this article, the 'Fair
64 Business Practices Act of 1975.'

65 (b) Any person harmed by a violation of this part may bring an action against the essential
66 services provider that committed or is committing such violation to recover, for each
67 violation, actual damages caused by such violation or \$50,000.00, whichever is greater;
68 obtain declaratory and injunctive relief; and recover any costs and reasonable attorney's
69 fees incurred in bringing such action."

70

SECTION 32.