

SENATE No. 37

The Commonwealth of Massachusetts

PRESENTED BY:

Patrick M. O'Connor

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to protecting the residents of the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	
<i>Michael J. Soter</i>	<i>8th Worcester</i>	<i>1/26/2023</i>

SENATE No. 37

By Mr. O'Connor, a petition (accompanied by bill, Senate, No. 37) of Patrick M. O'Connor and Michael J. Soter for legislation to protect the residents of the Commonwealth. Advanced Information Technology, the Internet and Cybersecurity.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to protecting the residents of the Commonwealth.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to protect residents of the Commonwealth from the threat posed by certain foreign adversaries using current or potential future social media companies that those foreign adversaries control to surveil residents of the Commonwealth , therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety., therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 7D of the Massachusetts General Laws is hereby amended to add the following
2 new section:

3 Section 12:

4 (a). Definitions:

5 (1) “Social Media Company” - A social media company means any entity that operates,
6 directly or indirectly, including through a parent company, subsidiaries, or affiliates, a website,
7 desktop application, or mobile application that:

8 (i) permits an individual or entity to create an account or profile for the purpose of
9 generating, sharing, and viewing user-generated content through such account or profile;

10 (ii) sells digital advertising space;

11 (iii) has more than 1,000,000 monthly active users for a majority of months during the
12 preceding 12 months;

13 (iv) enables one or more users to generate content that can be viewed by other users of
14 the website, desktop application, or mobile application; and

15 (v) enables users to view content generated by other users of the website, desktop
16 application, or mobile application.

17 This definition does not include an entity if the entity does not operate a website, desktop
18 application, or mobile application except for a website, desktop application, or mobile
19 application the primary purpose of which is to allow users to post product reviews, business
20 reviews, or travel information and reviews, or to provide emergency alert services.

21 A social media company described in this subsection is a social media company that
22 meets one or more of the following:

23 (i) The company is domiciled in, headquartered in, has its principal place business in, or
24 is organized under the laws of a country of concern.

25 (ii) A country of concern, entity of concern, or some combination thereof, directly or
26 indirectly owns, controls with the ability to decide important matters, or holds with power to
27 vote, ten percent or more of the outstanding voting stock or shares of the company.

28 (iii) The company employs software or algorithms controlled or whose export is
29 restricted by a country of concern or entity of concern.

30 (iv) The company is subject to substantial influence, directly or indirectly, from a country
31 of concern or entity of concern owing to which—

32 the company shares or could be compelled to share data on United States citizens with a
33 country of concern or entity of concern; or

34 the content moderation practices of the company are subject to substantial influence from
35 a country of concern or entity of concern.

36 DEEMED COMPANIES.—The following companies shall be deemed to be social media
37 companies described in this subsection as of the date of the enactment of this Act:

38 ByteDance, Ltd,

39 TikTok,

40 WeChat,

41 A subsidiary of or a successor company to a company listed in subparagraph (a),(b), or
42 (c).

43 A company owned or controlled directly or indirectly by a company listed in
44 subparagraph (a), (b) or (c).

45 (2) “Country of Concern” – A country of concern include the People’s Republic of China
46 (including Hong Kong and Macau), Russia, Iran, North Korea, Cuba, and Venezuela.

47 (3) “Entity of Concern” - means— (i) a governmental body at any level in a country of
48 concern; (ii) the armed forces of a country of concern; (iii) the leading political party of a
49 country of concern;(iv) an individual who is a national of a country of concern and is domiciled
50 and living in a country of concern, and who is subject to substantial influence, directly or
51 indirectly, from a country of concern; or (v) a private business or a state-owned enterprise
52 domiciled in a country of concern or owned or controlled by a private business or state-owned
53 enterprise domiciled in a country of concern.

54 (4) “Employee” – means any elected or appointed, officers or employees of any agency,
55 department, division, bureau, or any political subdivision of the commonwealth, county, or
56 municipality, whether serving full or part-time, temporary or permanent, compensated or
57 uncompensated, and officers or soldiers of the military forces of the commonwealth.

58 (5) “Electronic devices” – means any government issued devices, including but not
59 limited to commonwealth, county, and municipally issued cell phones, laptops, or other devices
60 capable of connecting to the internet except for public safety purposes.

61 (b.) No employee of the commonwealth, county, or municipality shall use or download
62 any applications or software from any social media company as described in subsection a. of this
63 section on to Commonwealth owned electronic devices.

64 (c.) The Secretary of the Executive Office of Technology Services and Security will:
65 develop and implement a plan to remove any referenced hardware products from the
66 commonwealth, county, and municipal networks;

67 remove any referenced software products from the commonwealth, county, and
68 municipal network;

69 Implement measures to prevent the installation of referenced hardware and software
70 products on commonwealth owned or managed technology assets;

71 Implement network-based restrictions to prevent the use of, or access to prohibited
72 services;

73 Include risks associated with these technologies into the Commonwealth's Cybersecurity
74 Awareness Training Program through the Office of the Comptroller.

75 The secretary will continually monitor and update the list in subsection a. of this act.

76 (d.) (1) The secretary will additionally file a report with the Legislature relative to the
77 risks of the social media companies described in subsection (a.) no later than 180 days following
78 the passage of this act.

79 (2) Annually, no later than December 31, the secretary shall reassess and report on the
80 risks of social media companies described in subsection (a) and any policy recommendations to
81 the governor, and the clerks of the house of representatives and the senate.

82 (e.) This act will take effect immediately following its passage.