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March 15, 2021

Honorable, Jerry Klein, Chairman
Senate Industry, Business and Labor Committee
600 East Boulevard Avenue
Bismarck, ND 58505-0360

Re: **Oppose HB 1144**, Permit Civil Actions Against Social Media Sites for Censoring Speech

Dear Chairman Klein:

By way of introduction, the Internet Coalition (IC) is a national trade association that represents members in state public policy discussions. The IC also serves as an informational resource, striving to protect and foster the Internet economy and the benefits it provides consumers.

The IC respectfully **opposes HB 1144**, a bill that would subject an online service to civil liability if representing their site as viewpoint neutral, impartial, or non-biased and then blocks, bans, removes, or limits a user's speech.

IC members are committed to keeping users safe online while encouraging diverse viewpoints and experiences for a variety of people. There is no standardized industry-wide approach for determining what constitutes potentially harmful or objectionable content as companies decide themselves what is appropriate and acceptable or objectionable content that they will or will not host. Review of user content is done in an unbiased manner which is meant to identify and block harmful, obscene, violent or other types of objectionable content. IC member companies are transparent about their content moderation processes which are detailed in website policies and/or terms of service. Users have the freedom to accept these terms and to use alternative sites.

American free speech laws, including 47 U.S.C. § 230(c), allow websites to block content they reasonably consider harmful. This federal law states that Congress finds "the Internet and other interactive computer services offer a forum for a true diversity of political discourse, unique opportunities for cultural development, and myriad avenues for intellectual activity." First Amendment protections also prevent state legislative bodies from passing laws that interfere with the rights of service providers to have the discretion to set and enforce rules about what content is and is not allowed on their service.

Attempting to punish platforms for attempting in good faith to remove harmful, dangerous or illegal content discourages them from striving to provide a neutral environment while encouraging them to stop monitoring and blocking harmful user content. The result would mean that HB 1144 would create an unsafe environment as harmful and illegal content would increase and users would be increasingly exposed to real-world harm in communities in North Dakota and beyond.

For the reasons explained above, **IC respectfully opposes HB 1144**. Please contact me if you have questions or would like to discuss this issue further.

Sincerely,


Tammy Cota

cc: Senate Industry, Business and Labor Committee members