

ASSEMBLY BILL NO. 289—ASSEMBLYMAN HAFEN

MARCH 16, 2021

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to deceptive trade practices. (BDR 52-989)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to deceptive trade practices; prohibiting certain interactive computer services from restricting or removing certain content; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law defines activities that constitute deceptive trade practices and
2 provides for the imposition of civil and criminal penalties against persons who
3 engage in deceptive trade practices. (NRS 598.0903-598.099) This bill: (1)
4 prohibits an interactive computer service that represents itself as content-neutral or
5 viewpoint-neutral from restricting or removing the content or expression of a user,
6 or restricting or removing the user from the interactive computer service; (2)
7 exempts from this prohibition actions taken by an interactive computer service in
8 good faith to restrict or remove content, the expression of a user or a user that the
9 interactive computer service deems objectionable and that is protected from
10 liability under federal law; and (3) makes a violation of **section 1** a deceptive trade
11 practice.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 598 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. Except as otherwise provided in subsection 2, an*
4 *interactive computer service that represents itself as being content-*
5 *neutral or viewpoint-neutral shall not censor, ban, remove or*
6 *otherwise restrict a user or content or the expression of a user*



1 *based on the viewpoint of the user or the viewpoint represented in*
2 *the user's content or expression.*

3 2. *The provisions of subsection 1 do not apply to any action*
4 *taken by an interactive computer service in good faith to remove*
5 *or restrict a user or content or the expression of a user that the*
6 *interactive computer service deems to be obscene, threatening,*
7 *harassing, to advocate violence or otherwise objectionable*
8 *pursuant to 47 U.S.C. § 230.*

9 3. *A violation of this section constitutes a deceptive trade*
10 *practice for the purposes of NRS 598.0903 to 598.0999, inclusive.*

11 4. *As used in this section:*

12 (a) *"Interactive computer service" means an information*
13 *service, system or access software provider that provides or*
14 *enables computer access by multiple users to a server, including,*
15 *without limitation, a service, system, website, web application or*
16 *web portal that provides a social media platform for users to*
17 *engage in expressive activity.*

18 (b) *"User" means a person who:*

19 (1) *Posts, uploads, transmits, shares or otherwise publishes*
20 *or receives content or expression through an interactive computer*
21 *service; and*

22 (2) *Resides or does business in this State.*

