



February 1, 2022

## Ohio H.B. 441 Would Force Social Platforms to Carry Harmful Content

Representative Brett Hillyer  
Chair  
House Civil Justice Committee  
Ohio State Legislature

Dear Chair Hillyer and members of the committee,

Our organization, the Chamber of Progress, is a tech industry coalition promoting technology's progressive future. We strongly support **healthy online communities**, which is why we urge this committee to **oppose HB 441**, which **would tie online services' hands in the fight against** conspiracy theories, hate speech, child predators, and election- and vaccine-related disinformation. If this bill passes, it would turn the Internet into a cesspool of lies and hatred.

HB 411 would prohibit platforms from censoring the "[t]he viewpoint of the user or another person... [and] the viewpoint represented in the user's expression or another person's expression," effectively blocking services from taking action to remove unverified claims about elections, democracy, and public health. The bill would impose a false impartiality standard that would hobble platforms' constitutional freedom to remove or downrank QAnon conspiracies or vaccine disinformation.

This bill would also prevent platforms from removing shares and reshares of false COVID-19 claims. For example, this rule would effectively prohibit Facebook from removing any video of Ohio's Dr. Sherri Tenpenny who claimed vaccines "magnetize" recipients and "interface" with cell towers, and who claimed vaccines were being used as a tool for "depopulation."<sup>1</sup> Spreading dangerous lies such as this can cause viewers to make ill-informed decisions that can negatively affect themselves and others, prolonging the pandemic even more.

**HB 441 would deter social media platforms from protecting children from sexually explicit and other age inappropriate content.** Though the bill states it does not prohibit social media platforms from censoring "unlawful expression, including expression that unlawfully harasses individuals or unlawfully incites violence," many socially inappropriate expressions are actually

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<https://ohiocapitaljournal.com/2021/12/31/report-calls-on-medical-boards-to-go-after-covid-disinformation-doctors-ohio-has-not/>

lawful and protected by federal law, like some sexually explicit adult content.<sup>2</sup> HB 441 would prevent Facebook, Twitter, and YouTube from taking action against legal adult pornography.

By eliminating a privately owned platforms' right to deplatform, remove, and block content, the Ohio legislature would be lending bad actors a helping hand by allowing them to reach their targets under the guise of exercising their freedom of speech, expression, and viewpoint.

**Finally, HB 441 is a clear violation of the U.S. Constitution's First Amendment.** If passed, this bill would immediately be met with legal opposition and struck down. **Under the U.S. Constitution, the government cannot regulate or infringe upon an online platforms' freedom of speech and expression.** We've seen firsthand the outcome of state governments attempting to limit and control online platforms' content moderation practices.

Last year in Florida, Federal U.S. District Judge Robert Hinkle blocked a bill similar to HB 441 stating "[t]he legislation compel[ed] providers to host speech that violates their standards—speech they otherwise would not host—and forbids providers from speaking as they otherwise would." Texas was met with a lawsuit immediately upon passing a similar bill attempting to eradicate platforms' ability to censor and filter content altogether.

No major online platform wants to become a haven for hate or harassment, and their content moderation practices enable them to stay one step ahead of bad actors. They are not perfect, but they want their services to provide a positive environment for most users.

We urge you to reject HB 441 in order to prevent hate, hoaxes, lies, and inappropriate material from spreading even further on the Internet.

Thank you,

A handwritten signature in black ink, appearing to read 'M Williams', with a long horizontal line extending to the right.

Montana Williams  
Director of State & Local Public Policy

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<sup>2</sup> <https://www.mtsu.edu/first-amendment/article/1004/obscenity-and-pornography>