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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Legislative Budget
Office

H.B. 441
134th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 441's Bill Analysis](#)

Version: As Reported by House Civil Justice

Primary Sponsors: Reps. Wiggam and Cutrona

Local Impact Statement Procedure Required: No

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Highlights

- For any given court of common pleas, municipal or county court, the bill's civil action provision is expected to result in, at most, a relatively small increase in civil actions filed. Any increase in a court's annual operating costs are likely to be minimal and potentially offset to some degree by revenue collected in the form of fees and court costs.

Detailed Analysis

The bill: (1) prohibits a social media platform from censoring a user's expression, or a user's ability to receive or share the expression of another based on a number of factors, (2) makes a waiver of a user's rights under this provision unlawful, and (3) allows a user to bring an action for declaratory and/or injunctive relief against the platform. The bill declares that a social media platform is a common carrier if it functionally has more than 50 million active users in the United States in a calendar month. The bill also provides for certain exceptions, such as expressions that are specifically authorized to be censored by federal law.

Private cause of action

The bill permits a user to bring a private cause of action against a social media platform that violates the bill's provisions in relation to the user. Aside from the civil action pursued by the user, government enforcement is not permitted.

Under the bill, if the user proves that the social media platform violated a provision of the bill on or after the bill's effective date with respect to the user, the user is entitled to recover declaratory relief, including costs and reasonable and necessary attorney's fees from the defendant, and/or injunctive relief. If the service or platform fails to comply with a court order, the court is permitted to use all lawful measures to secure compliance including daily penalties.

Under current law, courts of common pleas, and municipal and county courts have subject matter jurisdiction in civil actions, with municipal and county courts limited to cases in which the amount of money in dispute does not exceed \$15,000. According to the Ohio Judicial Conference, cases would most likely be filed in courts of common pleas. To the extent that new civil cases are filed as a result of the bill, any increase in a court's annual operating costs are likely to be minimal, at most, and potentially offset to some degree by revenue collected in the form of fees and court costs.