

Fiscal Estimate Narratives

DATCP 10/8/2021

LRB Number	21-4474/1	Introduction Number	AB-0589	Estimate Type	Original
Description prohibiting social media Internet site censorship of journalistic enterprises					

Assumptions Used in Arriving at Fiscal Estimate

This bill prohibits a social media Internet site from censoring, deplatforming, or shadow banning a journalistic enterprise on the basis of the content of its publication or broadcast. The bill applies to social media Internet sites or applications that enable users to communicate with each other and that have more than 150 million users.

The bill defines a "journalistic enterprise" as an entity that publishes more than 10,000 words online with at least 5,000 paid subscribers or 10,000 monthly active users; publishes more than 100 hours of audio or video online with at least 100 million viewers annually; operates a cable television channel that provides more than 40 hours of content per week to more than 100,000 cable television subscribers; or operates under a broadcast license issued by the Federal Communications Commission.

The bill provides for a private cause of action and statutory damages.

The Department does not currently regulate social media, so outreach and education would need to be conducted with both consumers and businesses that meet the definition of a social media platform to inform them of their rights and responsibilities under the regulations. Largely, these social media platforms would not be Wisconsin-based businesses. DATCP would establish new processes related to educate newly regulated social media platforms, handle related complaints, and investigate and enforce when there are violations. Since Wisconsin enforces consumer protection laws against out-of-state businesses regularly, the enforcement would not be atypical in jurisdiction.

At this time, it is not clear if DATCP would need or require any rulemaking. If rulemaking is required, DATCP would conduct it with current staff.

Under Chapter 100, DATCP would refer cases to the Attorney General's office or to local prosecutors if needed based on the investigations of consumer complaints. The bill grants private rights of action. Should DATCP refer a case, prosecution costs would be borne by other government agencies; in private rights of action, the cost would be borne by the litigant.

Since this represents a new line of enforcement for DATCP, it is not clear how many complaints will be filed. The Department plans to absorb costs but may need to seek additional positions in future budgets.

The Department therefore believes the fiscal estimate to be unknown at this time.

Long-Range Fiscal Implications

Since this represents a new line of enforcement for DATCP, it is not clear how many complaints will be filed. The Department plans to absorb costs but may need to seek additional positions in future budgets.