H-2724.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**HOUSE BILL 2435**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 68th Legislature 2024 Regular Session**

**By** Representative Walsh

AN ACT Relating to banning TikTok in Washington; adding a new chapter to Title 19 RCW; creating new sections; prescribing penalties; and providing an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature finds the People's Republic of China has an interest in gathering information about Washington residents, Washington companies, and the intellectual property of users to engage in corporate and international espionage.

The legislature further finds TikTok is a wholly owned subsidiary of ByteDance, a Chinese corporation.

The legislature further finds the People's Republic of China exercises control and oversight over ByteDance, like other Chinese corporations, and can direct the company to share user information, including real-time physical locations of users.

The legislature further finds TikTok gathers significant information from its users, accessing data against their will to share with the People's Republic of China.

The legislature further finds TikTok fails to remove, and may even promote, dangerous content that directs minors to engage in dangerous activities including, but not limited to, throwing objects at moving automobiles, taking excessive amounts of medication, lighting a mirror on fire and then attempting to extinguish it using only one's body parts, inducing unconsciousness through oxygen deprivation, cooking chicken in NyQuil, pouring hot wax on a user's face, attempting to break an unsuspecting passerby's skull by tripping him or her into landing face first into a hard surface, placing metal objects in electrical outlets, swerving cars at high rates of speed, smearing human feces on toddlers, licking doorknobs and toilet seats to place oneself at risk of contracting coronavirus, attempting to climb stacks of milk crates, shooting passersby with air rifles, loosening lug nuts on vehicles, and stealing utilities from public places.

The legislature further finds TikTok's stealing of information and data from users and its ability to share that data with the Chinese Communist Party unacceptably infringes on Washington residents' right to privacy.

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Discrete violation" means each time that a user accesses TikTok, is offered the ability to access TikTok, or is offered the ability to download TikTok.

(2) "Entity" means a mobile application store provider, TikTok, or ByteDance or any successor.

(3) "Mobile application" means a type of software program designed to run on a mobile device.

(4) "Mobile application store" means an electronic marketplace designed to offer free or paid mobile applications to users for download or use.

(5) "Mobile application store provider" means a company that owns or operates a mobile application store.

(6) "Territorial jurisdiction" means all places subject to the criminal jurisdiction of Washington.

(7) "Tiktok" means the social networking service owned by the Chinese company ByteDance limited or any successors.

NEW SECTION. **Sec.**  (1) TikTok may not operate within the territorial jurisdiction of Washington. An entity violates this prohibition when it makes TikTok available for download or use within the territorial jurisdiction of Washington.

(2) An entity that violates a provision of this section is liable in the amount of $10,000 for each discrete violation and is liable for an additional $10,000 each day thereafter that the violation continues.

(3) It is an affirmative defense to this section if the violating entity could not have reasonably known that the violation occurred within the territorial jurisdiction of Washington.

(4) Penalties under this section do not apply to law enforcement activities, national security interests and activities, security research activities, or essential government uses permitted by the governor on the information technology system of the state.

(5) Penalties in this section do not apply to users of TikTok.

(6) The Washington attorney general shall enforce the provisions of this section and shall have exclusive power to do so.

NEW SECTION. **Sec.**  Sections 2 and 3 of this act constitute a new chapter in Title 19 RCW.

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec.**  This act is void if TikTok is acquired by or sold to a company that is not incorporated in any other country designated as a foreign adversary in 15 C.F.R. 7.4 at the time TikTok is sold or acquired. If this act is voided under this section, the attorney general must provide written notice of the last effective date of this section to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the attorney general.

NEW SECTION. **Sec.**  This act takes effect January 1, 2025.

**--- END ---**