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HOUSE BILL 2435

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State of Washington

68th Legislature

2024 Regular Session

By Representative Walsh

Read first time 01/19/24. Referred to Committee on Consumer Protection & Business.

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

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

5 NEW SECTION. **Sec. 1.** The legislature finds the People's  
6 Republic of China has an interest in gathering information about  
7 Washington residents, Washington companies, and the intellectual  
8 property of users to engage in corporate and international espionage.

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

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

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

18 The legislature further finds TikTok fails to remove, and may  
19 even promote, dangerous content that directs minors to engage in  
20 dangerous activities including, but not limited to, throwing objects  
21 at moving automobiles, taking excessive amounts of medication,

1 lighting a mirror on fire and then attempting to extinguish it using  
2 only one's body parts, inducing unconsciousness through oxygen  
3 deprivation, cooking chicken in NyQuil, pouring hot wax on a user's  
4 face, attempting to break an unsuspecting passerby's skull by  
5 tripping him or her into landing face first into a hard surface,  
6 placing metal objects in electrical outlets, swerving cars at high  
7 rates of speed, smearing human feces on toddlers, licking doorknobs  
8 and toilet seats to place oneself at risk of contracting coronavirus,  
9 attempting to climb stacks of milk crates, shooting passersby with  
10 air rifles, loosening lug nuts on vehicles, and stealing utilities  
11 from public places.

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

16 NEW SECTION. **Sec. 2.** The definitions in this section apply  
17 throughout this chapter unless the context clearly requires  
18 otherwise.

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

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

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

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

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

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

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

35 NEW SECTION. **Sec. 3.** (1) TikTok may not operate within the  
36 territorial jurisdiction of Washington. An entity violates this  
37 prohibition when it makes TikTok available for download or use within  
38 the territorial jurisdiction of Washington.

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

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

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

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

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

15 NEW SECTION. **Sec. 4.** Sections 2 and 3 of this act constitute a  
16 new chapter in Title 19 RCW.

17 NEW SECTION. **Sec. 5.** If any provision of this act or its  
18 application to any person or circumstance is held invalid, the  
19 remainder of the act or the application of the provision to other  
20 persons or circumstances is not affected.

21 NEW SECTION. **Sec. 6.** This act is void if TikTok is acquired by  
22 or sold to a company that is not incorporated in any other country  
23 designated as a foreign adversary in 15 C.F.R. 7.4 at the time TikTok  
24 is sold or acquired. If this act is voided under this section, the  
25 attorney general must provide written notice of the last effective  
26 date of this section to affected parties, the chief clerk of the  
27 house of representatives, the secretary of the senate, the office of  
28 the code reviser, and others as deemed appropriate by the attorney  
29 general.

30 NEW SECTION. **Sec. 7.** This act takes effect January 1, 2025.

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