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Cutrona

Chair Hillyer, Vice Chair Grendell, Ranking Member Galonski, and members of the House Civil Justice Committee, thank you for the opportunity to provide sponsor testimony for HB 441.

House Bill 441 is an anti-discrimination bill. It will prevent Big Tech from censoring the expression of Ohioans based on their point of view.

It accomplishes this by providing a cause of action for a user to bring against an interactive computer service or social media platform. If the user proves that the interactive computer service or social media platform censored them, the user will be entitled to recover declaratory relief and/or injunctive relief.

Ohioans have a fundamental interest in protecting the free exchange of ideas and information in our state. This exchange of ideas is currently threatened by a handful of Big Tech social media platforms and interactive computer services who, by virtue of their market dominance, function as common carriers. These services are affected with a public interest, are public accommodations, are central public forums for public debate, and have enjoyed governmental support in the U.S. As such, Ohio is well within its rights to stop Big Tech from censoring users based on their viewpoint.

I would like to thank you all again for the opportunity to testify and will now turn it over to my joint sponsor to provide his testimony.

Wiggam

Chair Hillyer, Vice Chair Grendell, Ranking Member Galonski, and members of the House Civil Justice Committee, thank you for the opportunity to provide sponsor testimony for HB 441. House Bill 441 was carefully constructed to avoid conflict with the First Amendment or federal law.

There at least three independent reasons why this bill does not violate Big Tech's freedom of speech. First, this bill does not apply to services or platforms that are primarily engaged in their own expression. Instead, it merely bars viewpoint discrimination by services or platforms that serve as publicly accessible conduits for the speech of others. Second, companies that qualify as common carriers, by function or size, can be barred from discriminating without any violation of

the First Amendment—as evident from the common carrier regulation of telegraph, telephone, and radio. And third, the Big Tech companies have censored individuals in response to suggestions and pressures from government officials and so have censored Americans on behalf of the government. As an example of this, consider Big Tech’s coordinated efforts to censor information which contradicted federal guidelines on Covid-19 vaccines or masking. This censorship has had a direct impact on Ohioans as one of our own committees, State and Local Government had public testimony that was removed from Youtube, despite the individual who provided testimony being questioned by members from both sides of the aisle.

House Bill 441 does not conflict with Section 230 either. Section 230 protects Big Tech companies from damages for their content discrimination. In contrast, this bill focuses on viewpoint discrimination and offers only non-damages remedies. HB 441 explicitly does not bar any restrictions on violent or otherwise unlawful content.

By preventing Big Tech companies from continuing to engage in viewpoint discrimination, we hope to protect the free exchange of ideas and information in Ohio. I would like to thank you again for the opportunity to testify, and we welcome any questions that you may have

