



BEFORE THE HOUSE CIVIL JUSTICE COMMITTEE  
TESTIMONY ON HOUSE BILL 441  
April 5, 2022

Chairman Hillyer, Vice Chair Grendell, Ranking member Galonski, and members of the House Civil Justice Committee, my name is Tony Long, Director, Tax & Economic Policy for the Ohio Chamber of Commerce. I am here today to testify in opposition to House Bill 441.

Assuming HB 441 survives federal preemption, federal commerce clause, federal equal protection, and first amendment challenges, HB 441 constitutes another piece of legislation that interferes with the free enterprise and chills the business environment in the state of Ohio. HB 441 inserts the state government into the private affairs of business and their customers, clients or consumers and compels a business to behave in a specific fashion. This heavy hand of government impedes the free enterprise of Ohioans and starts Ohio down the path of state government determining how Ohioans interact with each other, how they conduct business and how they manage their workforce.

While the who, what, and why of removing content is both murky and frustrating, the answer is not state compulsion, but more competition. The current social media platforms subject to this legislation once were smaller market participants and these will eventually lose market share as new products and services are introduced and create market share for themselves. AOL users moved to Myspace then to Facebook. The younger users today can be found on Snapchat, TikTok, and Discord, and will move again to new products and services yet to be developed and deployed. The free market and marketplace of ideas does not need additional heavy-handed compulsory demands from the government.

If additional clarity or regulations are needed, they should take place at the federal level to create a national approach to the concerns raised by the sponsors of this legislation. Attempting to create an Ohio only solution for interstate commerce would be cumbersome, clunky, and likely not solve the issues raised. In fact, HB 441, if enacted and upheld by the courts, would create a social media landscape very different than the one in place today. The deep web would come to the surface and unleash content that this committee would find problematic at best. Ironically, HB 441 would no longer allow public officials to remove critical comments or block users from their social media accounts. If HB 441 is enacted and survives various court challenges, platforms concerned with potential lawsuits from users blocked by an account or denied a friend request or who had comments removed, will simply disable those features of their platforms.

Understandably, the sponsors of HB 441 have identified concerns for an area of business commerce that is relatively new technology powered under Moore's law with regulatory guidelines playing catchup. But the answer to the issues raised can best be found in the creative free enterprise marketplace instead of the use of a compulsory government regulation at the state level. HB 441 only hampers the business environment of Ohioans and sends a message to the country that Ohio does not believe in free markets or the free enterprise system.

Thank you, Chairman Hillyer, for allowing me the opportunity to testify on HB 441. I will attempt to answer any questions you or the committee may have for me on HB 441.