



SENATE BILL 83: No TikTok on Government Devices.

This Bill Analysis reflects the contents of the bill as it was presented in committee.

2023-2024 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	Date:	February 21, 2023
Introduced by:	Sens. Moffitt, Perry, Hanig	Prepared by:	Brad Krehely
Analysis of:	First Edition		Committee Co-Counsel

OVERVIEW: Senate Bill 83 would prohibit employees of and persons contracting with the State or local political subdivisions of the State from using TikTok and WeChat on government devices and would prohibit any person from using TikTok and WeChat during participation in any State-funded program. The act would be effective when it becomes law.

CURRENT LAW: G.S. 14-456 provides: "Any person who willfully and without authorization denies or causes the denial of computer, computer program, computer system, or computer network services to an authorized user of the computer, computer program, computer system, or computer network services is guilty of a Class 1 misdemeanor."

G.S. 14-456.1 provides: "Any person who willfully and without authorization denies or causes the denial of government computer services is guilty of a Class H felony."

On January 12, 2023, Governor Cooper issued Executive Order No. 276 prohibiting the use of certain applications or websites on State information technology. The Executive Order directed the State Chief Information Office (CIO) and Department of Information Technology (DIT) to develop a policy that prohibits the use of TikTok and WeChat on State agency information technology systems.

Effective January 26, 2023, DIT and the CIO issued: "Use of High Risk Applications, Version 1.0." The policy identified TikTok and WeChat as High-Risk Applications and provided that: (1) State agency employees may not install or otherwise utilize the identified High-Risk Applications on State-issued devices and must remove any existing instances of the TikTok and WeChat applications from State-issued devices; (2) State agency employees may not access any High-Risk Technology website on a State-issued device; (3) The State Network may not be used to access High-Risk Technology on any personally owned device; (4) State agencies and their employees may obtain an exception from the prohibition on the installation and use of High-Risk Applications for law enforcement or other legitimate purposes under conditions specified by DIT. The policy applies to devices owned by or issued by State agencies and personal devices that are connected to the State network.

State agencies and State agency employees must comply with the policy within 60 days of its enactment. A policy violation can result in disciplinary action, up to and including termination. The policy applies only to State agencies in the executive branch, but does not apply to local governments, the judicial or legislative branches of government, community colleges, or The University of North Carolina.

BILL ANALYSIS: Senate Bill 83 would do the following:

- Define "covered applications" as (1) "TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited" and (2) "WeChat or

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any successor application or service developed or provided by Tencent Holdings Limited or an entity owned by Tencent Holdings Limited."

- Prohibit employees of the State and employees of local political subdivisions of the State from downloading or using any covered application or accessing the website of a covered application on or while using a government-issued device or information technology.
- Prohibit persons contracting with the State, or with local political subdivisions of the State, from accessing, downloading, or using a covered application on equipment owned or leased by the State or by a local political subdivision of the State.
- Forbid any person from accessing, downloading, or using a covered application on any government-issued device or during participation in any State funded program, which includes any program or activity funded in whole or in part by State, federal, or local funds.
- Require State agencies and local political subdivisions of the State to restrict access to covered applications' websites on government-issued devices and information technology.
- Mandate that covered applications be removed, deleted, and uninstalled from government-issued devices no later than 30 days after the enactment of the act.
- Clarify that the act would not prevent prosecutorial and law enforcement agencies from accessing covered applications for law enforcement and investigative purposes.
- Require the DIT and the Department of Public Safety to develop guidelines for prosecutorial and law enforcement access to covered applications by March 1, 2023.

EFFECTIVE DATE: The act would be effective when it becomes law.

BACKGROUND: The United States Congress passed its own ban on the use of TikTok for federal executive agencies and directed the Office of Management and Budget to develop standards and guidelines for federal executive agencies requiring removal of the application. (Public Law No 117-328). In addition to North Carolina's Executive Order No. 276, at least 16 other states' Governors have taken similar actions.