

1 ENGROSSED HOUSE
2 BILL NO. 2372

By: Trebilcock, Turner, Sherrer
and Kern of the House

3 and

4 Loveless of the Senate
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8 An Act relating to labor; prohibiting employer from
9 requesting or requiring access to social media
10 account of certain employees; prohibiting an employer
11 from taking retaliatory personnel action for failure
12 to provide access to social media account;
authorizing civil actions for violations; providing
for recovery of attorney fees and court costs;
defining terms; providing for codification; and
providing an effective date.

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15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 173.2 of Title 40, unless there
18 is created a duplication in numbering, reads as follows:

19 A. Any employing entity located in this state shall not do any
20 of the following:

21 1. Request or require an employee or prospective employee to
22 disclose a username, password or other means of accessing a social
23 media account through an electronic communications device;
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1 2. Request or require an employee or prospective employee to
2 take an action that allows the employer to gain access to the
3 employee's or prospective employee's social media account if the
4 account's contents are not available to the general public;

5 3. Take retaliatory personnel action against an employee for
6 refusing to give the employer access to the employee's social media
7 account; and

8 4. Fail or refuse to hire a prospective employee as a result of
9 the prospective employee's refusal to allow the employer access to
10 the prospective employee's social media account.

11 B. An employee or prospective employee may bring a civil action
12 against an employer who violates this section in a court located in
13 the county in which the employee or prospective employee resides or
14 where the alleged violation occurred. Such action shall be brought
15 within two (2) years after the violation occurred. The employee or
16 prospective employee may seek injunctive relief to restrain the
17 employer from continuing to act in violation of this section and may
18 recover damages in an amount equal to the actual damages arising
19 from the violation or Five Hundred Dollars (\$500.00) per violation,
20 whichever is greater. An employee or prospective employee who
21 prevails is entitled to recover court costs and reasonable attorney
22 fees.

23 C. As used in this section:
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