

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1793

By: Jett

AS INTRODUCED

An Act relating to contracts; prohibiting advertisers from inhibiting publication or distribution of certain content; deeming certain acts as injurious to competition; establishing exceptions to content required to be published or distributed; defining terms; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 731 of Title 15, unless there is created a duplication in numbering, reads as follows:

A. Except as provided in subsection B of this section, an advertiser shall not inhibit the publication or distribution of any content on the medium operated by the advertiser when the person or entity seeking to distribute such content compensates the advertiser for the publication or distribution of such content at a rate equal or greater than the rate charged by the advertiser for the publication or distribution of other content. Any attempt by the

1 advertiser to inhibit publication or distribution of such content
2 shall be deemed injurious to competition.

3 B. Notwithstanding subsection A of this section, an advertiser
4 shall not be required to publish or distribute any content which:

- 5 1. Constitutes a crime;
- 6 2. Would cause a reasonable person to presume that the content
7 recommends the commission of a crime;
- 8 3. Is defamatory pursuant to state law;
- 9 4. Constitutes an invasion of privacy pursuant to state law; or
- 10 5. Constitutes a violation of state or federal copyright,
11 trademark, or other intellectual property law.

12 C. For purposes of this section:

13 1. "Advertiser" means a person, entity, or facility which
14 accepts funds for advertising or promoting a product, service, or
15 content in a medium operated by such person, entity, or facility;
16 and

17 2. "Crime" means a violation of federal or state law including
18 but not limited to pornography, except where enforcement of such
19 federal or state law has been enjoined by a federal or state court.

20 SECTION 2. This act shall become effective November 1, 2022.

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