

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2801

By Delegates Young, Linville, Cannon, C. Pritt and
Garcia

[Introduced January 18, 2023; Referred to the
Committee on Technology and Infrastructure then the
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §18B-21-1, relating to prohibiting an institution of higher education from
3 requiring a current or prospective student, or current or prospective employee, to disclose
4 their username or password for social media accounts or to require such person to change
5 their social media privacy settings, or add an employee or volunteer of the institution of
6 higher education; and prohibiting an institution of higher education from taking action
7 against such current or prospective student, or current or prospective employee, such as
8 threatening to discharge, discipline, prohibit from participating in curricular or extracurricular
9 activities, or otherwise penalize a current student for asserting their right under this article.

Be it enacted by the Legislature of West Virginia:

ARTICLE 21. SOCIAL MEDIA PRIVACY.

§18B-21-1. Social media accounts of current and prospective students or employees —

Definitions.

1 (a) As used in this section:

2 (1) "Employee" means an individual who provides services or labor for wages or other
3 remuneration for an institution of higher education;

4 (2) "Institution of higher education" means a public or private institution that provides
5 postsecondary education or training to students that is academic, technical, trade-oriented, or in
6 preparation for gaining employment in a recognized occupation;

7 (3) "Social media account" means a personal account with an electronic medium or service
8 where users may create, share, or view user-generated content.

9 (4) "Student" means a person enrolled part-time or full-time at an institution of higher
10 education in an organized course of study.

11 (b) An institution of higher education shall not require, request, suggest, or cause:

12 (1) A current or prospective employee or student to disclose his or her username and
13 password to the current or prospective employee's or student's social media account; or

14 (2) A current or prospective student, as a condition of acceptance in curricular or
15 extracurricular activities, to:

16 (A) Add an employee or volunteer of the institution of higher education, including without
17 limitation a coach, professor, or administrator, to the list of contacts associated with his or her
18 social media account; or

19 (B) Change the privacy settings associated with his or her social media account.

20 (c) An institution of higher education shall not:

21 (1) Take action against or threaten to discharge, discipline, prohibit from participating in
22 curricular or extracurricular activities, or otherwise penalize a current student for exercising his or
23 her rights under subsection (b) of this section; or

24 (2) Fail or refuse to admit or hire a prospective employee or student for exercising his or her
25 rights under subsection (b) of this section.

26 (d) This section does not prohibit an institution of higher education from viewing
27 information about a current or prospective employee or student that is publicly available on the
28 internet.

29 (e) Nothing in this section prevents an institution of higher education from complying with
30 the requirements of federal laws or regulations, or state laws or rules.

NOTE: The purpose of this bill is to establish social media privacy for current and prospective students or employees of higher education institutions operating in the state of West Virginia for content not publicly available on the internet.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.