

**PROPOSED AMENDMENTS TO
HOUSE BILL 2654**

1 On page 1 of the printed bill, line 6, delete “Require, request, suggest or
2 cause” and insert “Require or request”.

3 In line 7, after “applicant’s” delete the rest of the line and insert “user
4 name and password, password or other means of authentication that provides
5 access”.

6 In line 14, delete “or password” and insert “and password, password or
7 other means of authentication that is”.

8 In line 17, delete “or password” and insert “and password, password or
9 other means of authentication that is”.

10 In line 20, after “name” insert “and password”.

11 In line 21, after “accessing” delete the rest of the line and line 22 and
12 insert “an account provided by, or on behalf of, the employer or to be used
13 on behalf of the employer.

14 “(3) An employer may not be held liable for the failure to request or re-
15 quire an employee or applicant to disclose the information specified in sub-
16 section (1)(a) of this section.

17 “(4) Nothing in this section prevents an employer from:

18 “(a) Conducting an investigation, without requiring an employee to pro-
19 vide a user name and password, password or other means of authentication
20 that provides access to a personal social media account of the employee, for
21 the purpose of ensuring compliance with applicable laws, regulatory re-
22 quirements or prohibitions against work-related employee misconduct based

1 on receipt by the employer of specific information about activity of the em-
2 ployee on a personal online account or service.

3 “(b) Conducting an investigation permitted under this subsection that re-
4 quires an employee, without providing a user name and password, password
5 or other means of authentication that provides access to a personal social
6 media account of the employee, to share content that has been reported to
7 the employer that is necessary for the employer to make a factual determi-
8 nation about the matter.

9 “(c) Complying with state and federal laws, rules and regulations and the
10 rules of self-regulatory organizations.

11 “(5) Nothing in this section prohibits an employer from accessing infor-
12 mation available to the public about the employee or applicant that is ac-
13 cessible through an online account.

14 “(6) If an employer inadvertently receives the user name and password,
15 password or other means of authentication that provides access to a personal
16 social media account of an employee through the use of an electronic device
17 or program that monitors usage of the employer’s network or employer-
18 provided devices, the employer is not liable for having the information but
19 may not use the information to access the personal social media account of
20 the employee.”.

21 In line 23, delete “(3)” and insert “(7)”.

22 On page 2, line 1, delete “Require, request, suggest or cause” and insert
23 “Require or request”.

24 In line 2, delete “user name or password” and insert “user name and
25 password, password or other means of authentication that provides access”.

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