

Can Montana Enforce Its New TikTok Ban?

Montana Gov. Greg Gianforte signed into law on Wednesday, May 17, a first-of-its kind bill that makes it illegal for TikTok to operate in the state.

This legislation is setting up a potential legal fight with the company amid a litany of questions over whether the state can even enforce the law.

The new rules in Montana will have more far-reaching effects than TikTok bans already in place on government-issued devices in nearly half the states and the U.S. federal government. There are 200,000 TikTok users in Montana as well as 6,000 businesses that use the video-sharing platform, according to company spokesperson Jamal Brown.

Here's what you need to know:

Why is Montana Banning TikTok?

Proponents of the law in Montana claim the Chinese government could harvest U.S. user data from TikTok and use the platform to push pro-Beijing misinformation or messages to the public.

That mirrors arguments made by a bipartisan group of lawmakers in the U.S. Senate, as well as the heads of the FBI and the CIA, all of whom have said TikTok could pose a national security threat because its Beijing-based parent company ByteDance operates under Chinese law.

Critics have pointed to China's 2017 national intelligence law that compels companies to cooperate with the country's governments for state intelligence work. Another Chinese law, implemented in 2014, has similar mandates.

TikTok says it has never been asked to hand over its data, and

it wouldn't do so if asked.

How Does Montana Plan to Ban TikTok?

The law will prohibit downloads of TikTok in the state and fine any "entity"—an app store or TikTok—\$10,000 per day for each time someone accesses TikTok, "is offered the ability" to access it or downloads it.

That means Apple and Google, which operate app stores on Apple and Android devices, would be liable for any violations. Penalties would not apply to users.

The statewide ban won't take effect until Jan. 2024. It would be void if the social media platform is sold to a company that is not based in "any country designated as a foreign adversary" by the federal government.

The governor indicated he wants to expand the bill to other social media apps in order to address some of the bill's "technical and legal concerns." But the legislature adjourned before sending him the bill, which meant he couldn't offer his amendments.

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