

# Montana's TikTok ban: why has it happened and will it work?

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TikTok has been banned in Montana. The first US state-level ban of the increasingly embattled social video app is already proving controversial, although it will not take effect until 2024. Why has TikTok been banned? According to Montana's governor, Greg Gianforte, the move was "to protect Montanans' personal and private data from being harvested by the Chinese Communist party". The ban comes after a federal move to stop government employees using the app on their work phones. That was followed by administrations around the world, but Montana is one of the first in the latest wave to extend a ban to consumer users as well. How will the ban take effect? The bill, which was introduced in February, targets app stores such as those run by Google and Apple, prohibiting them from hosting TikTok. Lobbyists linked to the companies have argued that enacting such a state-level ban will be impossible, but any significant difficulty is likely to be legal rather than technical, given that the services already collect enough information about individual users to identify their state of residence. TikTok itself could also be hit with a fine if it continues to operate in the state after the ban comes into effect. A TikTok spokesperson said in a statement: "We want to reassure Montanans that they can continue using TikTok to express themselves, earn a living and find community as we continue working to defend the rights of our users inside and outside of Montana." Neither Apple nor Google responded to requests for comment. Will it be easy to enforce? There are many ways for users to evade geographic bans on the open web, from using a VPN service, which reroutes connections to other locations, to signing up for accounts using prepaid cards and rented mailboxes. Fully closing off access to the app would be nigh impossible unless Montana decided to follow the route of countries such as Iran or, ironically, China itself, and greatly limit access to such services. Olexandr Kyrychenko, a partner at the IMD Corporate law firm, said no TikTok users would be fined because the bill targets companies rather than individuals. He also said the "eyewatering" \$10,000 (£8,000) a day fine would encourage companies to comply. "It would certainly be a costly gamble to keep download options available once the bill comes into force and app stores would be well advised to comply," he said. Will the ban face legal challenges? A group of TikTok creators has already sued to block the ban, arguing that the law violates their first amendment rights. The users said the state seeks to "exercise powers over national security that Montana does not have and to ban speech Montana may not suppress". "Montana can no more ban its residents from viewing or posting to TikTok than it could ban the Wall Street Journal because of who owns it or the ideas it publishes," the lawsuit said. The ACLU has described the ban as "unconstitutional". It's unclear if TikTok itself will file suit. Has anywhere else succeeded in banning TikTok? India banned the app in 2020, citing a wave of dangerous "challenges" that had led to the deaths of some users, but critics argued that the real motivation was the same geopolitical wrangling that has resulted in western nations starting to clamp down three

years later. The ban had a marked effect on competition in India, handing a significant market to YouTube's Shorts service, a direct competitor of TikTok hastily released in the country in the wake of the ban. TikTok is also banned in China itself. A sister app called Douyin, also owned by TikTok's parent company, Bytedance, shares many features but with much firmer moderation.