

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1118

Introduced by Bosn, 25.

Read first time January 16, 2026

Committee:

- 1 A BILL FOR AN ACT relating to the Uniform Deceptive Trade Practices Act;
- 2 to amend section 87-302, Revised Statutes Supplement, 2025; to
- 3 classify certain actions by a social media platform as deceptive
- 4 trade practices under the act; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 87-302, Revised Statutes Supplement, 2025, is
2 amended to read:

3 87-302 (a) A person engages in a deceptive trade practice when, in
4 the course of his or her business, vocation, or occupation, he or she:

5 (1) Passes off goods or services as those of another;

6 (2) Causes likelihood of confusion or of misunderstanding as to the
7 source, sponsorship, approval, or certification of goods or services;

8 (3) Causes likelihood of confusion or of misunderstanding as to
9 affiliation, connection, or association with, or certification by,
10 another;

11 (4) Uses deceptive representations or designations of geographic
12 origin in connection with goods or services;

13 (5) Represents that goods or services have sponsorship, approval,
14 characteristics, ingredients, uses, benefits, or quantities that they do
15 not have or that a person has a sponsorship, approval, status,
16 affiliation, or connection that he or she does not have;

17 (6) Represents that goods or services do not have sponsorship,
18 approval, characteristics, ingredients, uses, benefits, or quantities
19 that they have or that a person does not have a sponsorship, approval,
20 status, affiliation, or connection that he or she has;

21 (7) Represents that goods are original or new if they are
22 deteriorated, altered, reconditioned, reclaimed, used, or secondhand,
23 except that sellers may repair damage to and make adjustments on or
24 replace parts of otherwise new goods in an effort to place such goods in
25 compliance with factory specifications;

26 (8) Represents that goods or services are of a particular standard,
27 quality, or grade, or that goods are of a particular style or model, if
28 they are of another;

29 (9) Disparages the goods, services, or business of another by false
30 or misleading representation of fact;

31 (10) Advertises goods or services with intent not to sell them as

1 advertised or advertises the price in any manner calculated or tending to
2 mislead or in any way deceive a person;

3 (11) Advertises goods or services with intent not to supply
4 reasonably expectable public demand, unless the advertisement discloses a
5 limitation of quantity;

6 (12) Makes false or misleading statements of fact concerning the
7 reasons for, existence of, or amounts of price reductions;

8 (13) Uses or promotes the use of or establishes, operates, or
9 participates in a pyramid promotional scheme in connection with the
10 solicitation of such scheme to members of the public. This subdivision
11 shall not be construed to prohibit a plan or operation, or to define a
12 plan or operation as a pyramid promotional scheme, based on the fact that
13 participants in the plan or operation give consideration in return for
14 the right to receive compensation based upon purchases of goods,
15 services, or intangible property by participants for personal use,
16 consumption, or resale so long as the plan or operation does not promote
17 or induce inventory loading and the plan or operation implements an
18 appropriate inventory repurchase program;

19 (14) With respect to a sale or lease to a natural person of goods or
20 services purchased or leased primarily for personal, family, household,
21 or agricultural purposes, uses or employs any referral or chain referral
22 sales technique, plan, arrangement, or agreement;

23 (15) Knowingly makes a false or misleading statement in a privacy
24 policy, published on the Internet or otherwise distributed or published,
25 regarding the use of personal information submitted by members of the
26 public;

27 (16) Uses any scheme or device to defraud by means of:

28 (i) Obtaining money or property by knowingly false or fraudulent
29 pretenses, representations, or promises; or

30 (ii) Selling, distributing, supplying, furnishing, or procuring any
31 property for the purpose of furthering such scheme;

1 (17) Offers an unsolicited check, through the mail or by other
2 means, to promote goods or services if the cashing or depositing of the
3 check obligates the endorser or payee identified on the check to pay for
4 goods or services. This subdivision does not apply to an extension of
5 credit or an offer to lend money;

6 (18) Mails or causes to be sent an unsolicited billing statement,
7 invoice, or other document that appears to obligate the consumer to make
8 a payment for services or merchandise he or she did not order;

9 (19)(i) Installs, offers to install, or makes available for
10 installation or download a covered file-sharing program on a computer not
11 owned by such person without providing clear and conspicuous notice to
12 the owner or authorized user of the computer that files on that computer
13 will be made available to the public and without requiring intentional
14 and affirmative activation of the file-sharing function of such covered
15 file-sharing program by the owner or authorized user of the computer; or

16 (ii) Prevents reasonable efforts to block the installation,
17 execution, or disabling of a covered file-sharing program;

18 (20) Violates any provision of the Nebraska Foreclosure Protection
19 Act;

20 (21) In connection with the solicitation of funds or other assets
21 for any charitable purpose, or in connection with any solicitation which
22 represents that funds or assets will be used for any charitable purpose,
23 uses or employs any deception, fraud, false pretense, false promise,
24 misrepresentation, unfair practice, or concealment, suppression, or
25 omission of any material fact;

26 (22)(i) In the manufacture, production, importation, distribution,
27 promotion, display for sale, offer for sale, attempt to sell, or sale of
28 a substance:

29 (A) Makes a deceptive or misleading representation or designation,
30 or omits material information, about a substance or fails to identify the
31 contents of the package or the nature of the substance contained inside

1 the package; or

2 (B) Causes confusion or misunderstanding as to the effects a
3 substance causes when ingested, injected, inhaled, or otherwise
4 introduced into the human body.

5 (ii) A person shall be deemed to have committed a violation of the
6 Uniform Deceptive Trade Practices Act for each individually packaged
7 product that is either manufactured, produced, imported, distributed,
8 promoted, displayed for sale, offered for sale, attempted to sell, or
9 sold in violation of this section. A violation under this subdivision (a)
10 (22) shall be treated as a separate and distinct violation from any other
11 offense arising out of acts alleged to have been committed while the
12 person was in violation of this section;

13 (23)(i) Manufactures, produces, publishes, distributes, monetizes,
14 promotes, or otherwise makes publicly available any visual depiction of
15 sexually explicit conduct, any obscene material, or any material that is
16 harmful to minors in which any person depicted as a participant or
17 observer:

18 (A) Is under eighteen years of age;

19 (B) Is a trafficking victim;

20 (C) Has not expressly and voluntarily consented to such person's
21 depiction; or

22 (D) Participated in any act depicted without consent.

23 (ii) This subdivision (a)(23) does not apply to any
24 telecommunications or broadband Internet access service.

25 (iii) For purposes of this subdivision (a)(23):

26 (A) Harmful to minors has the same meaning as in 47 U.S.C. 254, as
27 such section existed on January 1, 2024;

28 (B) Obscene material has the same meaning as in section 28-807;

29 (C) Promote means to use any mechanism or publication, or take any
30 action, that suggests, highlights, advertises, markets, curates,
31 backlinks, hashtags, or otherwise directs, attempts to direct, or

1 encourages traffic toward specific materials, including acts carried out
2 affirmatively, through automation, algorithmically, and via other
3 technical means both known and unknown at this time;

4 (D) Publish means to communicate or make information available to
5 another person via an Internet website, regardless of whether the person
6 consuming, viewing, or receiving the material gives any consideration for
7 the published material;

8 (E) Trafficking victim has the same meaning as in section 28-830;

9 (F) Visual depiction of sexually explicit conduct has the same
10 meaning as in section 28-1802; and

11 (G) Without consent has the same meaning as in section 28-318;

12 (24) Offers or enters into a right-to-list home sale agreement as
13 defined in section 81-885.01; ~~or~~

14 (25) Violates section 81-2,282; ~~or~~ -

15 (26)(i) With respect to a social media platform that accepts
16 payment, or any other form of compensation or thing of value, for
17 advertising on its platform:

18 (A) Fails to establish and implement:

19 (I) Identity verification for advertisers;

20 (II) Unlawful impersonation detection and mitigation program;

21 (III) Automated and manual fraud detection systems;

22 (IV) Measures to prevent repeated offenses by the same advertiser;

23 (V) A clear and conspicuous tool for users to report suspected
24 fraud; and

25 (VI) A process for law enforcement to report suspected fraudulent
26 advertisements;

27 (B) After a fraudulent advertisement is reported either by a user or
28 law enforcement, within seven days:

29 (I) Fails to investigate and determine if such advertisement
30 constitutes a fraudulent advertisement;

31 (II) If determined to be a fraudulent advertisement, fails to

1 immediately remove the reported fraudulent advertisement from its
2 platform; or

3 (III) If reported by law enforcement, regardless of action taken,
4 fails to notify the submitter of the status of their report; or

5 (C) Knowingly permit fraudulent advertisement on its platform or
6 ignores credible reports that content on its platform constitutes
7 fraudulent advertisement.

8 (ii) For purposes of this subdivision (a)(26):

9 (A) Advertiser means any person who pays, or provides compensation
10 or a thing of value, to advertise, promote, or otherwise increase
11 impressions of ads or content on a social media platform;

12 (B) Fraudulent advertisement means an ad or content that
13 misrepresents material facts or unlawfully impersonates another in order
14 to induce a transaction or extract a benefit, and a social media platform
15 accepts payment, or any other form of compensation or thing of value, to
16 advertise, promote, or otherwise increase impressions of the ad or
17 content on its platform; and

18 (C) Social media platform means an electronic medium, including a
19 browser-based or application-based interactive computer service, Internet
20 website, telephone network, or data network, that allows an account
21 holder to create, share, and view user-generated content for a
22 substantial purpose of social interaction, sharing user-generated
23 content, or personal networking. Social media platform does not include:

24 (I) An Internet search provider;

25 (II) An Internet service provider;

26 (III) An email service;

27 (IV) A streaming service, online video game, e-commerce, or other
28 Internet website where the content is not user generated but where
29 interactive functions enable chat, comments, reviews, or other
30 interactive functionality that is incidental to, directly related to, or
31 dependent upon providing the content;

1 (V) A communication service, including text, audio, or video
2 communication technology, provided by a business to the business's
3 employees and clients for use in the course of business activities and
4 not for public distribution, except that social media platform includes a
5 communication service provided by a social media platform;

6 (VI) An advertising network with the sole function of delivering
7 commercial content;

8 (VII) A telecommunications carrier as defined in 47 U.S.C. 153;

9 (VIII) A broadband Internet access service as defined in 47 C.F.R.
10 8.1(b);

11 (IX) Single-purpose community groups for education or public safety;

12 (X) Teleconferencing or video-conferencing services that allow
13 reception and transmission of audio and video signals for real-time
14 communication, except that social media platform includes
15 teleconferencing or video-conferencing services provided by a social
16 media platform;

17 (XI) Cloud computing services, which may include cloud storage and
18 shared document collaboration;

19 (XII) Providing or obtaining technical support for a platform,
20 product, or service; or

21 (XIII) A platform designed primarily and specifically for creative
22 professional users, as distinct from the general public, to share their
23 portfolio and creative content, engage in professional networking,
24 acquire clients, and market the creative professional user's creative
25 content and creative services through facilitated transactions.

26 (b) In order to prevail in an action under the Uniform Deceptive
27 Trade Practices Act, a complainant need not prove competition between the
28 parties.

29 (c) This section does not affect unfair trade practices otherwise
30 actionable at common law or under other statutes of this state.

31 **Sec. 2.** Original section 87-302, Revised Statutes Supplement, 2025,

1 is repealed.