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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

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KENYATTA, HILL-EVANS AND KIM, FEBRUARY 20, 2024

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REFERRED TO COMMITTEE ON CONSUMER PROTECTION, TECHNOLOGY AND  
UTILITIES, FEBRUARY 20, 2024

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AN ACT

1 Amending Title 50 (Mental Health) of the Pennsylvania  
2 Consolidated Statutes, providing for protection of minors on  
3 social media; and imposing penalties.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 50 of the Pennsylvania Consolidated  
7 Statutes is amended by adding parts to read:

8 PART I

9 PRELIMINARY PROVISIONS

10 (Reserved)

11 PART II

12 MINORS

13 Chapter

14 10. Preliminary Provisions (Reserved)

15 11. Protecting Minors on Social Media

16 CHAPTER 10

17 PRELIMINARY PROVISIONS

1 (Reserved)

2 CHAPTER 11

3 PROTECTING MINORS ON SOCIAL MEDIA

4 Subchapter

5 A. General Provisions

6 B. Notice of Flagged Content

7 C. Consent to Open an Account

8 D. Data

9 SUBCHAPTER A

10 GENERAL PROVISIONS

11 Sec.

12 1101. Scope of chapter.

13 1102. Legislative intent.

14 1103. Definitions.

15 § 1101. Scope of chapter.

16 This chapter relates to protecting minors on social media.

17 § 1102. Legislative intent.

18 The General Assembly finds and declares as follows:

19 (1) Social media use among American teenagers is nearly  
20 universal. According to the Pew Research Center, 95% of teens  
21 report using YouTube and 67% of teens have used TikTok, with  
22 16% using it almost constantly.

23 (2) Social media platforms are designed to be addictive,  
24 with teenagers at particular risk of excessive use. According  
25 to the Pew Research Center, 54% of teens say it would be  
26 difficult to give up social media entirely.

27 (3) Social media use is linked to negative feelings  
28 among teens. A growing body of research, described in the  
29 *International Journal of Adolescence and Youth* and elsewhere,  
30 has found that increased social media use is associated with

1 greater rates of depression and anxiety in teens. Additional  
2 research published in the *Children and Youth Services Review*  
3 describe a trend in which social media use can trigger and  
4 accelerate offline violence.

5 (4) Rates of suicide and self-harm among American  
6 teenagers have grown dramatically in recent years. The  
7 Centers for Disease Control and Prevention have found that,  
8 in 2021, three in five girls felt persistently sad and  
9 hopeless, while more than one in four girls reported  
10 seriously considering attempting suicide. These rates have  
11 increased significantly since 2011.

12 (5) Federal and State policymakers are beginning to  
13 recognize the risks that social media use place on American  
14 youth. A number of recent policy proposals provide parents  
15 and guardians of teenagers with greater oversight over their  
16 children's social media use.

17 (6) In May 2023, the United States Surgeon General  
18 released a health advisory finding that social media can  
19 "have a profound risk of harm to the mental health and well-  
20 being of children and adolescents." The advisory recommends  
21 policies that limit access to social media and require  
22 greater protection of data relating to children and  
23 adolescents.

24 (7) In addition to empowering parents and guardians to  
25 protect children against these risks, policymakers are  
26 establishing mechanisms to hold social media companies  
27 accountable for harms to children and youth.

28 (8) Greater oversight of social media platforms will  
29 enable families in this Commonwealth to use online tools in a  
30 more productive and healthy fashion.

1 § 1103. Definitions.

2 As used in this chapter, the following words and phrases  
3 shall have the meanings given to them in this section unless the  
4 context clearly indicates otherwise:

5 "Account." Any means of registration by which an individual  
6 may engage in one or more functions of a social media platform.

7 "Algorithmic recommendation." A fully or partially automated  
8 system that suggests, promotes or ranks information for, or  
9 presents advertising to, an individual.

10 "Chats." Instant, electronic messages exchanged on a social  
11 media platform.

12 "Delete." To remove personal information such that the  
13 information is not retrievable by anyone and cannot be retrieved  
14 in the normal course of business.

15 "Flagged content." Chats, posts, videos and images that are  
16 deemed sensitive or graphic by users on a social media platform  
17 and for which the social media company has taken action to limit  
18 according to the social media company's terms of use policy.

19 "Mine." The activity or process of searching through large  
20 amounts of information for specific data or patterns.

21 "Minor." Except as provided in section 1131 (relating to  
22 definitions), an individual who is under 16 years of age.

23 "Personal information." As defined in 15 U.S.C. § 6501  
24 (relating to definitions).

25 "School entity." A school district, intermediate unit, area  
26 career and technical school, charter school or private  
27 residential rehabilitative institution.

28 "Social media company." A person that owns or operates one  
29 or more social media platforms.

30 "Social media platform." A public or semi-public Internet-

1 based service or application that has users in this Commonwealth  
2 and that meets all of the following:

3 (1) A substantial function of the service or application  
4 is to connect users in order to allow users to interact  
5 socially with each other within the service or application.

6 (2) The service or application allows users to do one or  
7 more of the following:

8 (i) Construct a public or semi-public profile for  
9 purposes of signing into and using the service or  
10 application.

11 (ii) Populate a list of other users with whom an  
12 individual shares a social connection within the system.

13 (iii) Create or post content viewable by other  
14 users, including on message boards, in chat rooms or  
15 through a landing page or main feed that presents the  
16 user with content generated by other users.

17 SUBCHAPTER B

18 NOTICE OF FLAGGED CONTENT

19 Sec.

20 1110. Monitor chats of minors.

21 1111. Notice of flagged content.

22 § 1110. Monitor chats of minors.

23 A social media company shall monitor chats between two or  
24 more minors for flagged content.

25 § 1111. Notice of flagged content.

26 (a) Notice.--A social media company shall send a notice to a  
27 parent or legal guardian of a minor of flagged content on the  
28 minor's chats.

29 (b) Form.--A social media company shall provide the notice  
30 under subsection (a) via chat message to the parent or legal

1 guardian's account and by email to the email address associated  
2 with the parent or legal guardian's account.

3 (c) Opt out.--A social media company shall provide a parent  
4 or legal guardian of a minor the option to opt out at any time  
5 of the requirement for the social media company to monitor and  
6 send a notice of flagged content on the minor's chats.

7 SUBCHAPTER C

8 CONSENT TO OPEN AN ACCOUNT

9 Sec.

10 1121. Applicability.

11 1122. Approval prohibited.

12 1123. Duties.

13 1124. Revocation of consent.

14 1125. Violations.

15 § 1121. Applicability.

16 This subchapter shall apply to accounts opened on or after  
17 the effective date of this section.

18 § 1122. Approval prohibited.

19 A social media company may not approve the creation of an  
20 account for a minor or allow a minor to open or operate an  
21 account without affirmative written consent of the minor's  
22 parent or legal guardian.

23 § 1123. Duties.

24 (a) Attorney General.--The Office of Attorney General shall  
25 develop and make available on its publicly accessible Internet  
26 website a form that may be used by a parent or legal guardian to  
27 provide consent for a minor to open a social media account. The  
28 Office of Attorney General shall transmit a copy of the form to  
29 each social media company.

30 (b) Social media company.--Each social media company shall

1 post in a conspicuous place on each of their social media  
2 platforms notice that written consent by the minor's parent or  
3 legal guardian shall be required prior to opening an account.  
4 The social media platform shall allow for a parent or legal  
5 guardian to submit, electronically or via mail service, a  
6 completed consent notification form developed by the Office of  
7 Attorney General under subsection (a). A social media platform  
8 may include a method for a parent or legal guardian to provide  
9 written consent as required by this chapter via electronic  
10 means. Any electronic consent included in a social media  
11 platform must include the same information as required by the  
12 form developed by the Office of Attorney General under  
13 subsection (a).

14 (c) Failure to obtain consent.--To the extent possible, if a  
15 minor opens a social media account without written consent by  
16 their parent or legal guardian, the social media company shall,  
17 within 24 hours of discovery of the failure to obtain the  
18 consent:

19 (1) suspend the social media account; and  
20 (2) notify the parent or legal guardian that the minor  
21 has attempted to open a social media account without their  
22 consent.

23 (d) Social media account access.--If a parent or legal  
24 guardian provides written consent to a minor to open a social  
25 media account under this section, the social media company shall  
26 ensure a parent or legal guardian has the same access to the  
27 minor's account as if they were the account holder.

28 (e) Notice of alleged violation.--A social media company  
29 shall develop and post notice on its website of the methods,  
30 such as electronic and telephonic means, by which a minor's

1 parent or legal guardian may notify the social media company  
2 that the minor has opened a social media account on its social  
3 media platform without the required written consent.

4 § 1124. Revocation of consent.

5 (a) Time.--A parent or legal guardian of a minor who has  
6 provided written consent under this subchapter may revoke the  
7 consent at any time.

8 (b) Social media company.--A social media company shall take  
9 reasonable steps to provide a parent or legal guardian who has  
10 provided written consent for a minor to open a social media  
11 account with the ability to revoke the consent.

12 (c) Effect of revocation.--A social media company that  
13 receives a revocation of consent under subsection (a) shall, to  
14 the extent possible, within 24 hours of receipt of the  
15 revocation, suspend, delete or disable the account of the minor  
16 for whom consent was revoked.

17 § 1125. Violations.

18 (a) Action.--The Attorney General, a district attorney of  
19 the county in which the minor or minor's parent or legal  
20 guardian resides, a unit of government in the municipality in  
21 which the minor or minor's parent or legal guardian resides or a  
22 lawyer acting on behalf of a parent or legal guardian of a minor  
23 may bring an action against a social media company that  
24 knowingly, intentionally or negligently allows for a minor to  
25 open a social media account without written consent of the  
26 minor's parent or legal guardian. The Attorney General or  
27 district attorney may bring multiple cases at one time against a  
28 social media company for violations of this chapter.

29 (b) Penalty.--

30 (1) For a first offense for an action brought on behalf

1 of a single minor, a civil penalty not to exceed \$2,500.

2 (2) For a second offense for an action brought on behalf  
3 of the same single minor under paragraph (1), a civil penalty  
4 not to exceed \$5,000.

5 (3) For a third or subsequent offense for an action  
6 brought on behalf of the same single minor under paragraph  
7 (1), a civil penalty not to exceed \$50,000.

8 (4) For a first offense for an action brought by the  
9 Attorney General or a district attorney on behalf of multiple  
10 minors, a civil penalty not to exceed the greater of  
11 \$5,000,000 or the total number of violations multiplied by  
12 the maximum civil penalty under paragraph (1).

13 (5) If a court of competent jurisdiction determines that  
14 there have been repeated intentional violations of this  
15 chapter by a social media company, the court may enter an  
16 order enjoining the social media company from operating in  
17 this Commonwealth.

18 (c) Attorney General use of recovered fees.--For an action  
19 brought by the Attorney General, civil fees collected under  
20 subsection (b)(4) shall be deposited into the School Safety and  
21 Security Fund to be used exclusively for mental health-related  
22 services for school entities.

23 (d) District attorney or unit of government use of received  
24 fees.--For an action brought by a district attorney or a unit of  
25 government, civil fees collected under this section shall be  
26 used by the county or unit of government to provide mental  
27 health-related services for school entities in the county.

28 (e) Good faith.--It shall be a defense to a cause of action  
29 under subsection (a) if a social media company takes good faith  
30 actions, as determined by a court of competent jurisdiction, to

1 protect a minor from harm while using the social media company's  
2 platform.

3 SUBCHAPTER D

4 DATA

5 Sec.

6 1131. Definitions.

7 1132. Prohibitions.

8 1133. Violations.

9 1134. Removal.

10 § 1131. Definitions.

11 As used in this subchapter, the following words and phrases  
12 shall have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 "Minor." An individual who is under 18 years of age.

15 "Qualified individual." Any of the following:

16 (1) A parent or guardian of a minor.

17 (2) An adult individual from whom data was collected  
18 when the individual was a minor.

19 § 1132. Prohibitions.

20 (a) Mining.--A social media company may not mine data  
21 related to a minor who has opened a social media account,  
22 notwithstanding if the account was opened with the written  
23 consent of a parent or legal guardian of the minor.

24 (b) Sale of data.--A social media company may not sell or  
25 profit from data related to a minor who has opened a social  
26 media account, notwithstanding if the account was opened with  
27 the written consent of a parent or legal guardian of the minor.

28 (c) Algorithmic recommendations.--A social media platform  
29 may not use the personal data of a minor in an algorithmic  
30 recommendation system.

1 § 1133. Violations.

2 (a) Actions.--The Attorney General, a district attorney in  
3 the county in which the minor or minor's parent or legal  
4 guardian resides, a unit of government in which the minor or  
5 minor's parent or legal guardian resides or a lawyer acting on  
6 behalf of a parent or legal guardian of a minor may bring an  
7 action against a social media company that knowingly,  
8 intentionally or negligently violates a prohibition under  
9 section 1132 (relating to prohibitions).

10 (b) Penalty.--

11 (1) For a first offense for an action brought on behalf  
12 of a single minor, a civil penalty not to exceed \$10,000.

13 (2) For a second offense for an action brought on behalf  
14 of the same single minor under paragraph (1), a civil penalty  
15 not to exceed \$50,000.

16 (3) For a third or subsequent offense for an action  
17 brought on behalf of the same single minor under paragraph  
18 (1), a civil penalty not to exceed \$500,000.

19 (4) For a first offense for an action brought by the  
20 Attorney General, district attorney or unit of government on  
21 behalf of multiple minors, a civil penalty not to exceed the  
22 greater of \$50,000,000 or the total number of violations  
23 multiplied by the maximum civil penalty under paragraph (1).

24 (5) For a violation of paragraphs (1), (2), (3) and (4),  
25 a court of competent jurisdiction may order data collected as  
26 a result of a violation of a prohibition under section 1132  
27 to be scrubbed and removed from the Internet. The cost of  
28 removal shall be paid by the social media company.

29 (6) If a court of competent jurisdiction determines that  
30 there has been repeated intentional violations of a

1 prohibition under section 1132 by a social media company, the  
2 court may prohibit the social media company from operating in  
3 this Commonwealth.

4 (c) Attorney General use of recovered fees.--For an action  
5 brought by the Attorney General, civil fees collected under this  
6 section shall be deposited into the School Safety and Security  
7 Fund to be used for mental health-related services for school  
8 entities.

9 (d) District attorney or unit of government use of received  
10 fees.--For an action brought by a district attorney or unit of  
11 government, civil fees collected under this section shall be  
12 used by the county or unit of government to provide mental  
13 health-related services for school entities in the county or  
14 unit of government.

15 (e) Good faith.--It shall be a defense to a cause of action  
16 under subsection (a) if a social media company takes good faith  
17 actions, as determined by a court of competent jurisdiction, to  
18 protect a minor from harm while using the social media company's  
19 platform.

20 § 1134. Removal.

21 (a) Process.--A social media company shall implement a  
22 process for a qualified individual to have data mined or  
23 collected from an individual when the individual was a minor  
24 deleted and removed from websites and platforms operated by the  
25 social media company.

26 (b) Notice.--A social media company that has mined or  
27 collected personal information from a minor or retains personal  
28 information about a minor shall prominently display notice on  
29 the website of how a qualified individual can request that the  
30 social media company delete personal information in the

1 possession of the social media company that was collected from  
2 or about the individual when the individual was a minor.

3 (c) Deletion.--Upon a request of a qualified individual, a  
4 social media company shall, no later than 30 days after the  
5 request, delete personal information in the possession of the  
6 social media company that was mined or collected from or about  
7 the individual when the individual was a minor.

8 (d) Confirmation.--Within five business days of personal  
9 information being deleted by the social media company, the  
10 social media company shall provide, by written communication,  
11 notice to the qualified individual that personal information has  
12 been deleted.

13 (e) Violations.--A social media company that intentionally,  
14 knowingly or negligently failed to delete personal information  
15 when a request to delete personal information is made by a  
16 qualified individual shall be strictly liable for a civil  
17 penalty of \$10,000 per day per website until the personal  
18 information has been removed. If a social media company has  
19 received consent from a parent or guardian to collect personal  
20 information of a minor, the consent shall be an absolute defense  
21 to a violation of this section.

22 Section 2. This act shall take effect as follows:

23 (1) Except for the addition of 50 Pa.C.S. § 1123(a) and  
24 50 Pa.C.S. Ch. 11 Subch. C shall take effect in one year.

25 (2) The remainder of this act shall take effect  
26 immediately.