

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2017 Session of 2024

INTRODUCED BY MUNROE, DONAHUE, BOROWSKI, PROBST, M. JONES, DELLOSO, SHUSTERMAN, CEPEDA-FREYTIZ, GERGELY, FRIEL, MADDEN, DALEY, WAXMAN, HOHENSTEIN, O'MARA, GALLAGHER, PARKER, KENYATTA, HILL-EVANS, KIM AND KAZEEM, FEBRUARY 20, 2024

AS REPORTED FROM COMMITTEE ON CONSUMER PROTECTION, TECHNOLOGY AND UTILITIES, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 19, 2024

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

1 PRELIMINARY PROVISIONS

2 (Reserved)

3 CHAPTER 11

4 PROTECTING MINORS ON SOCIAL MEDIA

5 Subchapter

6 A. General Provisions

7 B. Notice of Flagged Content

8 C. Consent to Open an Account

9 D. Data

10 E. UNLAWFUL ACTIVITY

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11 SUBCHAPTER A

12 GENERAL PROVISIONS

13 Sec.

14 1101. Scope of chapter.

15 1102. Legislative intent.

16 1103. Definitions.

17 § 1101. Scope of chapter.

18 This chapter relates to protecting minors on social media.

19 § 1102. Legislative intent.

20 The General Assembly finds and declares as follows:

21 (1) Social media use among American teenagers is nearly
22 universal. According to the Pew Research Center, 95% of teens
23 report using YouTube and 67% of teens have used TikTok, with
24 16% using it almost constantly.

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

29 (3) Social media use is linked to negative feelings
30 among teens. A growing body of research, described in the

1 International Journal of Adolescence and Youth and elsewhere,
2 has found that increased social media use is associated with
3 greater rates of depression and anxiety in teens. Additional
4 research published in the Children and Youth Services Review
5 describe a trend in which social media use can trigger and
6 accelerate offline violence.

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

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

19 (6) In May 2023, the United States Surgeon General
20 released a health advisory finding that ~~social media can~~ <--
21 ~~"have a profound risk of harm to the mental health and well-~~
22 ~~being of children and adolescents."~~ The advisory recommends
23 ~~policies that limit access to social media and require~~
24 ~~greater protection of data relating to children and~~
25 ~~adolescents. "MORE RESEARCH IS NEEDED TO FULLY UNDERSTAND THE <--~~
26 ~~IMPACT OF SOCIAL MEDIA; HOWEVER, THE CURRENT BODY OF EVIDENCE~~
27 ~~INDICATES THAT WHILE SOCIAL MEDIA MAY HAVE BENEFITS FOR SOME~~
28 ~~CHILDREN AND ADOLESCENTS, THERE ARE AMPLE INDICATORS THAT~~
29 ~~SOCIAL MEDIA CAN ALSO HAVE A PROFOUND RISK OF HARM TO THE~~
30 ~~MENTAL HEALTH AND WELL-BEING OF CHILDREN AND ADOLESCENTS."~~

1 THE ADVISORY RECOMMENDS A RANGE OF POLICIES TO CONSIDER,
2 INCLUDING "POLICIES THAT FURTHER LIMIT ACCESS - IN WAYS THAT
3 MINIMIZE THE RISK OF HARM - TO SOCIAL MEDIA FOR ALL CHILDREN,
4 INCLUDING STRENGTHENING AND ENFORCING AGE MINIMUMS."

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

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

12 § 1103. Definitions.

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

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

18 ~~"Algorithmic recommendation." A fully or partially automated <--~~
19 ~~system that suggests, promotes or ranks information for, or~~
20 ~~presents advertising to, an individual.~~

21 "Chats." Instant, electronic messages exchanged on a social
22 media platform.

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

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

30 "Mine." The activity or process of searching through large

1 amounts of information for specific data or patterns.

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

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

6 "PERSONALIZED RECOMMENDATION SYSTEM." A FULLY OR PARTIALLY <--
7 AUTOMATED SYSTEM THAT IS BASED ON A USER'S HISTORICAL ACTIVITY
8 DATA AND WHICH SUGGESTS, PROMOTES OR RANKS INFORMATION THAT IS
9 PRESENTED OR DISPLAYED TO USERS.

10 "School entity." A school district, intermediate unit, area
11 career and technical school, charter school or private
12 residential rehabilitative institution.

13 "Social media company." A person that owns or operates one
14 or more social media platforms.

15 "Social media platform." A public or semi public Internet <--
16 based service or application that has users in this Commonwealth
17 and that meets all of the following:

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

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

23 (i) Construct a public or semi public profile for
24 purposes of signing into and using the service or
25 application.

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

28 (iii) Create or post content viewable by other
29 users, including on message boards, in chat rooms or
30 through a landing page or main feed that presents the

user with content generated by other users.

"SOCIAL MEDIA PLATFORM." A PUBLIC OR SEMIPUBLIC INTERNET-
BASED SERVICE OR APPLICATION THAT HAS USERS IN THIS COMMONWEALTH
AND THAT MEETS ALL OF THE FOLLOWING CRITERIA:

(1) A PRIMARY FUNCTION OF THE SERVICE OR APPLICATION IS
TO CONNECT USERS IN ORDER TO ALLOW USERS TO INTERACT SOCIALLY
WITH EACH OTHER WITHIN THE SERVICE OR APPLICATION, PROVIDED
THAT A SERVICE OR APPLICATION THAT PROVIDES EMAIL OR DIRECT
MESSAGING SERVICES, CLOUD COMPUTING OR COMMERCIAL
TRANSACTIONS SHALL NOT BE CONSIDERED TO MEET THIS CRITERION
SOLELY ON THE BASIS OF THAT FUNCTION.

(2) THE SERVICE OR APPLICATION ALLOWS USERS TO DO ALL OF
THE FOLLOWING:

(I) CONSTRUCT A PUBLIC OR SEMIPUBLIC PROFILE FOR
PURPOSES OF SIGNING INTO AND USING THE SERVICE OR
APPLICATION.

(II) POPULATE A LIST OF OTHER USERS WITH WHOM AN
INDIVIDUAL SHARES A SOCIAL CONNECTION WITHIN THE SYSTEM.

(III) CREATE OR POST CONTENT VIEWABLE BY OTHER
USERS, INCLUDING, BUT NOT LIMITED TO, ON MESSAGE BOARDS,
IN CHAT ROOMS OR THROUGH A LANDING PAGE OR MAIN FEED THAT
PRESENTS THE USER WITH CONTENT GENERATED BY OTHER USERS.

SUBCHAPTER B

NOTICE OF FLAGGED CONTENT

Sec.

1110. Monitor chats of minors.

1111. Notice of flagged content.

§ 1110. Monitor chats of minors.

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

1 § 1111. Notice of flagged content.

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

5 (b) Form.--A social media company shall provide the notice
6 under subsection (a) via chat message to the parent or legal
7 guardian's account and by email to the email address associated
8 with the parent or legal guardian's account.

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

13 SUBCHAPTER C

14 CONSENT TO OPEN AN ACCOUNT

15 Sec.

16 1121. Applicability.

17 1122. ~~Approval prohibited~~ AGE ASSURANCE.

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18 1123. Duties.

19 1124. Revocation of consent.

20 1125. Violations.

21 § 1121. Applicability.

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

24 ~~§ 1122. Approval prohibited.~~

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25 ~~A social media company may not approve the creation of an~~
26 ~~account for a minor or allow a minor to open or operate an~~
27 ~~account without affirmative written consent of the minor's~~
28 ~~parent or legal guardian.~~

29 ~~§ 1123. Duties.~~

30 ~~(a) Attorney General. The Office of Attorney General shall~~

~~1 develop and make available on its publicly accessible Internet
2 website a form that may be used by a parent or legal guardian to
3 provide consent for a minor to open a social media account. The
4 Office of Attorney General shall transmit a copy of the form to
5 each social media company.~~

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

~~20 (c) Failure to obtain consent. To the extent possible, if a
21 minor opens a social media account without written consent by
22 their parent or legal guardian, the social media company shall,
23 within 24 hours of discovery of the failure to obtain the
24 consent:~~

- ~~25 (1) suspend the social media account; and~~
- ~~26 (2) notify the parent or legal guardian that the minor
27 has attempted to open a social media account without their
28 consent.~~

~~29 (d) Social media account access. If a parent or legal
30 guardian provides written consent to a minor to open a social~~

~~1 media account under this section, the social media company shall
2 ensure a parent or legal guardian has the same access to the
3 minor's account as if they were the account holder.~~

~~4 (c) Notice of alleged violation. A social media company
5 shall develop and post notice on its website of the methods,
6 such as electronic and telephonic means, by which a minor's
7 parent or legal guardian may notify the social media company
8 that the minor has opened a social media account on its social
9 media platform without the required written consent.~~

10 § 1122. AGE ASSURANCE.

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11 UTILIZING COMMERCIALY AVAILABLE BEST PRACTICES, A SOCIAL
12 MEDIA PLATFORM SHALL MAKE COMMERCIALY REASONABLE EFFORTS TO
13 VERIFY THE AGE OF USERS UPON THE CREATION OF AN ACCOUNT, WITH A
14 LEVEL OF CERTAINTY APPROPRIATE TO THE RISKS THAT ARISE FROM THE
15 INFORMATION MANAGEMENT PRACTICES OF THE SOCIAL MEDIA COMPANY, OR
16 APPLY THE ACCOMMODATIONS AFFORDED TO MINORS UNDER THIS CHAPTER
17 TO ALL ACCOUNT HOLDERS.

18 § 1123. DUTIES.

19 (A) GENERAL RULE.--A SOCIAL MEDIA COMPANY MAY NOT PERMIT A
20 MINOR RESIDING IN THIS COMMONWEALTH TO BECOME AN ACCOUNT HOLDER
21 ON A SOCIAL MEDIA PLATFORM UNLESS THE MINOR HAS THE EXPRESS
22 CONSENT OF THE MINOR'S PARENT OR LEGAL GUARDIAN. A SOCIAL MEDIA
23 PLATFORM MAY OBTAIN EXPRESS CONSENT FROM A MINOR'S PARENT OR
24 LEGAL GUARDIAN THROUGH ANY OF THE FOLLOWING MEANS:

25 (1) BY PROVIDING A COMPLETED FORM, DEVELOPED BY THE
26 ATTORNEY GENERAL, FROM A MINOR'S PARENT OR LEGAL GUARDIAN TO
27 SIGN AND RETURN TO THE SOCIAL MEDIA PLATFORM VIA MAIL OR
28 ELECTRONIC MEANS.

29 (2) THROUGH A TOLL-FREE TELEPHONE NUMBER FOR A MINOR'S
30 PARENT OR LEGAL GUARDIAN TO CALL.

1 (3) THROUGH A CALL WITH A MINOR'S PARENT OR LEGAL
2 GUARDIAN OVER VIDEO CONFERENCING TECHNOLOGY.

3 (4) BY COLLECTING INFORMATION RELATED TO THE GOVERNMENT-
4 ISSUED IDENTIFICATION OF A MINOR'S PARENT OR LEGAL GUARDIAN,
5 SHARED BY THE PARENT OR LEGAL GUARDIAN. A SOCIAL MEDIA
6 PLATFORM SHALL DELETE THE INFORMATION RELATED TO THE
7 GOVERNMENT-ISSUED IDENTIFICATION OF A MINOR'S PARENT OR LEGAL
8 GUARDIAN AFTER CONFIRMING THE IDENTIFY OF A MINOR'S PARENT OR
9 LEGAL GUARDIAN.

10 (5) ALLOWING A MINOR'S PARENT OR LEGAL GUARDIAN TO
11 PROVIDE CONSENT BY RESPONDING TO AN EMAIL AND TAKING
12 ADDITIONAL STEPS TO VERIFY THE IDENTITY OF A MINOR'S PARENT
13 OR LEGAL GUARDIAN.

14 (6) ANY OTHER COMMERCIALY REASONABLE METHODS OF
15 OBTAINING CONSENT IN LIGHT OF AVAILABLE TECHNOLOGY.

16 (B) ATTORNEY GENERAL.--THE OFFICE OF ATTORNEY GENERAL SHALL
17 DEVELOP AND MAKE AVAILABLE ON THEIR PUBLICLY ACCESSIBLE INTERNET
18 WEBSITE A FORM THAT MAY BE USED BY A PARENT OR LEGAL GUARDIAN TO
19 PROVIDE CONSENT FOR A MINOR TO OPEN A SOCIAL MEDIA ACCOUNT. THE
20 ATTORNEY GENERAL SHALL TRANSMIT A COPY OF THE FORM TO EACH
21 SOCIAL MEDIA COMPANY.

22 (C) DOCUMENTATION.--A SOCIAL MEDIA PLATFORM SHALL MAINTAIN
23 DOCUMENTATION AS TO THE MANNER IN WHICH THE SOCIAL MEDIA COMPANY
24 HAS OBTAINED EXPRESS CONSENT FROM A MINOR'S PARENT OR LEGAL
25 GUARDIAN. THE SOCIAL MEDIA PLATFORM MAY DELETE THE DOCUMENTATION
26 WHEN THE MINOR IS NO LONGER A MINOR OR WITHIN THE ESTABLISHED
27 TIME FRAME BY THE SOCIAL MEDIA COMPANY FOR MAINTAINING DATA.

28 (D) SOCIAL MEDIA COMPANY.--EACH SOCIAL MEDIA COMPANY SHALL
29 POST IN A CONSPICUOUS PLACE ON EACH OF THEIR SOCIAL MEDIA
30 PLATFORMS NOTICE THAT EXPRESS CONSENT BY THE MINOR'S PARENT OR

1 LEGAL GUARDIAN SHALL BE REQUIRED PRIOR TO OPENING AN ACCOUNT.
2 ANY ELECTRONIC CONSENT INCLUDED IN A SOCIAL MEDIA PLATFORM MUST
3 INCLUDE THE SAME INFORMATION AS REQUIRED BY THE FORM DEVELOPED
4 BY THE ATTORNEY GENERAL'S OFFICE UNDER SUBSECTION (B).

5 (E) FAILURE TO OBTAIN CONSENT.--TO THE EXTENT POSSIBLE, IF A
6 MINOR OPENS A SOCIAL MEDIA ACCOUNT WITHOUT EXPRESS CONSENT BY
7 THEIR PARENT OR LEGAL GUARDIAN, THE SOCIAL MEDIA COMPANY SHALL,
8 WITHIN A REASONABLE TIME AFTER DISCOVERY OF THE FAILURE TO
9 OBTAIN THE EXPRESS CONSENT:

10 (1) SUSPEND THE SOCIAL MEDIA ACCOUNT; AND

11 (2) NOTIFY THE MINOR'S PARENT OR LEGAL GUARDIAN THAT THE
12 MINOR HAS ATTEMPTED TO OPEN A SOCIAL MEDIA ACCOUNT WITHOUT
13 THEIR CONSENT.

14 (F) SOCIAL MEDIA ACCESS.--TO THE EXTENT POSSIBLE, A SOCIAL
15 MEDIA COMPANY SHALL PROVIDE A MINOR'S PARENT OR LEGAL GUARDIAN
16 WHO HAS GIVEN EXPRESS CONSENT FOR THE MINOR TO BECOME AN ACCOUNT
17 HOLDER WITH A MEANS FOR THE MINOR'S PARENT OR LEGAL GUARDIAN TO
18 INITIATE ACCOUNT SUPERVISION. ACCOUNT SUPERVISION MAY INCLUDE:

19 (1) ALLOWING THE MINOR'S PARENT OR LEGAL GUARDIAN THE
20 ABILITY TO VIEW PRIVACY SETTINGS OF THE MINOR'S ACCOUNT;

21 (2) ALLOWING A MINOR'S PARENT OR LEGAL GUARDIAN TO SET
22 DAILY TIME LIMITS FOR THE MINOR'S ACCOUNT;

23 (3) ALLOWING A MINOR'S PARENT OR LEGAL GUARDIAN TO
24 SCHEDULE BREAKS FOR THE MINOR'S ACCOUNT; AND

25 (4) ALLOWING A MINOR THE OPTION OF PROVIDING
26 NOTIFICATIONS TO THE MINOR'S PARENT OR LEGAL GUARDIAN IF THE
27 MINOR REPORTS A PERSON OR AN ISSUE TO THE SOCIAL MEDIA
28 PLATFORM.

29 (G) NOTIFICATION.--A SOCIAL MEDIA PLATFORM SHALL PROVIDE
30 CLEAR NOTICE TO THE MINOR ON THE FEATURES OF THE MINOR'S ACCOUNT

1 TO WHICH THE MINOR'S PARENT OR LEGAL GUARDIAN MAY HAVE ACCESS.

2 (H) NO ACCOUNT REQUIRED.--A SOCIAL MEDIA PLATFORM MAY NOT
3 REQUIRE A PARENT OR LEGAL GUARDIAN TO HAVE THEIR OWN ACCOUNT AS
4 A CONDITION OF A MINOR BEING ABLE TO OPEN AN ACCOUNT.

5 (I) NOTICE OF ALLEGED VIOLATION.--A SOCIAL MEDIA COMPANY
6 SHALL DEVELOP AND POST NOTICE ON ITS PUBLICLY ACCESSIBLE
7 INTERNET WEBSITE OF THE METHODS, SUCH AS ELECTRONIC AND
8 TELEPHONIC MEANS, BY WHICH A MINOR'S PARENT OR LEGAL GUARDIAN
9 MAY NOTIFY THE SOCIAL MEDIA COMPANY THAT THE MINOR HAS OPENED A
10 SOCIAL MEDIA ACCOUNT ON ITS SOCIAL MEDIA PLATFORM WITHOUT THE
11 REQUIRED CONSENT.

12 § 1124. Revocation of consent.

13 (a) Time.--A parent or legal guardian of a minor who has <--
14 provided written A MINOR'S PARENT OR LEGAL GUARDIAN WHO HAS <--
15 PROVIDED EXPRESS consent under this subchapter may revoke the
16 consent at any time.

17 (b) Social media company.--A social media company <--
18 PLATFORM.--A SOCIAL MEDIA PLATFORM shall take reasonable steps <--
19 to provide a parent or legal guardian who has provided written <--
20 EXPRESS consent for a minor to open a social media account with <--
21 the ability to revoke the consent.

22 (c) Effect of revocation.--A social media company PLATFORM <--
23 that receives a revocation of consent under subsection (a)
24 shall, to the extent possible, within 24 hours of A REASONABLE <--
25 TIME FRAME FROM receipt of the revocation, suspend, delete or
26 disable the account of the minor for whom consent was revoked.

27 § 1125. Violations.

28 (a) Action.--The Attorney General, a district attorney of <--
29 the county in which the minor or minor's parent or legal
30 guardian resides, a unit of government in the municipality in

1 ~~which the minor or minor's parent or legal guardian resides or a~~
2 ~~lawyer acting on behalf of a parent or legal guardian of a minor~~
3 ~~may~~ SHALL HAVE JURISDICTION TO bring an action against a social <--
4 media company that knowingly, intentionally or negligently
5 allows for a minor to open a social media account without
6 ~~written~~ EXPRESS consent of the minor's parent or legal guardian. <--
7 ~~The Attorney General or district attorney~~ may bring multiple <--
8 cases at one time against a social media company for violations
9 of this chapter.

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 \$2,500.

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 \$5,000.

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 \$50,000.

19 (4) For a first offense for an action brought by the <--
20 ~~Attorney General or a district attorney~~ on behalf of multiple
21 minors, a civil penalty not to exceed the greater of
22 \$5,000,000 or the total number of violations multiplied by
23 the maximum civil penalty under paragraph (1).

24 (5) If a court of competent jurisdiction determines that
25 there have been repeated intentional violations of this
26 chapter by a social media company, the court may enter an
27 order enjoining the social media company from operating in
28 this Commonwealth.

29 ~~(c) Attorney General use of recovered fees. For an action~~ <--
30 ~~brought by the Attorney General, civil fees collected under~~

1 ~~subsection (b) (4) shall be deposited into the School Safety and~~
2 ~~Security Fund to be used exclusively for mental health related~~
3 ~~services for school entities.~~

4 ~~(d) District attorney or unit of government use of received~~
5 ~~fees. For an action brought by a district attorney or a unit of~~
6 ~~government, civil fees collected under this section shall be~~
7 ~~used by the county or unit of government to provide mental~~
8 ~~health related services for school entities in the county.~~

9 ~~(e) Good faith. It shall be a defense to a cause of action~~
10 ~~under subsection (a) if a social media company takes good faith~~
11 ~~actions, as determined by a court of competent jurisdiction, to~~
12 ~~protect a minor from harm while using the social media company's~~
13 ~~platform.~~

14 (C) USE OF RECOVERED FEES.--CIVIL FEES COLLECTED UNDER <--
15 SUBSECTION (B) SHALL BE DEPOSITED INTO THE SCHOOL SAFETY AND
16 SECURITY FUND TO BE USED EXCLUSIVELY FOR MENTAL HEALTH-RELATED
17 SERVICES FOR SCHOOL ENTITIES.

18 (D) GOOD FAITH.--IT SHALL BE A DEFENSE TO AN ACTION UNDER
19 SUBSECTION (A) IF A SOCIAL MEDIA COMPANY ALLOWS FOR THE CREATION
20 OR OPENING OF AN ACCOUNT FOR A MINOR BASED ON A GOOD FAITH
21 BELIEF THAT THE MINOR HAS OBTAINED THE EXPRESS CONSENT REQUIRED
22 UNDER THIS SUBCHAPTER.

23 SUBCHAPTER D

24 DATA

25 Sec.

26 1131. Definitions.

27 1132. Prohibitions.

28 1133. Violations.

29 1134. Removal.

30 § 1131. Definitions.

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

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

5 "Qualified individual." Any of the following:

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

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

9 ~~§ 1132. Prohibitions.~~

<--

10 ~~(a) Mining. A social media company may not mine data~~
11 ~~related to a minor who has opened a social media account,~~
12 ~~notwithstanding if the account was opened with the written~~
13 ~~consent of a parent or legal guardian of the minor.~~

14 ~~(b) Sale of data. A social media company may not sell or~~
15 ~~profit from data related to a minor who has opened a social~~
16 ~~media account, notwithstanding if the account was opened with~~
17 ~~the written consent of a parent or legal guardian of the minor.~~

18 ~~(c) Algorithmic recommendations. A social media platform~~
19 ~~may not use the personal data of a minor in an algorithmic~~
20 ~~recommendation system.~~

21 ~~§ 1133. Violations.~~

22 ~~(a) Actions. The Attorney General, a district attorney in~~
23 ~~the county in which the minor or minor's parent or legal~~
24 ~~guardian resides, a unit of government in which the minor or~~
25 ~~minor's parent or legal guardian resides or a lawyer acting on~~
26 ~~behalf of a parent or legal guardian of a minor may bring an~~
27 ~~action against a social media company that knowingly,~~
28 ~~intentionally or negligently violates a prohibition under~~
29 ~~section 1132 (relating to prohibitions).~~

30 "SALE," "SELL" OR "SOLD." THE EXCHANGE OF PERSONAL

<--

1 INFORMATION FOR MONETARY CONSIDERATION BY THE BUSINESS TO A
2 THIRD PARTY. THE TERM DOES NOT INCLUDE:

3 (1) THE DISCLOSURE OF PERSONAL INFORMATION TO A
4 PROCESSOR THAT PROCESSES THE PERSONAL INFORMATION ON BEHALF
5 OF THE BUSINESS.

6 (2) THE DISCLOSURE OF PERSONAL INFORMATION TO A THIRD
7 PARTY FOR PURPOSES OF PROVIDING A PRODUCT OR SERVICE
8 REQUESTED BY THE CONSUMER.

9 (3) THE DISCLOSURE OR TRANSFER OF PERSONAL INFORMATION
10 TO AN AFFILIATE OF THE BUSINESS.

11 (4) THE DISCLOSURE OF INFORMATION THAT THE CONSUMER:

12 (I) INTENTIONALLY MADE AVAILABLE TO THE GENERAL
13 PUBLIC VIA A CHANNEL OF MASS MEDIA; AND

14 (II) DID NOT RESTRICT TO A SPECIFIC AUDIENCE.

15 (5) THE DISCLOSURE OR TRANSFER OF PERSONAL INFORMATION
16 TO A THIRD PARTY AS AN ASSET THAT IS PART OF A MERGER,
17 ACQUISITION, BANKRUPTCY OR OTHER TRANSACTION IN WHICH THE
18 THIRD PARTY ASSUMES CONTROL OF ALL OR PART OF THE BUSINESS'S
19 ASSETS.

20 "TARGETED ADVERTISING." THE DISPLAYING OF ADVERTISEMENTS TO
21 A CONSUMER WHERE THE ADVERTISEMENT IS SELECTED BASED ON PERSONAL
22 INFORMATION OBTAINED FROM THAT CONSUMER'S ACTIVITIES OVER TIME
23 AND ACROSS NONAFFILIATED WEBSITES OR ONLINE APPLICATIONS TO
24 PREDICT SUCH CONSUMER'S PREFERENCES OR INTERESTS. THE TERM DOES
25 NOT INCLUDE:

26 (1) ADVERTISEMENTS BASED ON ACTIVITIES WITHIN A SOCIAL
27 MEDIA PLATFORM'S OWN WEBSITES OR ONLINE APPLICATIONS;

28 (2) ADVERTISEMENTS BASED ON THE CONTEXT OF A CONSUMER'S
29 CURRENT SEARCH QUERY, VISIT TO A WEBSITE OR ONLINE
30 APPLICATION;

1 (3) ADVERTISEMENTS DIRECTED TO A CONSUMER IN RESPONSE TO
2 THE CONSUMER'S REQUEST FOR INFORMATION OR FEEDBACK; OR

3 (4) PROCESSING PERSONAL INFORMATION PROCESSED SOLELY FOR
4 MEASURING OR REPORTING ADVERTISING PERFORMANCE, REACH OR
5 FREQUENCY.

6 "THIRD PARTY." AN INDIVIDUAL OR LEGAL ENTITY, PUBLIC
7 AUTHORITY, AGENCY OR BODY, OTHER THAN THE CONSUMER, BUSINESS OR
8 PROCESSOR OR AN AFFILIATE OF THE PROCESSOR OR THE BUSINESS.

9 § 1132. PROHIBITIONS.

10 (A) MINING.--A SOCIAL MEDIA COMPANY MAY NOT MINE DATA
11 RELATED TO A MINOR WHO HAS OPENED A SOCIAL MEDIA ACCOUNT,
12 NOTWITHSTANDING IF THE ACCOUNT WAS OPENED WITH THE EXPRESS
13 CONSENT OF THE MINOR'S PARENT OR LEGAL GUARDIAN. THIS SUBSECTION
14 SHALL NOT APPLY TO ANY OF THE FOLLOWING:

15 (1) DATA REGARDING AGE AND LOCATION FOR PURPOSES OF
16 PERSONALIZED RECOMMENDATIONS RELATED TO AGE-APPROPRIATE
17 CONTENT.

18 (2) THE MINING OF DATA NECESSARY TO PROTECT MINORS FROM
19 VIEWING HARMFUL CONTENT.

20 (3) MINING OF DATA BEYOND WHAT IS ADEQUATE, RELEVANT AND
21 REASONABLY NECESSARY IN RELATION TO THE PURPOSE FOR WHICH THE
22 DATA IS PROCESSED, AS DISCLOSED.

23 (B) SALE OF DATA.--A SOCIAL MEDIA COMPANY MAY NOT SELL OR
24 PROFIT FROM PERSONAL INFORMATION RELATED TO A MINOR WHO HAS
25 OPENED A SOCIAL MEDIA ACCOUNT, OR ENGAGE IN TARGETED ADVERTISING
26 BASED ON A MINOR'S AGE, GENDER OR INTERESTS, NOTWITHSTANDING IF
27 THE ACCOUNT WAS OPENED WITH THE EXPRESS CONSENT OF A MINOR'S
28 PARENT OR LEGAL GUARDIAN.

29 (C) PERSONALIZED RECOMMENDATIONS.--A SOCIAL MEDIA PLATFORM
30 MAY PROVIDE A PROMINENT, ACCESSIBLE AND RESPONSIVE TOOL FOR A

1 USER WHO IS A MINOR TO OPT IN OF THE USE OF SEARCH AND WATCH
2 HISTORY FOR USE IN PERSONALIZED RECOMMENDATION SYSTEMS. A SOCIAL
3 MEDIA PLATFORM MAY NOT USE A PERSONALIZED RECOMMENDATION SYSTEM
4 UNLESS A MINOR OPTS IN.

5 § 1133. VIOLATIONS.

6 (A) ACTIONS.--THE ATTORNEY GENERAL SHALL HAVE JURISDICTION
7 TO BRING AN ACTION AGAINST A SOCIAL MEDIA COMPANY THAT
8 KNOWINGLY, INTENTIONALLY OR NEGLIGENTLY VIOLATES A PROHIBITION
9 UNDER 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 ACCOUNTS FOR MINORS IN THIS COMMONWEALTH. <--

28 (C) USE OF RECOVERED FEES.--CIVIL FEES COLLECTED UNDER THIS
29 SECTION SHALL BE DEPOSITED INTO THE SCHOOL SAFETY AND SECURITY
30 FUND TO BE USED FOR MENTAL HEALTH-RELATED SERVICES FOR SCHOOL

1 ENTITIES.

2 (D) GOOD FAITH.--IT SHALL BE A DEFENSE TO AN ACTION UNDER
3 SUBSECTION (A) IF A SOCIAL MEDIA COMPANY TAKES GOOD FAITH
4 ACTIONS TO LIMIT THE PERSONAL INFORMATION MINED FROM A MINOR OR
5 ACTS IN GOOD FAITH TO PROHIBIT THE SALE OF PERSONAL INFORMATION
6 OF A MINOR.

7 § 1134. REMOVAL.

8 (A) PROCESS.--IN RESPONSE TO A REQUEST FROM A QUALIFIED
9 INDIVIDUAL, A SOCIAL MEDIA PLATFORM SHALL PROVIDE SUCH
10 INDIVIDUAL THE ABILITY TO CORRECT OR DELETE PERSONAL INFORMATION
11 THAT THE QUALIFIED INDIVIDUAL HAS PROVIDED TO THE SOCIAL MEDIA
12 PLATFORM OR THAT THE SOCIAL MEDIA PLATFORM OBTAINED ABOUT THE
13 QUALIFIED INDIVIDUAL. DEIDENTIFIED INFORMATION MAY BE CONSIDERED
14 DELETED FOR PURPOSES OF THIS SUBCHAPTER.

15 (B) FULFILLING REQUESTS.--TO HELP FULFILL REQUESTS FROM A
16 QUALIFIED INDIVIDUAL, A SOCIAL MEDIA PLATFORM MAY:

17 (1) REQUIRE THE QUALIFIED INDIVIDUAL TO REASONABLY
18 IDENTIFY THE ACTIVITIES TO WHICH THE QUALIFIED INDIVIDUAL'S
19 REQUEST RELATES; AND

20 (2) PROVIDE AUTOMATED TOOLS THAT ALLOW QUALIFIED
21 INDIVIDUALS TO CORRECT OR DELETE PERSONAL INFORMATION UNDER
22 SUBSECTION (A).

23 (C) NOTICE.--A SOCIAL MEDIA PLATFORM THAT HAS MINED OR
24 collected personal information from a minor or retains personal
25 information about a minor shall prominently display notice on
26 the website of how a qualified individual can request that the
27 social media ~~company~~ PLATFORM delete personal information in the <--
28 possession of the social media ~~company~~ PLATFORM that was <--
29 collected from or about the individual when the individual was a
30 minor.

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

6 ~~(d)~~ (E) Confirmation.--Within ~~five~~ 90 business days of <--
7 personal information being deleted by the social media company,
8 the social media company shall provide, by written
9 communication, notice to the qualified individual that personal
10 information has been deleted.

11 ~~(e) Violations. A social media company that intentionally, <--
12 knowingly or negligently failed~~

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

21 Section 2. This act shall take effect as follows: <--

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

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

26 THE ATTORNEY GENERAL SHALL HAVE EXCLUSIVE JURISDICTION TO <--
27 BRING AN ACTION UNDER THIS SECTION.

28 SUBCHAPTER E
29 UNLAWFUL ACTIVITY
30 SEC.

1 1141. UNLAWFUL ACTIVITY.

2 § 1141. UNLAWFUL ACTIVITY.

3 (A) UNLAWFUL ACTIVITY.--IT SHALL BE UNLAWFUL FOR A SOCIAL
4 MEDIA COMPANY OR A SOCIAL MEDIA PLATFORM TO INTENTIONALLY,
5 KNOWINGLY, RECKLESSLY OR NEGLIGENTLY CAUSE OR ENCOURAGE A MINOR
6 TO ACCESS CONTENT WHICH THE SOCIAL MEDIA COMPANY KNOWS OR SHOULD
7 HAVE KNOWN SUBJECTS ONE OR MORE MINORS TO HARM THAT IS
8 DETRIMENTAL TO THE PHYSICAL HEALTH, MENTAL HEALTH OR THE WELL-
9 BEING OF A MINOR OR THAT CREATES A REASONABLE LIKELIHOOD OF
10 BODILY INJURY OR DEATH TO THE MINOR.

11 (B) EXCLUSIVE JURISDICTION.--THE ATTORNEY GENERAL SHALL HAVE
12 EXCLUSIVE JURISDICTION FOR VIOLATIONS OF THIS SECTION.

13 (C) DAMAGES.--A COURT OF COMPETENT JURISDICTION MAY AWARD
14 DAMAGES AS PROVIDED UNDER THIS SUBSECTION. IN DETERMINING THE
15 EXTENT OF INJURY, THE COURT SHALL CONSIDER THE DAMAGE CAUSED TO
16 THE MINOR DUE TO UTILIZATION OF A SOCIAL MEDIA PLATFORM BY THE
17 MINOR. THE COURT MAY AWARD:

18 (1) ACTUAL COSTS INCURRED AS A RESULT OF THE DAMAGE,
19 INCLUDING COSTS ASSOCIATED WITH COUNSELING SERVICES, DOCTORS
20 VISITS, TREATMENT AND CO-PAYS.

21 (2) ACTUAL ATTORNEY FEES AND COURT COSTS INCURRED BY THE
22 ATTORNEY GENERAL.

23 (3) PUNITIVE DAMAGES DETERMINED BY THE COURT.

24 (4) CONSEQUENTIAL DAMAGES, IF HARM TO REPUTATION
25 OCCURRED, AS DETERMINED BY THE COURT.

26 (D) DEPOSIT.--DAMAGES RECOVERED UNDER SUBSECTION (C) (3) AND
27 (4) SHALL BE DEPOSITED INTO THE SCHOOL SAFETY AND SECURITY FUND
28 TO BE USED EXCLUSIVELY FOR MENTAL HEALTH-RELATED SERVICES FOR
29 STUDENTS.

30 (E) REMEDIES PRESERVED.--NOTHING UNDER THIS SECTION SHALL BE

1 CONSTRUED TO LIMIT THE ATTORNEY GENERAL'S ABILITY TO BRING AN
2 ACTION UNDER OTHER PROVISIONS OF LAW.

3 (F) GOOD FAITH.--IT SHALL BE A DEFENSE TO AN ACTION UNDER
4 SUBSECTION (A) IF A SOCIAL MEDIA COMPANY TAKES GOOD FAITH
5 ACTIONS, AS DETERMINED BY A COURT OF COMPETENT JURISDICTION, TO
6 PROTECT A MINOR FROM CONTENT THAT THE SOCIAL MEDIA COMPANY KNEW
7 OR SHOULD HAVE KNOWN SUBJECTS A MINOR TO HARM AND IS DETRIMENTAL
8 TO THE PHYSICAL HEALTH, MENTAL HEALTH OR THE WELL-BEING OF A
9 MINOR OR THAT CREATES A REASONABLE LIKELIHOOD OF BODILY INJURY
10 OR DEATH TO THE MINOR RESULTING FROM THE USE OF THE SOCIAL MEDIA
11 COMPANY'S PLATFORM.

12 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 18 MONTHS.