

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2017 Session of 2024

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

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 7, 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 AMENDING TITLE 50 (MENTAL HEALTH) OF THE PENNSYLVANIA <--
5 CONSOLIDATED STATUTES, PROVIDING FOR PROTECTION OF MINORS ON
6 SOCIAL MEDIA; AND IMPOSING PENALTIES.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 ~~Section 1. Title 50 of the Pennsylvania Consolidated~~ <--
10 ~~Statutes is amended by adding parts to read:~~

PART I

PRELIMINARY PROVISIONS

(Reserved)

PART II

MINORS

Chapter

10. Preliminary Provisions (Reserved)

11. Protecting Minors on Social Media

1 CHAPTER 10

2 PRELIMINARY PROVISIONS

3 (Reserved)

4 CHAPTER 11

5 PROTECTING MINORS ON SOCIAL MEDIA

6 Subchapter

7 A. General Provisions

8 B. Notice of Flagged Content

9 C. Consent to Open an Account

10 D. Data

11 E. Unlawful Activity

12 SUBCHAPTER A

13 GENERAL PROVISIONS

14 Sec.

15 1101. Scope of chapter.

16 1102. Legislative intent.

17 1103. Definitions.

18 § 1101. Scope of chapter.

19 This chapter relates to protecting minors on social media.

20 § 1102. Legislative intent.

21 The General Assembly finds and declares as follows:

22 (1) Social media use among American teenagers is nearly  
23 universal. According to the Pew Research Center, 95% of teens  
24 report using YouTube and 67% of teens have used TikTok, with  
25 16% using it almost constantly.

26 (2) According to the Pew Research Center, 54% of teens  
27 say it would be difficult to give up social media entirely.

28 (3) Social media use is linked to negative feelings  
29 among teens. A growing body of research, described in the  
30 International Journal of Adolescence and Youth and elsewhere,

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

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

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

18 ~~(6) In May 2023, the United States Surgeon General~~  
19 ~~released a health advisory finding that "more research is~~  
20 ~~needed to fully understand the impact of social media;~~  
21 ~~however, the current body of evidence indicates that while~~  
22 ~~social media may have benefits for some children and~~  
23 ~~adolescents, there are ample indicators that social media can~~  
24 ~~also have a profound risk of harm to the mental health and~~  
25 ~~well being of children and adolescents." The advisory~~  
26 ~~recommends a range of policies to consider, including~~  
27 ~~"policies that further limit access in ways that minimize~~  
28 ~~the risk of harm to social media for all children,~~  
29 ~~including strengthening and enforcing age minimums."~~

30 ~~(7) In addition to empowering parents and guardians to~~

~~protect children against these risks, policymakers are establishing mechanisms to hold social media companies accountable for harms to children and youth.~~

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

~~§ 1103. Definitions.~~

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

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

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

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

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

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

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

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

~~"Personalized recommendation system." A fully or partially automated system that is based on a user's historical activity data and which suggests, promotes or ranks information that is~~

1 ~~presented or displayed to users.~~

2 ~~"School entity." A school district, intermediate unit, area~~  
3 ~~career and technical school, charter school or private~~  
4 ~~residential rehabilitative institution.~~

5 ~~"Social media company." A person that owns or operates one~~  
6 ~~or more social media platforms.~~

7 ~~"Social media platform." A public or semipublic Internet~~  
8 ~~based service or application that has users in this Commonwealth~~  
9 ~~and that meets all of the following criteria:~~

10 ~~(1) A primary function of the service or application is~~  
11 ~~to connect users in order to allow users to interact socially~~  
12 ~~with each other within the service or application, provided~~  
13 ~~that a service or application that provides email or direct~~  
14 ~~messaging services, cloud computing or commercial~~  
15 ~~transactions shall not be considered to meet this criterion~~  
16 ~~solely on the basis of that function.~~

17 ~~(2) The service or application allows users to do all of~~  
18 ~~the following:~~

19 ~~(i) Construct a public or semipublic profile for~~  
20 ~~purposes of signing into and using the service or~~  
21 ~~application.~~

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

24 ~~(iii) Create or post content viewable by other~~  
25 ~~users, including, but not limited to, on message boards,~~  
26 ~~in chat rooms or through a landing page or main feed that~~  
27 ~~presents the user with content generated by other users.~~

28 ~~SUBCHAPTER B~~

29 ~~NOTICE OF FLAGGED CONTENT~~

30 ~~Sec.~~

1 ~~1110. Monitor chats of minors.~~

2 ~~1111. Notice of flagged content.~~

3 ~~§ 1110. Monitor chats of minors.~~

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

6 ~~§ 1111. Notice of flagged content.~~

7 ~~(a) Notice. A social media company shall send a notice to a~~  
8 ~~parent or legal guardian of a minor of flagged content on the~~  
9 ~~minor's chats.~~

10 ~~(b) Form. A social media company shall provide the notice~~  
11 ~~under subsection (a) via chat message to the parent or legal~~  
12 ~~guardian's account and by email to the email address associated~~  
13 ~~with the parent or legal guardian's account.~~

14 ~~(c) Opt out. A social media company shall provide a parent~~  
15 ~~or legal guardian of a minor the option to opt out at any time~~  
16 ~~of the requirement for the social media company to monitor and~~  
17 ~~send a notice of flagged content on the minor's chats.~~

18 SUBCHAPTER C

19 CONSENT TO OPEN AN ACCOUNT

20 Sec.

21 ~~1121. Applicability.~~

22 ~~1122. Age assurance.~~

23 ~~1123. Duties.~~

24 ~~1124. Revocation of consent.~~

25 ~~1125. Violations.~~

26 ~~§ 1121. Applicability.~~

27 ~~This subchapter shall apply to accounts opened on or after~~  
28 ~~the effective date of this section.~~

29 ~~§ 1122. Age assurance.~~

30 ~~Utilizing commercially available best practices, a social~~

~~1 media platform shall make commercially reasonable efforts to  
2 verify the age of users upon the creation of an account, with a  
3 level of certainty appropriate to the risks that arise from the  
4 information management practices of the social media company, or  
5 apply the accommodations afforded to minors under this chapter  
6 to all account holders.~~

~~7 § 1123. Duties.~~

~~8 (a) General rule. A social media company may not permit a  
9 minor residing in this Commonwealth to become an account holder  
10 on a social media platform unless the minor has the express  
11 consent of the minor's parent or legal guardian. A social media  
12 platform may obtain express consent from a minor's parent or  
13 legal guardian through any of the following means:~~

~~14 (1) By providing a completed form, developed by the  
15 Attorney General, from a minor's parent or legal guardian to  
16 sign and return to the social media platform via mail or  
17 electronic means.~~

~~18 (2) Through a toll free telephone number for a minor's  
19 parent or legal guardian to call.~~

~~20 (3) Through a call with a minor's parent or legal  
21 guardian over video conferencing technology.~~

~~22 (4) By collecting information related to the government  
23 issued identification of a minor's parent or legal guardian,  
24 shared by the parent or legal guardian. A social media  
25 platform shall delete the information related to the  
26 government issued identification of a minor's parent or legal  
27 guardian after confirming the identify of a minor's parent or  
28 legal guardian.~~

~~29 (5) Allowing a minor's parent or legal guardian to  
30 provide consent by responding to an email and taking~~

~~1 additional steps to verify the identity of a minor's parent  
2 or legal guardian.~~

~~3 (6) Any other commercially reasonable methods of  
4 obtaining consent in light of available technology.~~

~~5 (b) Attorney General. The Office of Attorney General shall  
6 develop and make available on their publicly accessible Internet  
7 website a form that may be used by a parent or legal guardian to  
8 provide consent for a minor to open a social media account. The  
9 Attorney General shall transmit a copy of the form to each  
10 social media company.~~

~~11 (c) Documentation. A social media platform shall maintain  
12 documentation as to the manner in which the social media company  
13 has obtained express consent from a minor's parent or legal  
14 guardian. The social media platform may delete the documentation  
15 when the minor is no longer a minor or within the established  
16 time frame by the social media company for maintaining data.~~

~~17 (d) Social media company. Each social media company shall  
18 post in a conspicuous place on each of their social media  
19 platforms notice that express consent by the minor's parent or  
20 legal guardian shall be required prior to opening an account.  
21 Any electronic consent included in a social media platform must  
22 include the same information as required by the form developed  
23 by the Attorney General's office under subsection (b).~~

~~24 (e) Failure to obtain consent. To the extent possible, if a  
25 minor opens a social media account without express consent by  
26 their parent or legal guardian, the social media company shall,  
27 within a reasonable time after discovery of the failure to  
28 obtain the express consent:~~

~~29 (1) suspend the social media account; and~~

~~30 (2) notify the minor's parent or legal guardian that the~~



1 ~~minor has attempted to open a social media account without~~  
2 ~~their consent.~~

3 ~~(f) Social media access. To the extent possible, a social~~  
4 ~~media company shall provide a minor's parent or legal guardian~~  
5 ~~who has given express consent for the minor to become an account~~  
6 ~~holder with a means for the minor's parent or legal guardian to~~  
7 ~~initiate account supervision. Account supervision may include:~~

8 ~~(1) allowing the minor's parent or legal guardian the~~  
9 ~~ability to view privacy settings of the minor's account;~~

10 ~~(2) allowing a minor's parent or legal guardian to set~~  
11 ~~daily time limits for the minor's account;~~

12 ~~(3) allowing a minor's parent or legal guardian to~~  
13 ~~schedule breaks for the minor's account; and~~

14 ~~(4) allowing a minor the option of providing~~  
15 ~~notifications to the minor's parent or legal guardian if the~~  
16 ~~minor reports a person or an issue to the social media~~  
17 ~~platform.~~

18 ~~(g) Notification. A social media platform shall provide~~  
19 ~~clear notice to the minor on the features of the minor's account~~  
20 ~~to which the minor's parent or legal guardian may have access.~~

21 ~~(h) No account required. A social media platform may not~~  
22 ~~require a parent or legal guardian to have their own account as~~  
23 ~~a condition of a minor being able to open an account.~~

24 ~~(i) Notice of alleged violation. A social media company~~  
25 ~~shall develop and post notice on its publicly accessible~~  
26 ~~Internet website of the methods, such as electronic and~~  
27 ~~telephonic means, by which a minor's parent or legal guardian~~  
28 ~~may notify the social media company that the minor has opened a~~  
29 ~~social media account on its social media platform without the~~  
30 ~~required consent.~~

1 ~~§ 1124. Revocation of consent.~~

2 ~~(a) Time. A minor's parent or legal guardian who has~~  
3 ~~provided express consent under this subchapter may revoke the~~  
4 ~~consent at any time.~~

5 ~~(b) Social media platform. A social media platform shall~~  
6 ~~take reasonable steps to provide a parent or legal guardian who~~  
7 ~~has provided express consent for a minor to open a social media~~  
8 ~~account with the ability to revoke the consent.~~

9 ~~(c) Effect of revocation. A social media platform that~~  
10 ~~receives a revocation of consent under subsection (a) shall, to~~  
11 ~~the extent possible, within a reasonable time frame from receipt~~  
12 ~~of the revocation, suspend, delete or disable the account of the~~  
13 ~~minor for whom consent was revoked.~~

14 ~~§ 1125. Violations.~~

15 ~~(a) Action. The Attorney General shall have jurisdiction to~~  
16 ~~bring an action against a social media company that knowingly,~~  
17 ~~intentionally or negligently allows for a minor to open a social~~  
18 ~~media account without express consent of the minor's parent or~~  
19 ~~legal guardian. The Attorney General may bring multiple cases at~~  
20 ~~one time against a social media company for violations of this~~  
21 ~~chapter.~~

22 ~~(b) Penalty.~~

23 ~~(1) For a first offense for an action brought on behalf~~  
24 ~~of a single minor, a civil penalty not to exceed \$2,500.~~

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

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

1 ~~(4) For a first offense for an action brought on behalf~~  
2 ~~of multiple minors, a civil penalty not to exceed the greater~~  
3 ~~of \$5,000,000 or the total number of violations multiplied by~~  
4 ~~the maximum civil penalty under paragraph (1).~~

5 ~~(5) If a court of competent jurisdiction determines that~~  
6 ~~there have been repeated intentional violations of this~~  
7 ~~chapter by a social media company, the court may enter an~~  
8 ~~order enjoining the social media company from operating in~~  
9 ~~this Commonwealth.~~

10 ~~(c) Use of recovered fees. Civil fees collected under~~  
11 ~~subsection (b) shall be deposited into the School Safety and~~  
12 ~~Security Fund to be used exclusively for mental health related~~  
13 ~~services for school entities.~~

14 ~~(d) Good faith. It shall be a defense to an action under~~  
15 ~~subsection (a) if a social media company allows for the creation~~  
16 ~~or opening of an account for a minor based on a good faith~~  
17 ~~belief that the minor has obtained the express consent required~~  
18 ~~under this subchapter.~~

19 ~~SUBCHAPTER D~~

20 ~~DATA~~

21 ~~Sec.~~

22 ~~1131. Definitions.~~

23 ~~1132. Prohibitions.~~

24 ~~1133. Violations.~~

25 ~~1134. Removal.~~

26 ~~§ 1131. Definitions.~~

27 ~~As used in this subchapter, the following words and phrases~~  
28 ~~shall have the meanings given to them in this section unless the~~  
29 ~~context clearly indicates otherwise:~~

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

1 ~~"Qualified individual." Any of the following:~~

2 ~~(1) A parent or guardian of a minor.~~

3 ~~(2) An adult individual from whom data was collected~~  
4 ~~when the individual was a minor.~~

5 ~~"Sale," "sell" or "sold." The exchange of personal~~  
6 ~~information for monetary consideration by the business to a~~  
7 ~~third party. The term does not include:~~

8 ~~(1) The disclosure of personal information to a~~  
9 ~~processor that processes the personal information on behalf~~  
10 ~~of the business.~~

11 ~~(2) The disclosure of personal information to a third~~  
12 ~~party for purposes of providing a product or service~~  
13 ~~requested by the consumer.~~

14 ~~(3) The disclosure or transfer of personal information~~  
15 ~~to an affiliate of the business.~~

16 ~~(4) The disclosure of information that the consumer:~~

17 ~~(i) intentionally made available to the general~~  
18 ~~public via a channel of mass media; and~~

19 ~~(ii) did not restrict to a specific audience.~~

20 ~~(5) The disclosure or transfer of personal information~~  
21 ~~to a third party as an asset that is part of a merger,~~  
22 ~~acquisition, bankruptcy or other transaction in which the~~  
23 ~~third party assumes control of all or part of the business's~~  
24 ~~assets.~~

25 ~~"Targeted advertising." The displaying of advertisements to~~  
26 ~~a consumer where the advertisement is selected based on personal~~  
27 ~~information obtained from that consumer's activities over time~~  
28 ~~and across nonaffiliated websites or online applications to~~  
29 ~~predict such consumer's preferences or interests. The term does~~  
30 ~~not include:~~

1 ~~(1) advertisements based on activities within a social-~~  
2 ~~media platform's own websites or online applications;~~

3 ~~(2) advertisements based on the context of a consumer's-~~  
4 ~~current search query, visit to a website or online-~~  
5 ~~application;~~

6 ~~(3) advertisements directed to a consumer in response to-~~  
7 ~~the consumer's request for information or feedback; or~~

8 ~~(4) processing personal information processed solely for-~~  
9 ~~measuring or reporting advertising performance, reach or-~~  
10 ~~frequency.~~

11 ~~"Third party." An individual or legal entity, public-~~  
12 ~~authority, agency or body, other than the consumer, business or-~~  
13 ~~processor or an affiliate of the processor or the business.~~

14 ~~§ 1132. Prohibitions.~~

15 ~~(a) Mining. A social media company may not mine data-~~  
16 ~~related to a minor who has opened a social media account,-~~  
17 ~~notwithstanding if the account was opened with the express-~~  
18 ~~consent of the minor's parent or legal guardian. This subsection-~~  
19 ~~shall not apply to any of the following:~~

20 ~~(1) Data regarding age and location for purposes of-~~  
21 ~~personalized recommendations related to age appropriate-~~  
22 ~~content.~~

23 ~~(2) The mining of data necessary to protect minors from-~~  
24 ~~viewing harmful content.~~

25 ~~(3) Mining of data beyond what is adequate, relevant and-~~  
26 ~~reasonably necessary in relation to the purpose for which the-~~  
27 ~~data is processed, as disclosed.~~

28 ~~(b) Sale of data. A social media company may not sell or-~~  
29 ~~profit from personal information related to a minor who has-~~  
30 ~~opened a social media account, or engage in targeted advertising-~~

~~1 based on a minor's age, gender or interests, notwithstanding if  
2 the account was opened with the express consent of a minor's  
3 parent or legal guardian.~~

~~4 (c) Personalized recommendations. A social media platform  
5 may provide a prominent, accessible and responsive tool for a  
6 user who is a minor to opt in of the use of search and watch  
7 history for use in personalized recommendation systems. A social  
8 media platform may not use a personalized recommendation system  
9 unless a minor opts in.~~

~~10 § 1133. Violations.~~

~~11 (a) Actions. The Attorney General shall have jurisdiction  
12 to bring an action against a social media company that  
13 knowingly, intentionally or negligently violates a prohibition  
14 under section 1132 (relating to prohibitions).~~

~~15 (b) Penalty.~~

~~16 (1) For a first offense for an action brought on behalf  
17 of a single minor, a civil penalty not to exceed \$10,000.~~

~~18 (2) For a second offense for an action brought on behalf  
19 of the same single minor under paragraph (1), a civil penalty  
20 not to exceed \$50,000.~~

~~21 (3) For a third or subsequent offense for an action  
22 brought on behalf of the same single minor under paragraph  
23 (1), a civil penalty not to exceed \$500,000.~~

~~24 (4) For a first offense for an action brought on behalf  
25 of multiple minors, a civil penalty not to exceed the greater  
26 of \$50,000,000 or the total number of violations multiplied  
27 by the maximum civil penalty under paragraph (1).~~

~~28 (5) For a violation of paragraphs (1), (2), (3) and (4),  
29 a court of competent jurisdiction may order data collected as  
30 a result of a violation of a prohibition under section 1132~~

~~to be scrubbed and removed from the Internet. The cost of removal shall be paid by the social media company.~~

~~(6) If a court of competent jurisdiction determines that there has been repeated intentional violations of a prohibition under section 1132 by a social media company, the court may prohibit the social media company from operating accounts for minors in this Commonwealth.~~

~~(c) Use of recovered fees. Civil fees collected under this section shall be deposited into the School Safety and Security Fund to be used for mental health related services for school entities.~~

~~(d) Good faith. It shall be a defense to an action under subsection (a) if a social media company takes good faith actions to limit the personal information mined from a minor or acts in good faith to prohibit the sale of personal information of a minor.~~

~~§ 1134. Removal.~~

~~(a) Process. In response to a request from a qualified individual, a social media platform shall provide such individual the ability to correct or delete personal information that the qualified individual has provided to the social media platform or that the social media platform obtained about the qualified individual. Deidentified information may be considered deleted for purposes of this subchapter.~~

~~(b) Fulfilling requests. To help fulfill requests from a qualified individual, a social media platform may:~~

~~(1) require the qualified individual to reasonably identify the activities to which the qualified individual's request relates; and~~

~~(2) provide automated tools that allow qualified~~

1 ~~individuals to correct or delete personal information under~~  
2 ~~subsection (a).~~

3 ~~(c) Notice. A social media platform that has mined or~~  
4 ~~collected personal information from a minor or retains personal~~  
5 ~~information about a minor shall prominently display notice on~~  
6 ~~the website of how a qualified individual can request that the~~  
7 ~~social media platform delete personal information in the~~  
8 ~~possession of the social media platform that was collected from~~  
9 ~~or about the individual when the individual was a minor.~~

10 ~~(d) Deletion. Upon a request of a qualified individual, a~~  
11 ~~social media platform shall, no later than 30 days after the~~  
12 ~~request, delete personal information in the possession of the~~  
13 ~~social media company that was mined or collected from or about~~  
14 ~~the individual when the individual was a minor.~~

15 ~~(e) Confirmation. Within 90 business days of personal~~  
16 ~~information being deleted by the social media company, the~~  
17 ~~social media company shall provide, by written communication,~~  
18 ~~notice to the qualified individual that personal information has~~  
19 ~~been deleted.~~

20 ~~(f) Violations. A social media company that fails to delete~~  
21 ~~personal information when a request to delete personal~~  
22 ~~information is made by a qualified individual shall be strictly~~  
23 ~~liable for a civil penalty of \$10,000 per day per website until~~  
24 ~~the personal information has been removed. If a social media~~  
25 ~~company has received consent from a parent or guardian to~~  
26 ~~collect personal information of a minor, the consent shall be an~~  
27 ~~absolute defense to a violation of this section.~~

28 ~~The Attorney General shall have exclusive jurisdiction to~~  
29 ~~bring an action under this section.~~

30 ~~SUBCHAPTER E~~



UNLAWFUL ACTIVITY

Sec.

~~1141. Unlawful activity.~~

~~§ 1141. Unlawful activity.~~

~~(a) Unlawful activity. It shall be unlawful for a social media company or a social media platform to intentionally, knowingly, recklessly or negligently cause or encourage a minor to access content which the social media company knows or should have known subjects one or more minors to harm that is detrimental to the physical health, mental health or the well-being of a minor or that creates a reasonable likelihood of bodily injury or death to the minor.~~

~~(b) Exclusive jurisdiction. The Attorney General shall have exclusive jurisdiction for violations of this section.~~

~~(c) Damages. A court of competent jurisdiction may award damages as provided under this subsection. In determining the extent of injury, the court shall consider the damage caused to the minor due to utilization of a social media platform by the minor. The court may award:~~

~~(1) Actual costs incurred as a result of the damage, including costs associated with counseling services, doctors visits, treatment and co pays.~~

~~(2) Actual attorney fees and court costs incurred by the Attorney General.~~

~~(3) Punitive damages determined by the court.~~

~~(4) Consequential damages, if harm to reputation occurred, as determined by the court.~~

~~(d) Deposit. Damages recovered under subsection (c) (3) and (4) shall be deposited into the School Safety and Security Fund to be used exclusively for mental health related services for~~

1 students.

2 ~~(e) Remedies preserved. Nothing under this section shall be~~  
3 ~~construed to limit the Attorney General's ability to bring an~~  
4 ~~action under other provisions of law.~~

5 ~~(f) Good faith. It shall be a defense to an action under~~  
6 ~~subsection (a) if a social media company takes good faith~~  
7 ~~actions, as determined by a court of competent jurisdiction, to~~  
8 ~~protect a minor from content that the social media company knew~~  
9 ~~or should have known subjects a minor to harm and is detrimental~~  
10 ~~to the physical health, mental health or the well being of a~~  
11 ~~minor or that creates a reasonable likelihood of bodily injury~~  
12 ~~or death to the minor resulting from the use of the social media~~  
13 ~~company's platform.~~

14 Section 2. This act shall take effect in 18 months.

15 SECTION 1. TITLE 50 OF THE PENNSYLVANIA CONSOLIDATED  
16 STATUTES IS AMENDED BY ADDING PARTS TO READ:

<--

17 PART I

18 PRELIMINARY PROVISIONS

19 (RESERVED)

20 PART II

21 MINORS

22 CHAPTER

23 10. PRELIMINARY PROVISIONS (RESERVED)

24 11. PROTECTING MINORS ON SOCIAL MEDIA

25 CHAPTER 10

26 PRELIMINARY PROVISIONS

27 (RESERVED)

28 CHAPTER 11

29 PROTECTING MINORS ON SOCIAL MEDIA

30 SUBCHAPTER

- 1     A. GENERAL PROVISIONS
- 2     B. HATEFUL CONDUCT PROHIBITED
- 3     C. CONSENT TO OPEN AN ACCOUNT
- 4     D. DATA

5                                    SUBCHAPTER A

6                                    GENERAL PROVISIONS

7    SEC.

8    1101. SCOPE OF CHAPTER.

9    1102. LEGISLATIVE INTENT.

10 1103. DEFINITIONS.

11 § 1101. SCOPE OF CHAPTER.

12       THIS CHAPTER RELATES TO PROTECTING MINORS ON SOCIAL MEDIA.

13 § 1102. LEGISLATIVE INTENT.

14       THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:

15           (1) SOCIAL MEDIA USE AMONG AMERICAN TEENAGERS IS NEARLY  
16 UNIVERSAL. ACCORDING TO THE PEW RESEARCH CENTER, 95% OF TEENS  
17 REPORT USING YOUTUBE AND 67% OF TEENS HAVE USED TIKTOK, WITH  
18 16% USING IT ALMOST CONSTANTLY.

19           (2) ACCORDING TO THE PEW RESEARCH CENTER, 54% OF TEENS  
20 SAY IT WOULD BE DIFFICULT TO GIVE UP SOCIAL MEDIA ENTIRELY.

21           (3) SOCIAL MEDIA USE IS LINKED TO NEGATIVE FEELINGS  
22 AMONG TEENS. A GROWING BODY OF RESEARCH, DESCRIBED IN THE  
23 INTERNATIONAL JOURNAL OF ADOLESCENCE AND YOUTH AND ELSEWHERE,  
24 HAS FOUND THAT INCREASED SOCIAL MEDIA USE IS ASSOCIATED WITH  
25 GREATER RATES OF DEPRESSION AND ANXIETY IN TEENS. ADDITIONAL  
26 RESEARCH PUBLISHED IN THE CHILDREN AND YOUTH SERVICES REVIEW  
27 DESCRIBE A TREND IN WHICH SOCIAL MEDIA USE CAN TRIGGER AND  
28 ACCELERATE OFFLINE VIOLENCE.

29           (4) RATES OF SUICIDE AND SELF-HARM AMONG AMERICAN  
30 TEENAGERS HAVE GROWN DRAMATICALLY IN RECENT YEARS. THE

1 CENTERS FOR DISEASE CONTROL AND PREVENTION HAVE FOUND THAT,  
2 IN 2021, THREE IN FIVE GIRLS FELT PERSISTENTLY SAD AND  
3 HOPELESS, WHILE MORE THAN ONE IN FOUR GIRLS REPORTED  
4 SERIOUSLY CONSIDERING ATTEMPTING SUICIDE. THESE RATES HAVE  
5 INCREASED SIGNIFICANTLY SINCE 2011.

6 (5) FEDERAL AND STATE POLICYMAKERS ARE BEGINNING TO  
7 RECOGNIZE THE RISKS THAT SOCIAL MEDIA USE PLACE ON AMERICAN  
8 YOUTH. A NUMBER OF RECENT POLICY PROPOSALS PROVIDE PARENTS  
9 AND GUARDIANS OF TEENAGERS WITH GREATER OVERSIGHT OVER THEIR  
10 CHILDREN'S SOCIAL MEDIA USE.

11 (6) IN MAY 2023, THE UNITED STATES SURGEON GENERAL  
12 RELEASED A HEALTH ADVISORY FINDING THAT "MORE RESEARCH IS  
13 NEEDED TO FULLY UNDERSTAND THE IMPACT OF SOCIAL MEDIA;  
14 HOWEVER, THE CURRENT BODY OF EVIDENCE INDICATES THAT WHILE  
15 SOCIAL MEDIA MAY HAVE BENEFITS FOR SOME CHILDREN AND  
16 ADOLESCENTS, THERE ARE AMPLE INDICATORS THAT SOCIAL MEDIA CAN  
17 ALSO HAVE A PROFOUND RISK OF HARM TO THE MENTAL HEALTH AND  
18 WELL-BEING OF CHILDREN AND ADOLESCENTS." THE ADVISORY  
19 RECOMMENDS A RANGE OF POLICIES TO CONSIDER, INCLUDING  
20 "POLICIES THAT FURTHER LIMIT ACCESS - IN WAYS THAT MINIMIZE  
21 THE RISK OF HARM - TO SOCIAL MEDIA FOR ALL CHILDREN,  
22 INCLUDING STRENGTHENING AND ENFORCING AGE MINIMUMS."

23 (7) IN ADDITION TO EMPOWERING PARENTS AND GUARDIANS TO  
24 PROTECT CHILDREN AGAINST THESE RISKS, POLICYMAKERS ARE  
25 ESTABLISHING MECHANISMS TO HOLD SOCIAL MEDIA COMPANIES  
26 ACCOUNTABLE FOR HARM TO CHILDREN AND YOUTH.

27 (8) GREATER OVERSIGHT OF SOCIAL MEDIA PLATFORMS WILL  
28 ENABLE FAMILIES IN THIS COMMONWEALTH TO USE ONLINE TOOLS IN A  
29 MORE PRODUCTIVE AND HEALTHY FASHION.

30 § 1103. DEFINITIONS.

1 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
2 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
3 CONTEXT CLEARLY INDICATES OTHERWISE:

4 "ACCOUNT." ANY MEANS OF REGISTRATION BY WHICH AN INDIVIDUAL  
5 MAY ENGAGE IN ONE OR MORE FUNCTIONS OF A SOCIAL MEDIA PLATFORM.

6 "DARK PATTERN." A USER INTERFACE DESIGNED OR MANIPULATED  
7 WITH THE EFFECT OF SUBVERTING OR IMPAIRING USER AUTONOMY,  
8 DECISION MAKING OR CHOICE. THE TERM INCLUDES ANY PRACTICE THE  
9 FEDERAL TRADE COMMISSION CATEGORIZES AS A DARK PATTERN.

10 "DELETE." TO REMOVE PERSONAL INFORMATION SUCH THAT THE  
11 INFORMATION IS NOT RETRIEVABLE BY ANYONE AND CANNOT BE RETRIEVED  
12 IN THE NORMAL COURSE OF BUSINESS.

13 "MINE." THE ACTIVITY OR PROCESS OF SEARCHING THROUGH LARGE  
14 AMOUNTS OF INFORMATION FOR SPECIFIC DATA OR PATTERNS.

15 "MINOR." EXCEPT AS PROVIDED IN SECTION 1131 (RELATING TO  
16 DEFINITIONS), AN INDIVIDUAL WHO IS UNDER 16 YEARS OF AGE.

17 "ONLINE VIDEO GAME." A VIDEO GAME THAT CONNECTS TO THE  
18 INTERNET AND ALLOWS A USER TO DO ANY OF THE FOLLOWING:

19 (1) CREATE AND UPLOAD CONTENT OTHER THAN CONTENT THAT IS  
20 INCIDENTAL TO GAME PLAY, INCLUDING CHARACTER OR LEVEL DESIGNS  
21 CREATED BY THE USER, PRESELECTED PHRASES OR SHORT  
22 INTERACTIONS WITH OTHER USERS.

23 (2) ENGAGE IN MICROTRANSACTIONS WITHIN THE GAME.

24 (3) COMMUNICATE WITH OTHER USERS.

25 "PERSONAL INFORMATION." AS DEFINED IN 15 U.S.C. § 6501  
26 (RELATING TO DEFINITIONS).

27 "PERSONALIZED RECOMMENDATION SYSTEM." A FULLY OR PARTIALLY  
28 AUTOMATED SYSTEM THAT IS BASED ON A USER'S HISTORICAL ACTIVITY  
29 DATA AND WHICH SUGGESTS, PROMOTES OR RANKS INFORMATION THAT IS  
30 PRESENTED OR DISPLAYED TO USERS.

1 "SCHOOL ENTITY." A SCHOOL DISTRICT, INTERMEDIATE UNIT, AREA  
2 CAREER AND TECHNICAL SCHOOL, CHARTER SCHOOL OR PRIVATE  
3 RESIDENTIAL REHABILITATIVE INSTITUTION.

4 "SOCIAL MEDIA COMPANY." A PERSON THAT OWNS OR OPERATES ONE  
5 OR MORE SOCIAL MEDIA PLATFORMS.

6 "SOCIAL MEDIA PLATFORM." A PUBLIC OR SEMIPUBLIC INTERNET-  
7 BASED SERVICE, APPLICATION OR ONLINE VIDEO GAME THAT HAS USERS  
8 IN THIS COMMONWEALTH AND THAT MEETS ALL OF THE FOLLOWING  
9 CRITERIA:

10 (1) A PRIMARY FUNCTION OF THE SERVICE, APPLICATION OR  
11 ONLINE VIDEO GAME IS TO CONNECT USERS IN ORDER TO ALLOW USERS  
12 TO INTERACT SOCIALLY WITH EACH OTHER WITHIN THE SERVICE,  
13 APPLICATION OR ONLINE VIDEO GAME, EXCEPT THAT A SERVICE,  
14 APPLICATION OR ONLINE VIDEO GAME THAT PROVIDES EMAIL OR  
15 DIRECT MESSAGING SERVICES, CLOUD COMPUTING OR COMMERCIAL  
16 TRANSACTIONS SHALL NOT BE CONSIDERED TO MEET THIS CRITERION  
17 SOLELY ON THE BASIS OF THAT FUNCTION.

18 (2) THE SERVICE, APPLICATION OR ONLINE VIDEO GAME ALLOWS  
19 USERS TO DO ALL OF THE FOLLOWING:

20 (I) CONSTRUCT A PUBLIC OR SEMIPUBLIC PROFILE FOR  
21 PURPOSES OF SIGNING INTO AND USING THE SERVICE,  
22 APPLICATION OR ONLINE VIDEO GAME.

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

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

29 SUBCHAPTER B

30 HATEFUL CONDUCT PROHIBITED

1 SEC.

2 1111. DEFINITIONS.

3 1112. REPORTING INCIDENTS OF HATEFUL CONDUCT.

4 1113. CONSTRUCTION.

5 1114. PENALTIES.

6 § 1111. DEFINITIONS.

7 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER  
8 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
9 CONTEXT CLEARLY INDICATES OTHERWISE:

10 "HATEFUL CONDUCT." THE USE OF A SOCIAL MEDIA PLATFORM TO  
11 VILIFY, HUMILIATE OR INCITE VIOLENCE AGAINST A GROUP OR A CLASS  
12 OF PERSONS ON THE BASIS OF RACE, COLOR, RELIGION, ETHNICITY,  
13 NATIONAL ORIGIN, DISABILITY, SEX, SEXUAL ORIENTATION, GENDER  
14 IDENTITY OR GENDER EXPRESSION.

15 § 1112. REPORTING INCIDENTS OF HATEFUL CONDUCT.

16 (A) MECHANISM.--A SOCIAL MEDIA PLATFORM THAT CONDUCTS  
17 BUSINESS IN THIS COMMONWEALTH SHALL PROVIDE AND MAINTAIN A CLEAR  
18 AND EASILY ACCESSIBLE MECHANISM FOR INDIVIDUAL USERS TO REPORT  
19 INCIDENTS OF HATEFUL CONDUCT. THE MECHANISM SHALL MEET ALL OF  
20 THE FOLLOWING CRITERIA:

21 (1) BE CLEARLY ACCESSIBLE TO USERS OF THE SOCIAL MEDIA  
22 PLATFORM AND EASILY ACCESSED FROM OTHER SOCIAL MEDIA  
23 PLATFORMS' APPLICATIONS AND INTERNET WEBSITES.

24 (2) ALLOW THE SOCIAL MEDIA PLATFORM TO PROVIDE A DIRECT  
25 RESPONSE TO A USER REPORTING AN INCIDENT OF HATEFUL CONDUCT  
26 FOR THE PURPOSE OF INFORMING THE USER ON HOW THE MATTER IS  
27 BEING RESOLVED.

28 (B) POLICIES.--A SOCIAL MEDIA PLATFORM SHALL HAVE A CLEAR  
29 AND CONCISE POLICY READILY AVAILABLE AND ACCESSIBLE ON THE  
30 SOCIAL MEDIA PLATFORM'S INTERNET WEBSITE AND APPLICATION, WHICH

1 SHALL INCLUDE HOW THE SOCIAL MEDIA PLATFORM WILL RESPOND AND  
2 ADDRESS REPORTS OF INCIDENTS OF HATEFUL CONDUCT ON THE SOCIAL  
3 MEDIA PLATFORM.

4 § 1113. CONSTRUCTION.

5 NOTHING IN THIS SUBCHAPTER SHALL BE CONSTRUED:

6 (1) AS AN OBLIGATION IMPOSED ON A SOCIAL MEDIA PLATFORM  
7 THAT ADVERSELY AFFECTS THE RIGHTS OR FREEDOMS OF AN  
8 INDIVIDUAL, INCLUDING THE EXERCISE OF THE RIGHT OF FREE  
9 SPEECH UNDER THE FIRST AMENDMENT TO THE UNITED STATES  
10 CONSTITUTION; OR

11 (2) TO ADD TO OR INCREASE THE LIABILITY OF A SOCIAL  
12 MEDIA PLATFORM FOR ANY ACTION OTHER THAN THE FAILURE TO  
13 PROVIDE A MECHANISM FOR A USER TO REPORT AN INCIDENT OF  
14 HATEFUL CONDUCT TO THE SOCIAL MEDIA PLATFORM AND TO RECEIVE A  
15 RESPONSE TO THE REPORT FROM THE SOCIAL MEDIA PLATFORM.

16 § 1114. PENALTIES.

17 THE ATTORNEY GENERAL SHALL IMPOSE A FINE ON A SOCIAL MEDIA  
18 PLATFORM THAT KNOWINGLY VIOLATES THE PROVISIONS OF THIS  
19 SUBCHAPTER IN AN AMOUNT NOT TO EXCEED \$1,000 FOR EACH DAY THE  
20 SOCIAL MEDIA PLATFORM IS IN VIOLATION OF THIS SUBCHAPTER. IN  
21 DETERMINING WHETHER THE SOCIAL MEDIA PLATFORM IS IN VIOLATION OF  
22 THIS SUBCHAPTER, THE ATTORNEY GENERAL MAY TAKE PROOF, CONSIDER  
23 THE RELEVANT FACTS AND ISSUE SUBPOENAS IN ACCORDANCE WITH THE  
24 LAWS AND RULES OF CIVIL PROCEDURE. A DETERMINATION BY THE  
25 ATTORNEY GENERAL UNDER THIS SECTION SHALL BE SUBJECT TO THE  
26 PROVISIONS OF 2 PA.C.S. CH. 7 SUBCH. A (RELATING TO JUDICIAL  
27 REVIEW OF COMMONWEALTH AGENCY ACTION).

28 SUBCHAPTER C

29 CONSENT TO OPEN AN ACCOUNT

30 SEC.



1 1121. APPLICABILITY.

2 1122. AGE ASSURANCE.

3 1123. DUTIES OF SOCIAL MEDIA PLATFORMS AND COMPANIES.

4 1124. REVOCATION OF CONSENT.

5 1125. VIOLATIONS.

6 § 1121. APPLICABILITY.

7 THIS SUBCHAPTER SHALL APPLY TO ACCOUNTS OPENED ON OR AFTER  
8 THE EFFECTIVE DATE OF THIS SECTION.

9 § 1122. AGE ASSURANCE.

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

17 § 1123. DUTIES OF SOCIAL MEDIA PLATFORMS AND COMPANIES.

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

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

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

29 (3) ALLOWING A MINOR'S PARENT OR LEGAL GUARDIAN TO  
30 PROVIDE CONSENT BY RESPONDING TO AN EMAIL.

1           (4) ANY OTHER COMMERCIALY REASONABLE METHODS OF  
2           OBTAINING CONSENT IN LIGHT OF AVAILABLE TECHNOLOGY.

3           (B) DOCUMENTATION.--A SOCIAL MEDIA PLATFORM SHALL MAINTAIN  
4           DOCUMENTATION AS TO THE MANNER IN WHICH THE SOCIAL MEDIA COMPANY  
5           HAS OBTAINED EXPRESS CONSENT FROM A MINOR'S PARENT OR LEGAL  
6           GUARDIAN. THE SOCIAL MEDIA PLATFORM MAY DELETE THE DOCUMENTATION  
7           WHEN THE MINOR IS NO LONGER A MINOR OR WITHIN THE ESTABLISHED  
8           TIME FRAME BY THE SOCIAL MEDIA COMPANY FOR MAINTAINING DATA. THE  
9           OFFICE OF ATTORNEY GENERAL SHALL DEVELOP A STANDARD FORM WITH  
10           THE NECESSARY INFORMATION TO ALLOW A MINOR'S PARENT OR LEGAL  
11           GUARDIAN TO PROVIDE CONSENT UNDER THIS SECTION.

12           (C) SOCIAL MEDIA COMPANIES.--A SOCIAL MEDIA COMPANY SHALL  
13           POST IN A CONSPICUOUS PLACE ON EACH OF THE SOCIAL MEDIA  
14           COMPANY'S SOCIAL MEDIA PLATFORMS NOTICE THAT EXPRESS CONSENT BY  
15           A MINOR'S PARENT OR LEGAL GUARDIAN SHALL BE REQUIRED PRIOR TO  
16           OPENING AN ACCOUNT. AN ELECTRONIC CONSENT FORM ON A SOCIAL MEDIA  
17           PLATFORM FOR THE PURPOSES OF THIS SECTION SHALL INCLUDE THE  
18           NECESSARY INFORMATION ON THE FORM DEVELOPED BY THE OFFICE OF  
19           ATTORNEY GENERAL UNDER SUBSECTION (B).

20           (D) FAILURE TO OBTAIN CONSENT.--TO THE EXTENT POSSIBLE, IF A  
21           MINOR OPENS A SOCIAL MEDIA ACCOUNT WITHOUT EXPRESS CONSENT BY  
22           THE MINOR'S PARENT OR LEGAL GUARDIAN, THE SOCIAL MEDIA COMPANY  
23           SHALL, WITHIN A REASONABLE TIME AFTER DISCOVERY OF THE FAILURE  
24           TO OBTAIN THE EXPRESS CONSENT:

25                   (1) SUSPEND THE SOCIAL MEDIA ACCOUNT; AND

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

29           (E) SOCIAL MEDIA ACCESS.--TO THE EXTENT POSSIBLE, A SOCIAL  
30           MEDIA COMPANY SHALL PROVIDE A MINOR'S PARENT OR LEGAL GUARDIAN

1 WHO HAS GIVEN EXPRESS CONSENT FOR THE MINOR TO BECOME AN ACCOUNT  
2 HOLDER WITH A MEANS FOR THE MINOR'S PARENT OR LEGAL GUARDIAN TO  
3 INITIATE ACCOUNT SUPERVISION. ACCOUNT SUPERVISION MAY INCLUDE:

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

6 (2) ALLOWING A MINOR THE OPTION OF PROVIDING  
7 NOTIFICATIONS TO THE MINOR'S PARENT OR LEGAL GUARDIAN IF THE  
8 MINOR REPORTS A PERSON OR AN ISSUE TO THE SOCIAL MEDIA  
9 PLATFORM.

10 (F) NOTIFICATION.--A SOCIAL MEDIA PLATFORM SHALL PROVIDE  
11 CLEAR NOTICE TO THE MINOR ON THE FEATURES OF THE MINOR'S ACCOUNT  
12 TO WHICH THE MINOR'S PARENT OR LEGAL GUARDIAN MAY HAVE ACCESS.

13 (G) NO ACCOUNT REQUIRED.--A SOCIAL MEDIA PLATFORM MAY NOT  
14 REQUIRE A PARENT OR LEGAL GUARDIAN TO HAVE THE PARENT OR LEGAL  
15 GUARDIAN'S OWN ACCOUNT AS A CONDITION OF A MINOR BEING ABLE TO  
16 OPEN AN ACCOUNT.

17 (H) NOTICE OF ALLEGED VIOLATION.--A SOCIAL MEDIA COMPANY  
18 SHALL DEVELOP AND POST NOTICE ON ITS PUBLICLY ACCESSIBLE  
19 INTERNET WEBSITE OF THE METHODS, INCLUDING ELECTRONIC AND  
20 TELEPHONIC MEANS, BY WHICH A MINOR'S PARENT OR LEGAL GUARDIAN  
21 MAY NOTIFY THE SOCIAL MEDIA COMPANY THAT THE MINOR HAS OPENED A  
22 SOCIAL MEDIA ACCOUNT ON ITS SOCIAL MEDIA PLATFORM WITHOUT THE  
23 REQUIRED CONSENT.

24 § 1124. REVOCATION OF CONSENT.

25 (A) TIME.--A MINOR'S PARENT OR LEGAL GUARDIAN WHO HAS  
26 PROVIDED EXPRESS CONSENT UNDER THIS SUBCHAPTER MAY REVOKE THE  
27 CONSENT AT ANY TIME.

28 (B) SOCIAL MEDIA PLATFORM.--A SOCIAL MEDIA PLATFORM SHALL  
29 TAKE REASONABLE STEPS TO PROVIDE A PARENT OR LEGAL GUARDIAN WHO  
30 HAS PROVIDED EXPRESS CONSENT FOR A MINOR TO OPEN A SOCIAL MEDIA

1 ACCOUNT WITH THE ABILITY TO REVOKE THE CONSENT.

2 (C) EFFECT OF REVOCATION.--A SOCIAL MEDIA PLATFORM THAT  
3 RECEIVES A REVOCATION OF CONSENT UNDER SUBSECTION (A) SHALL, TO  
4 THE EXTENT POSSIBLE, WITHIN A REASONABLE TIME FRAME FROM RECEIPT  
5 OF THE REVOCATION, SUSPEND, DELETE OR DISABLE THE ACCOUNT OF THE  
6 MINOR FOR WHOM CONSENT WAS REVOKED.

7 § 1125. VIOLATIONS.

8 (A) ACTION.--THE ATTORNEY GENERAL SHALL HAVE JURISDICTION TO  
9 BRING AN ACTION AGAINST A SOCIAL MEDIA COMPANY THAT KNOWINGLY,  
10 INTENTIONALLY OR NEGLIGENTLY ALLOWS FOR A MINOR TO OPEN A SOCIAL  
11 MEDIA ACCOUNT WITHOUT EXPRESS CONSENT OF THE MINOR'S PARENT OR  
12 LEGAL GUARDIAN. THE ATTORNEY GENERAL MAY BRING MULTIPLE CASES AT  
13 ONE TIME AGAINST A SOCIAL MEDIA COMPANY FOR VIOLATIONS OF THIS  
14 CHAPTER.

15 (B) PENALTIES.--

16 (1) FOR A FIRST OFFENSE FOR AN ACTION BROUGHT ON BEHALF  
17 OF A SINGLE MINOR, A CIVIL PENALTY NOT TO EXCEED \$2,500.

18 (2) FOR A SECOND OFFENSE FOR AN ACTION BROUGHT ON BEHALF  
19 OF THE SAME SINGLE MINOR UNDER PARAGRAPH (1), A CIVIL PENALTY  
20 NOT TO EXCEED \$5,000.

21 (3) FOR A THIRD OR SUBSEQUENT OFFENSE FOR AN ACTION  
22 BROUGHT ON BEHALF OF THE SAME SINGLE MINOR UNDER PARAGRAPH  
23 (1), A CIVIL PENALTY NOT TO EXCEED \$50,000.

24 (4) FOR A FIRST OFFENSE FOR AN ACTION BROUGHT ON BEHALF  
25 OF MULTIPLE MINORS, A CIVIL PENALTY NOT TO EXCEED THE GREATER  
26 OF \$5,000,000 OR THE TOTAL NUMBER OF VIOLATIONS MULTIPLIED BY  
27 THE MAXIMUM CIVIL PENALTY UNDER PARAGRAPH (1).

28 (5) IF A COURT OF COMPETENT JURISDICTION DETERMINES THAT  
29 THERE HAVE BEEN REPEATED INTENTIONAL VIOLATIONS OF THIS  
30 CHAPTER BY A SOCIAL MEDIA COMPANY, THE COURT MAY ENTER AN

1 ORDER ENJOINING THE SOCIAL MEDIA COMPANY FROM OPERATING IN  
2 THIS COMMONWEALTH.

3 (C) USE OF RECOVERED FEES.--CIVIL FEES COLLECTED UNDER  
4 SUBSECTION (B) SHALL BE DEPOSITED INTO THE SCHOOL SAFETY AND  
5 SECURITY FUND TO BE USED EXCLUSIVELY FOR MENTAL HEALTH-RELATED  
6 SERVICES FOR SCHOOL ENTITIES.

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

12 SUBCHAPTER D

13 DATA

14 SEC.

15 1131. DEFINITIONS.

16 1132. PROHIBITIONS.

17 1133. VIOLATIONS.

18 1134. REMOVAL.

19 § 1131. DEFINITIONS.

20 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER  
21 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
22 CONTEXT CLEARLY INDICATES OTHERWISE:

23 "MINOR." AN INDIVIDUAL WHO IS UNDER 18 YEARS OF AGE.

24 "PRECISE GEOLOCATION." DATA THAT IS DERIVED FROM A DEVICE  
25 AND USED OR INTENDED TO BE USED TO LOCATE A CONSUMER WITHIN A  
26 GEOGRAPHIC AREA THAT IS EQUAL TO OR LESS THAN THE AREA OF A  
27 CIRCLE WITH A RADIUS OF 1,850 FEET.

28 "PROCESS" OR "PROCESSING." TO CONDUCT OR DIRECT AN OPERATION  
29 OR A SET OF OPERATIONS PERFORMED, WHETHER BY MANUAL OR AUTOMATED  
30 MEANS, ON PERSONAL DATA OR ON SETS OF PERSONAL DATA, INCLUDING

1 THE COLLECTION, USE, STORAGE, DISCLOSURE, ANALYSIS, DELETION,  
2 MODIFICATION OR OTHERWISE HANDLING OF PERSONAL DATA.

3 "QUALIFIED INDIVIDUAL." ANY OF THE FOLLOWING:

4 (1) A PARENT OR GUARDIAN OF A MINOR.

5 (2) AN ADULT INDIVIDUAL FROM WHOM DATA WAS COLLECTED  
6 WHEN THE INDIVIDUAL WAS A MINOR.

7 "SALE," "SELL" OR "SOLD." THE EXCHANGE OF PERSONAL  
8 INFORMATION FOR MONETARY CONSIDERATION BY THE BUSINESS TO A  
9 THIRD PARTY. THE TERM DOES NOT INCLUDE:

10 (1) THE DISCLOSURE OF PERSONAL INFORMATION TO A  
11 PROCESSOR THAT PROCESSES THE PERSONAL INFORMATION ON BEHALF  
12 OF THE BUSINESS.

13 (2) THE DISCLOSURE OF PERSONAL INFORMATION TO A THIRD  
14 PARTY FOR PURPOSES OF PROVIDING A PRODUCT OR SERVICE  
15 REQUESTED BY THE CONSUMER.

16 (3) THE DISCLOSURE OR TRANSFER OF PERSONAL INFORMATION  
17 TO AN AFFILIATE OF THE BUSINESS.

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

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

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

22 (5) THE DISCLOSURE OR TRANSFER OF PERSONAL INFORMATION  
23 TO A THIRD PARTY AS AN ASSET THAT IS PART OF A MERGER,  
24 ACQUISITION, BANKRUPTCY OR OTHER TRANSACTION IN WHICH THE  
25 THIRD PARTY ASSUMES CONTROL OF ALL OR PART OF THE BUSINESS'S  
26 ASSETS.

27 "TARGETED ADVERTISING." THE DISPLAYING OF ADVERTISEMENTS TO  
28 A CONSUMER WHERE THE ADVERTISEMENT IS SELECTED BASED ON PERSONAL  
29 INFORMATION OBTAINED FROM THAT CONSUMER'S ACTIVITIES OVER TIME  
30 AND ACROSS NONAFFILIATED WEBSITES OR ONLINE APPLICATIONS TO

1 PREDICT SUCH CONSUMER'S PREFERENCES OR INTERESTS. THE TERM DOES  
2 NOT INCLUDE:

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

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

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

10 (4) PROCESSING PERSONAL INFORMATION PROCESSED SOLELY FOR  
11 MEASURING OR REPORTING ADVERTISING PERFORMANCE, REACH OR  
12 FREQUENCY.

13 "THIRD PARTY." AN INDIVIDUAL OR LEGAL ENTITY, PUBLIC  
14 AUTHORITY, AGENCY OR BODY, OTHER THAN THE CONSUMER, BUSINESS OR  
15 PROCESSOR OR AN AFFILIATE OF THE PROCESSOR OR THE BUSINESS.

16 § 1132. PROHIBITIONS.

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

22 (1) DATA REGARDING AGE AND LOCATION FOR PURPOSES OF  
23 PERSONALIZED RECOMMENDATIONS RELATED TO AGE-APPROPRIATE  
24 CONTENT.

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

27 (3) MINING OF DATA WHICH IS ADEQUATE, RELEVANT AND  
28 REASONABLY NECESSARY IN RELATION TO THE PURPOSE FOR WHICH THE  
29 DATA IS PROCESSED, AS DISCLOSED.

30 (B) SALE OF DATA.--A SOCIAL MEDIA COMPANY MAY NOT SELL OR

1 PROFIT FROM PERSONAL INFORMATION RELATED TO A MINOR WHO HAS  
2 OPENED A SOCIAL MEDIA ACCOUNT, OR ENGAGE IN TARGETED ADVERTISING  
3 BASED ON A MINOR'S AGE, GENDER OR INTERESTS, NOTWITHSTANDING IF  
4 THE ACCOUNT WAS OPENED WITH THE EXPRESS CONSENT OF A MINOR'S  
5 PARENT OR LEGAL GUARDIAN.

6 (C) PERSONALIZED RECOMMENDATIONS.--A SOCIAL MEDIA PLATFORM  
7 MAY PROVIDE A PROMINENT, ACCESSIBLE AND RESPONSIVE TOOL FOR A  
8 USER WHO IS A MINOR TO OPT IN OF THE USE OF SEARCH AND WATCH  
9 HISTORY FOR USE IN PERSONALIZED RECOMMENDATION SYSTEMS. A SOCIAL  
10 MEDIA PLATFORM MAY NOT USE A PERSONALIZED RECOMMENDATION SYSTEM  
11 UNLESS A MINOR OPTS IN.

12 (D) PROCESSING BY DEFAULT.--A SOCIAL MEDIA PLATFORM MAY NOT  
13 PROCESS THE PRECISE GEOLOCATION INFORMATION OF A MINOR BY  
14 DEFAULT UNLESS THE PROCESSING OF THE PRECISE GEOLOCATION  
15 INFORMATION:

16 (1) IS STRICTLY NECESSARY FOR THE SOCIAL MEDIA COMPANY  
17 TO PROVIDE THE SERVICE, PRODUCT OR FEATURE REQUESTED BY THE  
18 MINOR CONSUMER; OR

19 (2) IS ONLY FOR THE AMOUNT OF TIME NECESSARY TO PROVIDE  
20 THE SERVICE, PRODUCT OR FEATURE.

21 (E) CONSPICUOUS SIGNAL.--A SOCIAL MEDIA PLATFORM MAY NOT  
22 PROCESS THE PRECISE GEOLOCATION INFORMATION OF A MINOR WITHOUT  
23 PROVIDING A CONSPICUOUS SIGNAL TO THE MINOR CONSUMER FOR THE  
24 DURATION OF THE PROCESSING.

25 (F) DARK PATTERNS.--A SOCIAL MEDIA PLATFORM MAY NOT USE DARK  
26 PATTERNS.

27 (G) UNKNOWN ADULT CONTACT.--A SOCIAL MEDIA PLATFORM MAY NOT  
28 PERMIT, BY DEFAULT, AN UNKNOWN ADULT TO CONTACT A MINOR CONSUMER  
29 ON THE SOCIAL MEDIA PLATFORM WITHOUT THE MINOR CONSUMER FIRST  
30 INITIATING THE CONTACT.



1 § 1133. VIOLATIONS.

2 (A) ACTIONS.--THE ATTORNEY GENERAL SHALL HAVE JURISDICTION  
3 TO BRING AN ACTION AGAINST A SOCIAL MEDIA COMPANY THAT  
4 KNOWINGLY, INTENTIONALLY OR NEGLIGENTLY VIOLATES A PROHIBITION  
5 UNDER SECTION 1132 (RELATING TO PROHIBITIONS).

6 (B) PENALTIES.--

7 (1) FOR A FIRST OFFENSE FOR AN ACTION BROUGHT ON BEHALF  
8 OF A SINGLE MINOR, A CIVIL PENALTY NOT TO EXCEED \$10,000.

9 (2) FOR A SECOND OFFENSE FOR AN ACTION BROUGHT ON BEHALF  
10 OF THE SAME SINGLE MINOR UNDER PARAGRAPH (1), A CIVIL PENALTY  
11 NOT TO EXCEED \$50,000.

12 (3) FOR A THIRD OR SUBSEQUENT OFFENSE FOR AN ACTION  
13 BROUGHT ON BEHALF OF THE SAME SINGLE MINOR UNDER PARAGRAPH  
14 (1), A CIVIL PENALTY NOT TO EXCEED \$500,000.

15 (4) FOR A FIRST OFFENSE FOR AN ACTION BROUGHT ON BEHALF  
16 OF MULTIPLE MINORS, A CIVIL PENALTY NOT TO EXCEED THE GREATER  
17 OF \$50,000,000 OR THE TOTAL NUMBER OF VIOLATIONS MULTIPLIED  
18 BY THE MAXIMUM CIVIL PENALTY UNDER PARAGRAPH (1).

19 (5) FOR A VIOLATION OF PARAGRAPHS (1), (2), (3) AND (4),  
20 A COURT OF COMPETENT JURISDICTION MAY ORDER DATA COLLECTED AS  
21 A RESULT OF A VIOLATION OF A PROHIBITION UNDER SECTION 1132  
22 TO BE SCRUBBED AND REMOVED FROM THE INTERNET. THE COST OF  
23 REMOVAL SHALL BE PAID BY THE SOCIAL MEDIA COMPANY.

24 (6) IF A COURT OF COMPETENT JURISDICTION DETERMINES THAT  
25 THERE HAS BEEN REPEATED INTENTIONAL VIOLATIONS OF A  
26 PROHIBITION UNDER SECTION 1132 BY A SOCIAL MEDIA COMPANY, THE  
27 COURT MAY PROHIBIT THE SOCIAL MEDIA COMPANY FROM OPERATING  
28 ACCOUNTS FOR MINORS IN THIS COMMONWEALTH.

29 (C) USE OF RECOVERED FEES.--CIVIL FEES COLLECTED UNDER THIS  
30 SECTION SHALL BE DEPOSITED INTO THE SCHOOL SAFETY AND SECURITY

1 FUND TO BE USED FOR MENTAL-HEALTH-RELATED SERVICES FOR SCHOOL  
2 ENTITIES.

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

8 § 1134. REMOVAL.

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

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

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

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

24 (C) NOTICE.--A SOCIAL MEDIA PLATFORM THAT HAS MINED OR  
25 COLLECTED PERSONAL INFORMATION FROM A MINOR OR RETAINS PERSONAL  
26 INFORMATION ABOUT A MINOR SHALL PROMINENTLY DISPLAY NOTICE ON  
27 THE WEBSITE OF HOW A QUALIFIED INDIVIDUAL CAN REQUEST THAT THE  
28 SOCIAL MEDIA PLATFORM DELETE PERSONAL INFORMATION IN THE  
29 POSSESSION OF THE SOCIAL MEDIA PLATFORM THAT WAS COLLECTED FROM  
30 OR ABOUT THE INDIVIDUAL WHEN THE INDIVIDUAL WAS A MINOR.

1 (D) DELETION.--UPON A REQUEST OF A QUALIFIED INDIVIDUAL, A  
2 SOCIAL MEDIA PLATFORM SHALL, NO LATER THAN 30 DAYS AFTER THE  
3 REQUEST, DELETE PERSONAL INFORMATION IN THE POSSESSION OF THE  
4 SOCIAL MEDIA COMPANY THAT WAS MINED OR COLLECTED FROM OR ABOUT  
5 THE INDIVIDUAL WHEN THE INDIVIDUAL WAS A MINOR.

6 (E) CONFIRMATION.--WITHIN 90 BUSINESS DAYS OF PERSONAL  
7 INFORMATION BEING DELETED BY THE SOCIAL MEDIA COMPANY, THE  
8 SOCIAL MEDIA COMPANY SHALL PROVIDE, BY WRITTEN COMMUNICATION,  
9 NOTICE TO THE QUALIFIED INDIVIDUAL THAT PERSONAL INFORMATION HAS  
10 BEEN DELETED.

11 (F) VIOLATIONS.--A SOCIAL MEDIA COMPANY THAT FAILS TO DELETE  
12 PERSONAL INFORMATION WHEN A REQUEST TO DELETE PERSONAL  
13 INFORMATION IS MADE BY A QUALIFIED INDIVIDUAL SHALL BE STRICTLY  
14 LIABLE FOR A CIVIL PENALTY OF \$10,000 PER DAY PER WEBSITE UNTIL  
15 THE PERSONAL INFORMATION HAS BEEN REMOVED. IF A SOCIAL MEDIA  
16 COMPANY HAS RECEIVED CONSENT FROM A PARENT OR GUARDIAN TO  
17 COLLECT PERSONAL INFORMATION OF A MINOR, THE CONSENT SHALL BE AN  
18 ABSOLUTE DEFENSE TO A VIOLATION OF THIS SECTION. THE ATTORNEY  
19 GENERAL SHALL HAVE EXCLUSIVE JURISDICTION TO BRING AN ACTION  
20 UNDER THIS SECTION.

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