
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2523 Session of
2024

INTRODUCED BY M. BROWN, MALONEY, KUZMA, SCIALABBA, BERNSTINE AND
KAUFFMAN, JULY 30, 2024

REFERRED TO COMMITTEE ON CONSUMER PROTECTION, TECHNOLOGY AND
UTILITIES, JULY 30, 2024

AN ACT

1 Providing for social media platforms and for limiting
2 censorship.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Social Media
7 Anti-Censorship Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Acceptable use policy." The acceptable use policy required
13 under section 4(a).

14 "Journalist." A person regularly engaged in collecting,
15 photographing, recording, writing, editing, reporting or
16 publishing news, for gain or livelihood, while working as a
17 salaried employee of, or independent contractor for, a

1 newspaper, news journal, news agency, press association, wire
2 service, radio or television station, network or news magazine.

3 "Post." To share, display, provide, upload, transmit,
4 publish, distribute, communicate or circulate content on a
5 social media platform.

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

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

17 (2) The platform, service or application allows users to
18 do the following:

19 (i) Construct a public or semipublic profile for
20 purposes of signing into and using the platform, service
21 or 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 (3) The platform, service or application has more than
29 50,000,000 active users in the United States in a calendar
30 month.

1 "User." A person who posts content on a social media
2 platform.

3 Section 3. Applicability.

4 This act shall apply to a user who:

- 5 (1) resides in this Commonwealth;
- 6 (2) does business in this Commonwealth; or
- 7 (3) posts or receives content on a social media platform
8 in this Commonwealth.

9 Section 4. Acceptable use policy.

10 (a) Policy required.--Each social media platform shall
11 develop and institute an acceptable use policy in accordance
12 with this act.

13 (b) Publication of policy.--A social media platform shall
14 publish the platform's acceptable use policy in a location that
15 is easily accessible to a user.

16 (c) Requirements of policy.--A social media platform's
17 acceptable use policy shall, at a minimum:

18 (1) reasonably inform a user about the type of content
19 that the platform deems violative of its acceptable use
20 policy;

21 (2) explain the steps the social media platform will
22 take to ensure that content complies with the acceptable use
23 policy;

24 (3) explain the means by which a user can notify the
25 social media platform of content that potentially violates
26 the acceptable use policy, illegal content or illegal
27 activity; and

28 (4) reasonably inform a user about the user's right to
29 appeal the platform's removal of content that allegedly
30 violates the platform's acceptable use policy in accordance

1 with section 6.

2 Section 5. Removal of content.

3 (a) Notification and appeal.--Except as provided under
4 subsection (b), if a social media platform removes content based
5 on an alleged violation of the platform's acceptable use policy,
6 the social media platform shall:

7 (1) immediately notify the user who posted the content
8 of the removal and explain the reason for the removal of the
9 content from the platform; and

10 (2) allow the user to appeal the decision to remove the
11 content from the platform in accordance with section 6.

12 (b) Exception.--A social media platform is not required to
13 provide a user with notice or an opportunity to appeal under
14 section 6 if the social media platform knows or reasonably
15 believes that the alleged policy-violating content relates to an
16 ongoing law enforcement investigation.

17 Section 6. Appeal of content removal.

18 (a) Appeal system.--A social media platform shall provide an
19 easily accessible appeal system to enable a user to submit an
20 appeal regarding the social media platform's decision to remove
21 alleged policy-violating content posted by the user on the
22 platform.

23 (b) Appeal process.--Upon receiving an appeal regarding the
24 social media platform's removal of content that the user asserts
25 did not violate the platform's acceptable use policy, the social
26 media platform shall, no later than 14 days after receiving the
27 appeal:

28 (1) review the content;

29 (2) determine whether the content adheres to the
30 platform's acceptable use policy;

1 (3) take appropriate steps based on the determination
2 under paragraph (2); and

3 (4) notify the user regarding the determination made
4 under paragraph (2) and the steps taken under paragraph (3).

5 Section 7. Biannual public transparency report.

6 (a) Report required.--A social media platform shall publish
7 a report every six months that includes, with respect to the
8 preceding six-month period, the following information:

9 (1) The total number of instances in which the social
10 media platform was alerted to alleged illegal content,
11 illegal activity or content that violates the platform's
12 acceptable use policy by:

13 (i) a user complaint;

14 (ii) an employee of or person contracting with the
15 social media platform; or

16 (iii) an internal automated detection tool.

17 (2) Subject to subsection (b), the number of instances
18 in which the social media platform took any of the following
19 adverse actions after determining that content was illegal,
20 depicted illegal activity or violated the platform's
21 acceptable use policy:

22 (i) Content removal.

23 (ii) Content demonetization.

24 (iii) Content deprioritization.

25 (iv) The addition of an assessment to content.

26 (v) Account suspension.

27 (vi) Account removal.

28 (vii) Any other action taken in accordance with the
29 platform's acceptable use policy.

30 (3) The country of residence of the user who created or

1 posted the content for each instance described under
2 paragraph (2).

3 (4) The number of instances in which a user appealed the
4 decision to remove the user's content that allegedly violated
5 the platform's acceptable use policy under section 6.

6 (5) Of the appeals identified under paragraph (4), the
7 percentage of appeals that resulted in the restoration of
8 content.

9 (6) To the platform's knowledge or belief, the number of
10 instances in which an adverse action identified under
11 paragraph (2) was directed at a user who, at the time of
12 posting the content for which the platform took the adverse
13 action, was employed or engaged as a:

14 (i) Federal, state or local politician;

15 (ii) Federal, state or local political candidate;

16 (iii) Federal, state or local public official;

17 (iv) Federal, state or local political organization;

18 (v) public institution as that term is defined in
19 section 102 of the act of June 3, 1937 (P.L.1333,
20 No.320), known as the Pennsylvania Election Code; or

21 (vi) journalist.

22 (b) Categorization of adverse actions.--The information
23 described under subsection (a)(2) shall be categorized by the:

24 (1) rule the user violated; and

25 (2) source for the alert of illegal content, illegal
26 activity or content that violated the platform's acceptable
27 use policy, including:

28 (i) a governmental entity;

29 (ii) a user;

30 (iii) an internal automated detection tool; or

1 (iv) persons employed by or contracting with the
2 platform.

3 (c) Governmental entity.--If the source for the alert of
4 illegal content, illegal activity or alleged policy-violating
5 content under subsection (b) (2) was a governmental entity, the
6 social media platform shall identify the name of the entity with
7 as much specificity as possible.

8 (d) Publication of report.--A social media platform shall
9 publish the report required under subsection (a) with an open
10 license, in a readable and open format and in a location that is
11 easily accessible to users.

12 Section 8. Effective date.

13 This act shall take effect in 60 days.