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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 62 Session of  
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INTRODUCED BY M. BROWN, KAUFFMAN, BANTA, KUZMA AND CIRESI,  
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REFERRED TO COMMITTEE ON COMMUNICATIONS AND TECHNOLOGY,  
JANUARY 14, 2025

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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 on message boards, in chat rooms or  
26 through a landing page or main feed that presents the  
27 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 platform in this  
8 Commonwealth.

9 Section 4. Acceptable use policy.

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

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

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

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

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

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

25 (4) reasonably inform a user about the user's right to  
26 appeal the platform's removal of content that allegedly  
27 violates the platform's acceptable use policy in accordance  
28 with section 6.

29 Section 5. Removal of content.

30 (a) Notification and appeal.--Except as provided under

1 subsection (b), if a platform removes content based on an  
2 alleged violation of the platform's acceptable use policy, the  
3 platform shall:

4 (1) immediately notify the user who posted the content  
5 of the removal and explain the reason for the removal of the  
6 content from the platform; and

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

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

14 Section 6. Appeal of content removal.

15 (a) Appeal system.--A platform shall provide an easily  
16 accessible appeal system to enable a user to submit an appeal  
17 regarding the platform's decision to remove alleged policy-  
18 violating content posted by the user on the platform.

19 (b) Appeal process.--Upon receiving an appeal regarding the  
20 platform's removal of content that the user asserts did not  
21 violate the platform's acceptable use policy, the platform  
22 shall, no later than 14 days after receiving the appeal:

23 (1) review the content;

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

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

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

30 Section 7. Biannual public transparency report.

1 (a) Report required.--A platform shall publish a report  
2 every six months that includes, with respect to the preceding  
3 six-month period, the following information:

4 (1) The total number of instances in which the platform  
5 was alerted to alleged illegal content, illegal activity or  
6 content that violates the platform's acceptable use policy  
7 by:

8 (i) a user complaint;

9 (ii) an employee of or person contracting with the  
10 social media platform; or

11 (iii) an internal automated detection tool.

12 (2) Subject to subsection (b), the number of instances  
13 in which the platform took any of the following adverse  
14 actions after determining that content was illegal, depicted  
15 illegal activity or violated the platform's acceptable use  
16 policy:

17 (i) Content removal.

18 (ii) Content demonetization.

19 (iii) Content deprioritization.

20 (iv) Negative categorization or disclaimer of the  
21 content.

22 (v) Account suspension.

23 (vi) Account removal.

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

26 (3) The purported country of residence of the user who  
27 created or posted the content for each instance described  
28 under paragraph (2).

29 (4) The number of instances in which a user appealed the  
30 decision to remove the user's content that allegedly violated

1 the platform's acceptable use policy under section 6.

2 (5) Of the appeals identified under paragraph (4), the  
3 percentage of appeals that resulted in the restoration of  
4 content.

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

- 10 (i) Federal, state or local politician;
- 11 (ii) Federal, state or local political candidate;
- 12 (iii) Federal, state or local public official;
- 13 (iv) Federal, state or local political organization;
- 14 (v) public institution as that term is defined in  
15 section 102 of the act of June 3, 1937 (P.L.1333,  
16 No.320), known as the Pennsylvania Election Code; or  
17 (vi) journalist.

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

20 (1) rule the user violated; and

21 (2) source for the alert of illegal content, illegal  
22 activity or content that violated the platform's acceptable  
23 use policy, including:

- 24 (i) a governmental entity;
- 25 (ii) a user;
- 26 (iii) an internal automated detection tool; or
- 27 (iv) persons employed by or contracting with the  
28 platform.

29 (c) Governmental entity.--If the source for the alert of  
30 illegal content, illegal activity or alleged policy-violating

1 content under subsection (b) (2) was a governmental entity, the  
2 platform shall identify the name of the entity with as much  
3 specificity as possible.

4 (d) Publication of report.--A platform shall publish the  
5 report required under subsection (a) with an open license, in a  
6 readable and open format and in a location that is easily  
7 accessible to users.

8 Section 8. Effective date.

9 This act shall take effect in 60 days.