
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1313 Session of
2024

INTRODUCED BY DUSH, PENNYCUICK AND DiSANTO, SEPTEMBER 12, 2024

REFERRED TO JUDICIARY, SEPTEMBER 12, 2024

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in computer offenses, providing for
3 Internet protections for minors.

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

6 Section 1. Chapter 76 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subchapter to read:

8 SUBCHAPTER F

9 INTERNET PROTECTIONS FOR MINORS

10 Sec.

11 7671. Definitions.

12 7672. Age verification for certain publicly accessible Internet
13 websites.

14 § 7671. Definitions.

15 The following words and phrases when used in this subchapter
16 shall have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 "Commercial entity." A corporation, limited liability
19 company, partnership, sole proprietorship or other legally

1 recognized entity that has a publicly accessible Internet
2 website on which the publicly accessible Internet website has a
3 substantial portion of material that is harmful to minors.

4 "Digitized identification card." A data file available on a
5 mobile device which has connectivity to the Internet through a
6 State-approved application that allows the mobile device to
7 download the data file from a State agency or an authorized
8 agent of a State agency that contains all of the data elements
9 visible on the face and back of a license or identification card
10 and displays the current status of the license or identification
11 card.

12 "Distributes." To issue, sell, give, provide, deliver,
13 transfer, transmute, circulate or disseminate by any means.

14 "Internet." The term shall mean the same as in section 7621
15 (relating to definitions).

16 "Material harmful to minors." The following:

17 (1) material that the average person, applying
18 contemporary community standards, would find, taking the
19 material as a whole and with respect to minors, is designed
20 to appeal to, or is designed to pander to, the prurient
21 interest;

22 (2) material that exploits, is devoted to or principally
23 consists of descriptions of actual, simulated or animated
24 display or depiction of any of the following, in a manner
25 patently offensive with respect to minors:

26 (i) pubic hair, anus, vulva, genitals or nipple of
27 the female breast;

28 (ii) touching, caressing or fondling of nipples,
29 breasts, buttocks, anuses or genitals; and

30 (iii) sexual intercourse, masturbation, sodomy,

1 bestiality, oral copulation, flagellation, excretory
2 functions, exhibitions or any other sexual act; or
3 (3) material that taken as a whole lacks serious
4 literary, artistic, political or scientific value for minors.

5 "Minor." An individual under 18 years of age.

6 "News-gathering organization." One of the following:

7 (1) an employee of a newspaper, news publication or news
8 source, printed or on an online or mobile platform, of
9 current news and public interest while operating as an
10 employee who can provide documentation of employment with the
11 newspaper, news publication or news source; or

12 (2) an employee of a radio broadcast station, television
13 broadcast station, cable television operator or wire service
14 while operating as an employee who can provide documentation
15 of employment.

16 "Publish." To communicate or make information available to
17 another person on a publicly accessible Internet website.

18 "Reasonable age verification method." The following:

19 (1) use of a digitized identification card;
20 (2) verification through an independent, third-party age
21 verification service that compares the personal information
22 entered by the individual who is seeking access to the
23 material that is available from a commercially available
24 database or aggregate of databases that is regularly used by
25 government agencies and businesses for the purpose of age and
26 identity verification; or

27 (3) any commercially reasonable method that relies on
28 public or private transactional data to verify the age of the
29 person attempting to access the material.

30 "Substantial portion." More than 33.3% of total material on

1 the publicly accessible Internet website is material harmful to
2 minors.

3 "Transactional data." A sequence of information that
4 documents an exchange, agreement or transfer between an
5 individual, commercial entity or third party used for the
6 purpose of satisfying a request or event. The term includes
7 records from mortgage, education and employment entities.
8 § 7672. Age verification for certain publicly accessible
9 Internet websites.

10 (a) Duty of commercial entity.--A commercial entity that
11 knowingly and intentionally publishes or distributes material
12 harmful to minors on a publicly accessible Internet website that
13 contains a substantial portion of material that is harmful to
14 minors on the website shall perform reasonable age verification
15 methods to verify the age of an individual accessing the
16 publicly accessible Internet website. A commercial entity or
17 third party that performs the required age verification shall
18 not retain identifying information of the individual accessing
19 the publicly accessible Internet website that contains material
20 harmful to minors.

21 (b) Violations.--

22 (1) A commercial entity that is found to have violated
23 this section shall be liable to an individual for damages
24 resulting from a minor accessing material harmful to minors
25 on the publicly accessible Internet website, including court
26 costs and reasonable attorney fees as ordered by the court.

27 (2) A commercial entity that is found to have knowingly
28 retained identifying information of an individual after
29 access has been granted to the individual shall be liable to
30 the individual for damages resulting from retaining the

1 identifying information, including court costs and reasonable
2 attorney fees as ordered by the court.

3 (c) Exception.--

4 (1) This section shall not apply to a bona fide news or
5 public interest broadcast, website video, report or event and
6 shall not be construed to affect the rights of news-gathering
7 organizations.

8 (2) No Internet service provider, affiliate or
9 subsidiary of an Internet service provider, search engine or
10 cloud service provider shall be liable for a violation of
11 this section solely for providing access or connection to or
12 from a website or other information or content on the
13 Internet, or a facility, system or network not under that
14 Internet service provider's control, including transmitting,
15 downloading, storing or providing access, to the extent that
16 the provider is not responsible for the creation of the
17 content of the communication that constitutes material
18 harmful to minors.

19 Section 2. This act shall take effect in 90 days.