

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 22 Session of 2023

INTRODUCED BY HUGHES, PHILLIPS-HILL, DILLON, PENNYCUICK, FONTANA, HAYWOOD, AUMENT, COSTA, CULVER, BREWSTER, CAPPELLETTI, KANE, SCHWANK, COLLETT, MUTH AND ROTHMAN, JUNE 14, 2023

SENATOR PENNYCUICK, COMMUNICATIONS AND TECHNOLOGY, AS AMENDED, SEPTEMBER 19, 2023

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

<--

9 I. Preliminary Provisions (Reserved)

10 II. Minors

11 PART I. PRELIMINARY PROVISIONS

12 (Reserved).

13 PART II. MINORS

14 PART I

<--

15 PRELIMINARY PROVISIONS

16 (RESERVED)

17 PART II

1 MINORS

2 Chapter

3 10. Preliminary Provisions (Reserved)

4 11. Protecting Minors on Social Media

5 CHAPTER 10

6 PRELIMINARY PROVISIONS

7 (Reserved)

8 CHAPTER 11

9 PROTECTING MINORS ON SOCIAL MEDIA

10 Subchapter

11 A. General Provisions

12 B. Cause of Action UNLAWFUL ACTIVITY

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13 C. Consent to Open an Account

14 D. Data

15 SUBCHAPTER A

16 GENERAL PROVISIONS

17 Sec.

18 1101. Scope of chapter.

19 1102. Legislative intent.

20 1103. Definitions.

21 § 1101. Scope of chapter.

22 This chapter relates to protecting minors on social media.

23 § 1102. Legislative intent.

24 The General Assembly finds and declares as follows:

25 (1) Social media use among American teenagers is nearly
26 universal. According to the Pew Research Center, 95% of teens
27 report using YouTube and 67% of teens have used TikTok, with
28 16% using it almost constantly.

29 (2) Social media platforms are designed to be addictive, <--
30 with teenagers at particular risk of excessive use. According

1 to the Pew Research Center, 54% of teens say it would be
2 difficult to give up social media entirely.

3 (3) Social media use is linked to negative feelings
4 among teens. A growing body of research, described in the
5 *International Journal of Adolescence and Youth* and elsewhere,
6 has found that increased social media use is associated with
7 greater rates of depression and anxiety in teens. Additional
8 research published in the *Children and Youth Services Review*
9 describe a trend in which social media use can trigger and
10 accelerate offline violence.

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

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

23 (6) In May 2023, the United States Surgeon General
24 released a health advisory finding that ~~social media can~~ <--
25 ~~"have a profound risk of harm to the mental health and well-~~
26 ~~being of children and adolescents."~~ The advisory recommends
27 ~~policies that limit access to social media and require~~
28 ~~greater protection of data relating to children and~~
29 ~~adolescents. "MORE RESEARCH IS NEEDED TO FULLY UNDERSTAND THE~~ <--
30 IMPACT OF SOCIAL MEDIA; HOWEVER, THE CURRENT BODY OF EVIDENCE

1 INDICATES THAT WHILE SOCIAL MEDIA MAY HAVE BENEFITS FOR SOME
2 CHILDREN AND ADOLESCENTS, THERE ARE AMPLE INDICATORS THAT
3 SOCIAL MEDIA CAN ALSO HAVE A PROFOUND RISK OF HARM TO THE
4 MENTAL HEALTH AND WELL-BEING OF CHILDREN AND ADOLESCENTS."
5 THE ADVISORY RECOMMENDS A RANGE OF POLICIES TO CONSIDER,
6 INCLUDING "POLICIES THAT FURTHER LIMIT ACCESS - IN WAYS THAT
7 MINIMIZE THE RISK OF HARM - TO SOCIAL MEDIA FOR ALL CHILDREN,
8 INCLUDING STRENGTHENING AND ENFORCING AGE MINIMUMS."

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

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

16 § 1103. Definitions.

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

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

22 "Algorithmic recommendation." A fully or partially automated <--
23 system that suggests, promotes or ranks information for, or
24 presents advertising to, an individual.

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

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

30 "Minor." Except as provided in section 1131 (relating to

1 definitions), an individual who is less than 16 years of age.

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

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

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

11 "Social media company." A person that owns or operates one
12 or more social media platforms.

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

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

19 ~~(2) The service or application allows users to do one or~~
20 ~~more of the following:~~

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

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

26 ~~(iii) Create or post content viewable by other~~
27 ~~users, including on message boards, in chat rooms or~~
28 ~~through a landing page or main feed that presents the~~
29 ~~user with content generated by other users.~~

30 SUBCHAPTER B

1 CAUSE OF ACTION

2 Sec.

3 1110. Cause of action.

4 § 1110. Cause of action.

5 (a) Establishment. A parent or legal guardian of a minor
6 may bring a civil cause of action against a social media company
7 that intentionally, knowingly, recklessly or negligently causes
8 or encourages a minor to access content which subjects the minor
9 to a risk of emotional or physical harm, which adversely affects
10 the mental health or dignity of the minor or that creates a
11 reasonable likelihood of bodily injury or death to the minor.

12 Prohibited activity under this subsection may include:

13 (1) Causing or encouraging access to content that
14 encourages eating disorders, violence, substance abuse,
15 sexual exploitation and suicide or discusses means of
16 suicide.

17 (2) The use of features that attempt to maximize time,
18 attention and engagement of a minor on social media.

19 (3) The use of tools that adversely affect the health,
20 emotional and physical development of a minor.

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

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

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

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

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

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

12 SUBCHAPTER B

13 UNLAWFUL ACTIVITY

14 SEC.

15 1110. UNLAWFUL ACTIVITY.

16 § 1110. UNLAWFUL ACTIVITY.

17 (A) UNLAWFUL ACTIVITY.--IT SHALL BE UNLAWFUL FOR A SOCIAL
18 MEDIA COMPANY OR A SOCIAL MEDIA PLATFORM TO INTENTIONALLY,
19 KNOWINGLY, RECKLESSLY OR NEGLIGENTLY CAUSE OR ENCOURAGE A MINOR
20 TO ACCESS CONTENT WHICH THE SOCIAL MEDIA COMPANY KNOWS OR SHOULD
21 HAVE KNOWN SUBJECTS ONE OR MORE MINORS TO HARM THAT IS
22 DETRIMENTAL TO THE PHYSICAL HEALTH, MENTAL HEALTH OR THE WELL-
23 BEING OF A MINOR OR THAT CREATES A REASONABLE LIKELIHOOD OF
24 BODILY INJURY OR DEATH TO THE MINOR.

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

27 ~~(b)~~ (C) Damages.--A court of competent jurisdiction may <--
28 award damages as provided under this subsection. In determining
29 the extent of injury, the court shall consider the damage caused
30 to the minor due to utilization of a social media platform by

1 the minor. The court may award:

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

5 (2) Reasonable attorney fees and court costs. ACTUAL <--
6 ATTORNEY FEES AND COURT COSTS INCURRED BY THE ATTORNEY
7 GENERAL.

8 (3) Punitive damages determined by the court.

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

11 (D) DEPOSIT.--DAMAGES RECOVERED UNDER SUBSECTION (C) (3) AND <--
12 (4) SHALL BE DEPOSITED INTO THE SCHOOL SAFETY AND SECURITY FUND
13 TO BE USED EXCLUSIVELY FOR MENTAL HEALTH-RELATED SERVICES FOR
14 STUDENTS.

15 (e) (E) Remedies preserved.--Nothing under this section <--
16 shall be construed to limit the ability of a person to receive a <--
17 civil penalty under this chapter. ATTORNEY GENERAL'S ABILITY TO <--
18 BRING AN ACTION UNDER OTHER PROVISIONS OF LAW.

19 (d) (F) Good faith.--It shall be a defense to a cause of AN <--
20 action under subsection (a) if a social media company takes good
21 faith actions, as determined by a court of competent
22 jurisdiction, to protect a minor from harm while using the <--
23 social media company's platform. CONTENT THAT THE SOCIAL MEDIA <--
24 COMPANY KNEW OR SHOULD HAVE KNOWN SUBJECTS A MINOR TO HARM AND
25 IS DETRIMENTAL TO THE PHYSICAL HEALTH, MENTAL HEALTH OR THE
26 WELL-BEING OF A MINOR OR THAT CREATES A REASONABLE LIKELIHOOD OF
27 BODILY INJURY OR DEATH TO THE MINOR RESULTING FROM THE USE OF
28 THE SOCIAL MEDIA COMPANY'S PLATFORM.

29 SUBCHAPTER C

30 CONSENT TO OPEN AN ACCOUNT

1 Sec.

2 1121. Applicability.

3 1122. Approval prohibited AGE ASSURANCE. <--

4 1123. Duties.

5 1124. Revocation of consent.

6 1125. Violations.

7 § 1121. Applicability.

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

10 ~~§ 1122. Approval prohibited.~~ <--

11 ~~A social media company may not approve the creation of an~~
12 ~~account for a minor or allow a minor to open or operate an~~
13 ~~account without affirmative written consent of the minor's~~
14 ~~parent or legal guardian.~~

15 ~~§ 1123. Duties.~~

16 ~~(a) 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 ~~(b) Social media company. Each social media company shall~~
23 ~~post in a conspicuous place on each of their social media~~
24 ~~platforms notice that written consent by the minor's parent or~~
25 ~~legal guardian shall be required prior to opening an account.~~
26 ~~The social media platform shall allow for a parent or legal~~
27 ~~guardian to submit, electronically or via mail service, a~~
28 ~~completed consent notification form developed by the Attorney~~
29 ~~General under subsection (a). A social media platform may~~
30 ~~include a method for a parent or legal guardian to provide~~

1 ~~written consent as required by this chapter via electronic~~
2 ~~means. Any electronic consent included in a social media~~
3 ~~platform must include the same information as required by the~~
4 ~~form developed by the Attorney General's office under subsection~~
5 ~~(a).~~

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

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

12 ~~(2) notify the parent or legal guardian that the minor~~
13 ~~has attempted to open a social media account without their~~
14 ~~consent.~~

15 ~~(d) Social media account access. If a parent or legal~~
16 ~~guardian provides written consent to a minor to open a social~~
17 ~~media account under this section, the social media company shall~~
18 ~~ensure a parent or legal guardian has the same access to the~~
19 ~~minor's account as if they were the account holder.~~

20 ~~(e) Notice of alleged violation. A social media company~~
21 ~~shall develop and post notice on its website of the methods,~~
22 ~~such as electronic and telephonic means, by which a minor's~~
23 ~~parent or legal guardian may notify the social media company~~
24 ~~that the minor has opened a social media account on its social~~
25 ~~media platform without the required written consent.~~

26 ~~§ 1122. AGE ASSURANCE.~~

<--

27 ~~UTILIZING COMMERCIALY AVAILABLE BEST PRACTICES, A SOCIAL~~
28 ~~MEDIA PLATFORM SHALL MAKE COMMERCIALY REASONABLE EFFORTS TO~~
29 ~~VERIFY THE AGE OF USERS UPON THE CREATION OF AN ACCOUNT, WITH A~~
30 ~~LEVEL OF CERTAINTY APPROPRIATE TO THE RISKS THAT ARISE FROM THE~~

1 INFORMATION MANAGEMENT PRACTICES OF THE SOCIAL MEDIA COMPANY, OR
2 APPLY THE ACCOMMODATIONS AFFORDED TO MINORS UNDER THIS CHAPTER
3 TO ALL ACCOUNT HOLDERS.

4 § 1123. DUTIES.

5 (A) GENERAL RULE.--A SOCIAL MEDIA COMPANY MAY NOT PERMIT A
6 MINOR RESIDING IN THIS COMMONWEALTH TO BECOME AN ACCOUNT HOLDER
7 ON A SOCIAL MEDIA PLATFORM UNLESS THE MINOR HAS THE EXPRESS
8 CONSENT OF THE MINOR'S PARENT OR LEGAL GUARDIAN. A SOCIAL MEDIA
9 PLATFORM MAY OBTAIN EXPRESS CONSENT FROM A MINOR'S PARENT OR
10 LEGAL GUARDIAN THROUGH ANY OF THE FOLLOWING MEANS:

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

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

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

19 (4) BY COLLECTING INFORMATION RELATED TO THE GOVERNMENT-
20 ISSUED IDENTIFICATION OF A MINOR'S PARENT OR LEGAL GUARDIAN,
21 SHARED BY THE PARENT OR LEGAL GUARDIAN. A SOCIAL MEDIA
22 PLATFORM SHALL DELETE THE INFORMATION RELATED TO THE
23 GOVERNMENT-ISSUED IDENTIFICATION OF A MINOR'S PARENT OR LEGAL
24 GUARDIAN AFTER CONFIRMING THE IDENTIFY OF A MINOR'S PARENT OR
25 LEGAL GUARDIAN.

26 (5) ALLOWING A MINOR'S PARENT OR LEGAL GUARDIAN TO
27 PROVIDE CONSENT BY RESPONDING TO AN EMAIL AND TAKING
28 ADDITIONAL STEPS TO VERIFY THE IDENTITY OF A MINOR'S PARENT
29 OR LEGAL GUARDIAN.

30 (6) ANY OTHER COMMERCIALY REASONABLE METHODS OF

1 OBTAINING CONSENT IN LIGHT OF AVAILABLE TECHNOLOGY.

2 (B) ATTORNEY GENERAL.--THE OFFICE OF ATTORNEY GENERAL SHALL
3 DEVELOP AND MAKE AVAILABLE ON THEIR PUBLICLY ACCESSIBLE INTERNET
4 WEBSITE A FORM THAT MAY BE USED BY A PARENT OR LEGAL GUARDIAN TO
5 PROVIDE CONSENT FOR A MINOR TO OPEN A SOCIAL MEDIA ACCOUNT. THE
6 ATTORNEY GENERAL SHALL TRANSMIT A COPY OF THE FORM TO EACH
7 SOCIAL MEDIA COMPANY.

8 (C) DOCUMENTATION.--A SOCIAL MEDIA PLATFORM SHALL MAINTAIN
9 DOCUMENTATION AS TO THE MANNER IN WHICH THE SOCIAL MEDIA COMPANY
10 HAS OBTAINED EXPRESS CONSENT FROM A MINOR'S PARENT OR LEGAL
11 GUARDIAN. THE SOCIAL MEDIA PLATFORM MAY DELETE THE DOCUMENTATION
12 WHEN THE MINOR IS NO LONGER A MINOR OR WITHIN THE ESTABLISHED
13 TIME FRAME BY THE SOCIAL MEDIA COMPANY FOR MAINTAINING DATA.

14 (D) SOCIAL MEDIA COMPANY.--EACH SOCIAL MEDIA COMPANY SHALL
15 POST IN A CONSPICUOUS PLACE ON EACH OF THEIR SOCIAL MEDIA
16 PLATFORMS NOTICE THAT EXPRESS CONSENT BY THE MINOR'S PARENT OR
17 LEGAL GUARDIAN SHALL BE REQUIRED PRIOR TO OPENING AN ACCOUNT.
18 ANY ELECTRONIC CONSENT INCLUDED IN A SOCIAL MEDIA PLATFORM MUST
19 INCLUDE THE SAME INFORMATION AS REQUIRED BY THE FORM DEVELOPED
20 BY THE ATTORNEY GENERAL'S OFFICE UNDER SUBSECTION (B).

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

26 (1) SUSPEND THE SOCIAL MEDIA ACCOUNT; AND

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

30 (F) SOCIAL MEDIA ACCESS.--TO THE EXTENT POSSIBLE, A SOCIAL

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

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

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

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

11 (4) ALLOWING A MINOR THE OPTION OF PROVIDING
12 NOTIFICATIONS TO THE MINOR'S PARENT OR LEGAL GUARDIAN IF THE
13 MINOR REPORTS A PERSON OR AN ISSUE TO THE SOCIAL MEDIA
14 PLATFORM.

15 (G) NOTIFICATION.--A SOCIAL MEDIA PLATFORM SHALL PROVIDE
16 CLEAR NOTICE TO THE MINOR ON THE FEATURES OF THE MINOR'S ACCOUNT
17 TO WHICH THE MINOR'S PARENT OR LEGAL GUARDIAN MAY HAVE ACCESS.

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

21 (I) NOTICE OF ALLEGED VIOLATION.--A SOCIAL MEDIA COMPANY
22 SHALL DEVELOP AND POST NOTICE ON ITS PUBLICLY ACCESSIBLE
23 INTERNET WEBSITE OF THE METHODS, SUCH AS ELECTRONIC AND
24 TELEPHONIC MEANS, BY WHICH A MINOR'S PARENT OR LEGAL GUARDIAN
25 MAY NOTIFY THE SOCIAL MEDIA COMPANY THAT THE MINOR HAS OPENED A
26 SOCIAL MEDIA ACCOUNT ON ITS SOCIAL MEDIA PLATFORM WITHOUT THE
27 REQUIRED CONSENT.

28 § 1124. Revocation of consent.

29 (a) Time.--A parent or legal guardian of a minor who has <--
30 provided written A MINOR'S PARENT OR LEGAL GUARDIAN WHO HAS <--

1 PROVIDED EXPRESS consent under this subchapter may revoke the
2 consent at any time.

3 (b) Social media ~~company~~ PLATFORM.--A social media ~~company~~ <--
4 PLATFORM shall take reasonable steps to provide a parent or <--
5 legal guardian who has provided ~~written~~ EXPRESS consent for a <--
6 minor to open a social media account with the ability to revoke
7 the consent.

8 (c) Effect of revocation.--A social media ~~company~~ PLATFORM <--
9 that receives a revocation of consent under subsection (a)
10 shall, to the extent possible, within ~~24 hours of~~ A REASONABLE <--
11 TIME FRAME FROM receipt of the revocation, suspend, delete or
12 disable the account of the minor for whom consent was revoked.
13 § 1125. Violations.

14 (a) Action.--The Attorney General, ~~a district attorney of~~ <--
15 the county in which the minor or minor's parent or legal
16 guardian resides, ~~a unit of government in the municipality in~~
17 ~~which the minor or minor's parent or legal guardian resides or a~~
18 ~~lawyer acting on behalf of a parent or legal guardian of a minor~~
19 ~~may~~ SHALL HAVE JURISDICTION TO bring an action against a social <--
20 media company that knowingly, intentionally or negligently
21 allows for a minor to open a social media account without
22 ~~written~~ EXPRESS consent of the minor's parent or legal guardian. <--
23 The Attorney General ~~or district attorney~~ may bring multiple <--
24 cases at one time against a social media company for violations
25 of this chapter.

26 (b) Penalty.--

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

29 (2) For a second offense for an action brought on behalf
30 of the same single minor under paragraph (1), a civil penalty

1 not to exceed \$5,000.

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

5 (4) For a first offense for an action brought by the <--
6 Attorney General or a district attorney on behalf of multiple
7 minors, a civil penalty not to exceed the greater of
8 \$5,000,000 or the total number of violations multiplied by
9 the maximum civil penalty under paragraph (1).

10 (5) If a court of competent jurisdiction determines that
11 there have been repeated intentional violations of this
12 chapter by a social media company, the court may enter an
13 order enjoining the social media company from operating
14 ACCOUNTS FOR MINORS in this Commonwealth. <--

15 (c) Attorney General use of recovered fees. For an action <--
16 brought by the Attorney General, civil fees collected under
17 subsection (b)(4) shall be deposited into the School Safety and
18 Security Fund to be used exclusively for mental health related
19 services for school entities.

20 (d) District attorney or unit of government use of received
21 fees. For an action brought by a district attorney or a unit of
22 government, civil fees collected under this section shall be
23 used by the county or unit of government to provide mental
24 health related services for school entities in the county.

25 (e) Good faith. It shall be a defense to a cause of action
26 under subsection (a) if a social media company takes good faith
27 actions, as determined by a court of competent jurisdiction, to
28 protect a minor from harm while using the social media company's
29 platform.

30 (C) USE OF RECOVERED FEES.--CIVIL FEES COLLECTED UNDER <--

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

9 SUBCHAPTER D

10 DATA

11 Sec.

12 1131. Definitions.

13 1132. Prohibitions.

14 1133. Violations.

15 1134. Removal.

16 § 1131. Definitions.

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

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

21 "Qualified individual." Any of the following:

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

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

25 ~~§ 1132. Prohibitions.~~

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

30 ~~(b) Sale of data. A social media company may not sell or~~

<--

~~1 profit from data related to a minor who has opened a social
2 media account, notwithstanding if the account was opened with
3 the written consent of a parent or legal guardian of the minor.~~

~~4 (c) Algorithmic recommendations. A social media platform
5 may not use the personal data of a minor in an algorithmic
6 recommendation system.~~

~~7 § 1133. Violations.~~

~~8 (a) Actions. The Attorney General, a district attorney in
9 the county in which the minor or minor's parent or legal
10 guardian reside, a unit of government in which the minor or
11 minor's parent or legal guardian or a lawyer acting on behalf of
12 a parent or legal guardian of a minor may bring an action
13 against a social media company that knowingly, intentionally or
14 negligently violates a prohibition under section 1132 (relating
15 to prohibitions).~~

~~16 "SALE," "SELL" OR "SOLD." THE EXCHANGE OF PERSONAL
17 INFORMATION FOR MONETARY CONSIDERATION BY THE BUSINESS TO A
18 THIRD PARTY. THE TERM DOES NOT INCLUDE:~~

<--

~~19 (1) THE DISCLOSURE OF PERSONAL INFORMATION TO A
20 PROCESSOR THAT PROCESSES THE PERSONAL INFORMATION ON BEHALF
21 OF THE BUSINESS.~~

~~22 (2) THE DISCLOSURE OF PERSONAL INFORMATION TO A THIRD
23 PARTY FOR PURPOSES OF PROVIDING A PRODUCT OR SERVICE
24 REQUESTED BY THE CONSUMER.~~

~~25 (3) THE DISCLOSURE OR TRANSFER OF PERSONAL INFORMATION
26 TO AN AFFILIATE OF THE BUSINESS.~~

~~27 (4) THE DISCLOSURE OF INFORMATION THAT THE CONSUMER:~~

~~28 (I) INTENTIONALLY MADE AVAILABLE TO THE GENERAL
29 PUBLIC VIA A CHANNEL OF MASS MEDIA; AND~~

~~30 (II) DID NOT RESTRICT TO A SPECIFIC AUDIENCE.~~

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

6 "TARGETED ADVERTISING." THE DISPLAYING OF ADVERTISEMENTS TO
7 A CONSUMER WHERE THE ADVERTISEMENT IS SELECTED BASED ON PERSONAL
8 INFORMATION OBTAINED FROM THAT CONSUMER'S ACTIVITIES OVER TIME
9 AND ACROSS NONAFFILIATED WEBSITES OR ONLINE APPLICATIONS TO
10 PREDICT SUCH CONSUMER'S PREFERENCES OR INTERESTS. THE TERM DOES
11 NOT INCLUDE:

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

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

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

19 (4) PROCESSING PERSONAL INFORMATION PROCESSED SOLELY FOR
20 MEASURING OR REPORTING ADVERTISING PERFORMANCE, REACH OR
21 FREQUENCY.

22 "THIRD PARTY." AN INDIVIDUAL OR LEGAL ENTITY, PUBLIC
23 AUTHORITY, AGENCY OR BODY, OTHER THAN THE CONSUMER, BUSINESS OR
24 PROCESSOR OR AN AFFILIATE OF THE PROCESSOR OR THE BUSINESS.

25 § 1132. PROHIBITIONS.

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

1 (1) DATA REGARDING AGE AND LOCATION FOR PURPOSES OF
2 PERSONALIZED RECOMMENDATIONS RELATED TO AGE-APPROPRIATE
3 CONTENT.

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

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

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

15 (C) PERSONALIZED RECOMMENDATIONS.--A SOCIAL MEDIA PLATFORM
16 MAY PROVIDE A PROMINENT, ACCESSIBLE AND RESPONSIVE TOOL FOR A
17 USER WHO IS A MINOR TO OPT IN OF THE USE OF SEARCH AND WATCH
18 HISTORY FOR USE IN PERSONALIZED RECOMMENDATION SYSTEMS. A SOCIAL
19 MEDIA PLATFORM MAY NOT USE A PERSONALIZED RECOMMENDATION SYSTEM
20 UNLESS A MINOR OPTS IN.

21 § 1133. VIOLATIONS.

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

26 (b) Penalty.--

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

29 (2) For a second offense for an action brought on behalf
30 of the same single minor under paragraph (1), a civil penalty

1 not to exceed \$50,000.

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

5 (4) For a first offense for an action brought by the <--
6 Attorney General, district attorney or unit of government on
7 behalf of multiple minors, a civil penalty not to exceed the
8 greater of \$50,000,000 or the total number of violations
9 multiplied by the maximum civil penalty under paragraph (1).

10 (5) For a violation of paragraphs (1), (2), (3) and (4),
11 a court of competent jurisdiction may order data collected as
12 a result of a violation of a prohibition under section 1132
13 to be scrubbed and removed from the Internet. The cost of
14 removal shall be paid by the social media company.

15 (6) If a court of competent jurisdiction determines that
16 there has been repeated intentional violations of a
17 prohibition under section 1132 by a social media company, the
18 court may prohibit the social media company from operating
19 ACCOUNTS FOR MINORS in this Commonwealth. <--

20 (c) Attorney General use of recovered fees. For an action <--
21 brought by the Attorney General, civil USE OF RECOVERED FEES.-- <--
22 CIVIL fees collected under this section shall be deposited into
23 the School Safety and Security Fund to be used for mental
24 health-related services for school entities.

25 (d) District attorney or unit of government use of received <--
26 fees. For an action brought by a district attorney or unit of
27 government, civil fees collected under this section shall be
28 used by the county or unit of government to provide mental
29 health related services for school entities in the county or
30 unit of government.

1 ~~(e) Good faith. It shall be a defense to a cause of action~~
2 ~~under subsection (a) if a social media company takes good faith~~
3 ~~actions, as determined by a court of competent jurisdiction.~~
4 ~~§ 1134. Removal.~~

5 ~~(a) Process. A social media company shall implement a~~
6 ~~process for a qualified individual to have data mined or~~
7 ~~collected from an individual when the individual was a minor~~
8 ~~deleted and removed from websites and platforms operated by the~~
9 ~~social media company.~~

10 (D) GOOD FAITH.--IT SHALL BE A DEFENSE TO AN ACTION UNDER <--
11 SUBSECTION (A) IF A SOCIAL MEDIA COMPANY TAKES GOOD FAITH
12 ACTIONS TO LIMIT THE PERSONAL INFORMATION MINED FROM A MINOR OR
13 ACTS IN GOOD FAITH TO PROHIBIT THE SALE OF PERSONAL INFORMATION
14 OF A MINOR.
15 § 1134. REMOVAL.

16 (A) PROCESS.--IN RESPONSE TO A REQUEST FROM A QUALIFIED
17 INDIVIDUAL, A SOCIAL MEDIA PLATFORM SHALL PROVIDE SUCH
18 INDIVIDUAL THE ABILITY TO CORRECT OR DELETE PERSONAL INFORMATION
19 THAT THE QUALIFIED INDIVIDUAL HAS PROVIDED TO THE SOCIAL MEDIA
20 PLATFORM OR THAT THE SOCIAL MEDIA PLATFORM OBTAINED ABOUT THE
21 QUALIFIED INDIVIDUAL. DEIDENTIFIED INFORMATION MAY BE CONSIDERED
22 DELETED FOR PURPOSES OF THIS SUBCHAPTER.

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

25 (1) REQUIRE THE QUALIFIED INDIVIDUAL TO REASONABLY
26 IDENTIFY THE ACTIVITIES TO WHICH THE QUALIFIED INDIVIDUAL'S
27 REQUEST RELATES; AND

28 (2) PROVIDE AUTOMATED TOOLS THAT ALLOW QUALIFIED
29 INDIVIDUALS TO CORRECT OR DELETE PERSONAL INFORMATION UNDER
30 SUBSECTION (A).

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

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

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

19 ~~(e)~~ ~~Violations.~~ ~~A social media company that intentionally,~~ <--
20 ~~knowingly or negligently failed~~ (F) VIOLATIONS.--A SOCIAL MEDIA <--
21 COMPANY THAT FAILS to delete personal information when a request
22 to delete personal information is made by a qualified individual
23 shall be strictly liable for a civil penalty of \$10,000 per day
24 per website until the personal information has been removed. If
25 a social media company has received consent from a parent or
26 guardian to collect personal information of a minor, the consent
27 shall be an absolute defense to a violation of this section. THE <--
28 ATTORNEY GENERAL SHALL HAVE EXCLUSIVE JURISDICTION TO BRING AN
29 ACTION UNDER THIS SECTION.

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

1 ~~(1) Except for 50 Pa.C.S. § 1123(a), 50 Pa.C.S. Ch. 11,~~
2 ~~Subch. C. shall take effect in one year.~~
3 ~~(2) The remainder of this act shall take effect~~
4 ~~immediately.~~ JANUARY 1, 2025, OR IN 18 MONTHS, WHICHEVER IS <--
5 LATER.