AN ACT

Amending Title 50 (Mental Health) of the Pennsylvania Consolidated Statutes, providing for protection of minors on social media; and imposing penalties.

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

Section 1. Title 50 of the Pennsylvania Consolidated 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

CHAPTER 10
Chapter 11

Protecting Minors on Social Media

Subchapter

A. General Provisions
B. Notice of Flagged Content
C. Consent to Open an Account
D. Data
E. UNLAWFUL ACTIVITY

Subchapter A

General Provisions

Sec.

1101. Scope of chapter.

1102. Legislative intent.

1103. Definitions.

§ 1101. Scope of chapter.

This chapter relates to protecting minors on social media.

§ 1102. Legislative intent.

The General Assembly finds and declares as follows:

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

(2) Social media platforms are designed to be addictive, with teenagers at particular risk of excessive use. According to the Pew Research Center, 54% of teens say it would be difficult to give up social media entirely.

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

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

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

(6) In May 2023, the United States Surgeon General released a health advisory finding that social media can "have a profound risk of harm to the mental health and well-being of children and adolescents." The advisory recommends policies that limit access to social media and require greater protection of data relating to children and adolescents. "MORE RESEARCH IS NEEDED TO FULLY UNDERSTAND THE IMPACT OF SOCIAL MEDIA; HOWEVER, THE CURRENT BODY OF EVIDENCE INDICATES THAT WHILE SOCIAL MEDIA MAY HAVE BENEFITS FOR SOME CHILDREN AND ADOLESCENTS, THERE ARE AMPLE INDICATORS THAT SOCIAL MEDIA CAN ALSO HAVE A PROFOUND RISK OF HARM TO THE MENTAL HEALTH AND WELL-BEING OF CHILDREN AND ADOLESCENTS."
THE ADVISORY RECOMMENDS A RANGE OF POLICIES TO CONSIDER,
INCLUDING "POLICIES THAT FURTHER LIMIT ACCESS - IN WAYS THAT
MINIMIZE THE RISK OF HARM - TO SOCIAL MEDIA FOR ALL CHILDREN,
INCLUDING STRENGTHENING AND ENFORCING AGE MINIMUMS."

(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.

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

"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.


"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 PRESENTED OR DISPLAYED TO USERS.

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

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

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

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

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

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

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

(iii) Create or post content viewable by other users, including on message boards, in chat rooms or through a landing page or main feed that presents the
"SOCIAL MEDIA PLATFORM." A PUBLIC OR SEMIPUBLIC INTERNET-BASED SERVICE OR APPLICATION THAT HAS USERS IN THIS COMMONWEALTH AND THAT MEETS ALL OF THE FOLLOWING CRITERIA:

(1) A PRIMARY FUNCTION OF THE SERVICE OR APPLICATION IS TO CONNECT USERS IN ORDER TO ALLOW USERS TO INTERACT Socially WITH EACH OTHER WITHIN THE SERVICE OR APPLICATION, PROVIDED THAT A SERVICE OR APPLICATION THAT PROVIDES EMAIL OR DIRECT MESSAGING SERVICES, CLOUD COMPUTING OR COMMERCIAL TRANSACTIONS SHALL NOT BE CONSIDERED TO MEET THIS CRITERION SOLELY ON THE BASIS OF THAT FUNCTION.

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

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

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

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

SUBCHAPTER B

NOTICE OF FLAGGED CONTENT

Sec.
1110. Monitor chats of minors.
1111. Notice of flagged content.
§ 1110. Monitor chats of minors.
A social media company shall monitor chats between two or more minors for flagged content.
§ 1111. Notice of flagged content.

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

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

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

SUBCHAPTER C
CONSENT TO OPEN AN ACCOUNT

Sec.

1121. Applicability.

1122. Approval prohibited AGE ASSURANCE.

1123. Duties.

1124. Revocation of consent.

1125. Violations.

§ 1121. Applicability.

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

§ 1122. Approval prohibited.

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

§ 1123. Duties.

(a) Attorney General.—The Office of Attorney General shall

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develop and make available on its publicly accessible Internet website a form that may be used by a parent or legal guardian to provide consent for a minor to open a social media account. The Office of Attorney General shall transmit a copy of the form to each social media company.

(b) Social media company. — Each social media company shall post in a conspicuous place on each of their social media platforms notice that written consent by the minor's parent or legal guardian shall be required prior to opening an account. The social media platform shall allow for a parent or legal guardian to submit, electronically or via mail service, a completed consent notification form developed by the Office of Attorney General under subsection (a). A social media platform may include a method for a parent or legal guardian to provide written consent as required by this chapter via electronic means. Any electronic consent included in a social media platform must include the same information as required by the form developed by the Office of Attorney General under subsection (a).

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

(1) suspend the social media account; and

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

d) Social media account access. — If a parent or legal guardi
media account under this section, the social media company shall ensure a parent or legal guardian has the same access to the minor's account as if they were the account holder.

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

§ 1122. AGE ASSURANCE.

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

§ 1123. DUTIES.

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

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

(2) THROUGH A TOLL-FREE TELEPHONE NUMBER FOR A MINOR'S PARENT OR LEGAL GUARDIAN TO CALL.
(3) Through a call with a minor's parent or legal guardian over video conferencing technology.

(4) By collecting information related to the government-issued identification of a minor's parent or legal guardian, shared by the parent or legal guardian, a social media platform shall delete the information related to the government-issued identification of a minor's parent or legal guardian after confirming the identity of a minor's parent or legal guardian.

(5) Allowing a minor's parent or legal guardian to provide consent by responding to an email and taking additional steps to verify the identity of a minor's parent or legal guardian.

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

(B) Attorney General.--The office of attorney general shall develop and make available on their publicly accessible internet website a form that may be used by a parent or legal guardian to provide consent for a minor to open a social media account. The attorney general shall transmit a copy of the form to each social media company.

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

(D) Social media company.--Each social media company shall post in a conspicuous place on each of their social media platforms notice that express consent by the minor's parent or
LEGAL GUARDIAN SHALL BE REQUIRED PRIOR TO OPENING AN ACCOUNT.

ANY ELECTRONIC CONSENT INCLUDED IN A SOCIAL MEDIA PLATFORM MUST INCLUDE THE SAME INFORMATION AS REQUIRED BY THE FORM DEVELOPED BY THE ATTORNEY GENERAL'S OFFICE UNDER SUBSECTION (B).

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

(1) SUSPEND THE SOCIAL MEDIA ACCOUNT; AND

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

(F) SOCIAL MEDIA ACCESS.--TO THE EXTENT POSSIBLE, A SOCIAL MEDIA COMPANY SHALL PROVIDE A MINOR'S PARENT OR LEGAL GUARDIAN WHO HAS GIVEN EXPRESS CONSENT FOR THE MINOR TO BECOME AN ACCOUNT HOLDER WITH A MEANS FOR THE MINOR'S PARENT OR LEGAL GUARDIAN TO INITIATE ACCOUNT SUPERVISION. ACCOUNT SUPERVISION MAY INCLUDE:

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

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

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

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

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

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

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

§ 1124. Revocation of consent.

(a) Time.--A parent or legal guardian of a minor who has provided written A MINOR'S PARENT OR LEGAL GUARDIAN WHO HAS PROVIDED EXPRESS consent under this subchapter may revoke the consent at any time.

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

(c) Effect of revocation.--A social media company PLATFORM that receives a revocation of consent under subsection (a) shall, to the extent possible, within 24 hours of A REASONABLE TIME FRAME FROM receipt of the revocation, suspend, delete or disable the account of the minor for whom consent was revoked.

§ 1125. Violations.

(a) Action.--The Attorney General, a district attorney of the county in which the minor or minor's parent or legal guardian resides, a unit of government in the municipality in which the social media company has a physical location, or any other appropriate public official may file a civil action in a court of competent jurisdiction to seek enforcement of this subchapter.
which the minor or minor's parent or legal guardian resides or a
lawyer acting on behalf of a parent or legal guardian of a minor
may SHALL HAVE JURISDICTION TO bring an action against a social media company that knowingly, intentionally or negligently allows for a minor to open a social media account without written EXPRESS consent of the minor's parent or legal guardian. The Attorney General or district attorney may bring multiple cases at one time against a social media company for violations of this chapter.

(b) Penalty.--

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

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

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

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

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

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

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

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

SUBCHAPTER D

DATA

Sec.

1131. Definitions.

1132. Prohibitions.

1133. Violations.

1134. Removal.

§ 1131. Definitions.
As used in this subchapter, the following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise:

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

"Qualified individual." Any of the following:

1. A parent or guardian of a minor.
2. An adult individual from whom data was collected when the individual was a minor.

§ 1132. Prohibitions.

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

(b) Sale of data. A social media company may not sell or profit from data related to a minor who has opened a social media account, notwithstanding if the account was opened with the written consent of a parent or legal guardian of the minor.

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

§ 1133. Violations.

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

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

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

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

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

(4) THE DISCLOSURE OF INFORMATION THAT THE CONSUMER:
   (I) INTENTIONALLY MADE AVAILABLE TO THE GENERAL
   PUBLIC VIA A CHANNEL OF MASS MEDIA; AND
   (II) DID NOT RESTRICT TO A SPECIFIC AUDIENCE.

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

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

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

(2) ADVERTISEMENTS BASED ON THE CONTEXT OF A CONSUMER'S
CURRENT SEARCH QUERY, VISIT TO A WEBSITE OR ONLINE
APPLICATION:
ADVERTISEMENTS DIRECTED TO A CONSUMER IN RESPONSE TO
THE CONSUMER'S REQUEST FOR INFORMATION OR FEEDBACK; OR

PROCESSING PERSONAL INFORMATION PROCESSED SOLELY FOR
MEASURING OR REPORTING ADVERTISING PERFORMANCE, REACH OR
FREQUENCY.

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

§ 1132. PROHIBITIONS.

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

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

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

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

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

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

§ 1133. VIOLATIONS.

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

(b) Penalty.--

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

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

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

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

(5) For a violation of paragraphs (1), (2), (3) and (4), a court of competent jurisdiction may order data collected as 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 in-
this Commonwealth.

(c) Attorney General use of recovered fees.--For an action
brought by the Attorney General, 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) District attorney or unit of government use of received
fees. For an action brought by a district attorney or unit of
government, civil fees collected under this section shall be-
used by the county or unit of government to provide mental-
health-related services for school entities in the county or-
unit of government.

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

§ 1134. Removal.

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

(b) Notice. A social media company that has mined or-
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 INDIVIDUALS TO CORRECT OR DELETE PERSONAL INFORMATION UNDER SUBSECTION (A).

(C) NOTICE.--A SOCIAL MEDIA PLATFORM THAT HAS MINED OR collected personal information from a minor or retains personal information about a minor shall prominently display notice on the website of how a qualified individual can request that the social media company PLATFORM delete personal information in the possession of the social media company PLATFORM that was collected from or about the individual when the individual was a minor.
(D) Deletion.—Upon a request of a qualified individual, a social media company PLATFORM shall, no later than 30 days after the request, delete personal information in the possession of the social media company that was mined or collected from or about the individual when the individual was a minor.

(E) Confirmation.—Within five 90 business days of personal information being deleted by the social media company, the social media company shall provide, by written communication, notice to the qualified individual that personal information has been deleted.

(F) Violations.—A social media company that intentionally, knowingly or negligently failed personal information when a request to delete personal information is made by a qualified individual shall be strictly liable for a civil penalty of $10,000 per day per website until the personal information has been removed. If a social media company has received consent from a parent or guardian to collect personal information of a minor, the consent shall be an absolute defense to a violation of this section.

Section 2. This act shall take effect as follows:

(1) Except for the addition of 50 Pa.C.S. § 1123(a) and 50 Pa.C.S. Ch. 11 Subch. C shall take effect in one year.

(2) The remainder of this act shall take effect immediately.

THE ATTORNEY GENERAL SHALL HAVE EXCLUSIVE JURISDICTION TO BRING AN ACTION UNDER THIS SECTION.

SUBCHAPTER E

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 STUDENTS.

(E) REMEDIES PRESERVED.--NOTHING UNDER THIS SECTION SHALL BE
CONSTRUED TO LIMIT THE ATTORNEY GENERAL'S ABILITY TO BRING AN
ACTION UNDER OTHER PROVISIONS OF LAW.

(F) GOOD FAITH.--IT SHALL BE A DEFENSE TO AN ACTION UNDER
SUBSECTION (A) IF A SOCIAL MEDIA COMPANY TAKES GOOD FAITH
ACTIONS, AS DETERMINED BY A COURT OF COMPETENT JURISDICTION, TO
PROTECT A MINOR FROM CONTENT THAT THE SOCIAL MEDIA COMPANY KNEW
OR SHOULD HAVE KNOWN SUBJECTS A MINOR TO HARM AND 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 RESULTING FROM THE USE OF THE SOCIAL MEDIA
COMPANY'S PLATFORM.

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