AN ACT

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

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 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) 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 "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.

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.

"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 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.
§ 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 chat.

(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 chat.

SUBCHAPTER C
CONSENT TO OPEN AN ACCOUNT

§ 1121. Applicability.

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

§ 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 minor's parent or legal guardian who has provided express consent under this subchapter may revoke the consent at any time.

(b) Social media platform. A social media platform shall take reasonable steps to provide a parent or legal guardian who has provided 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 platform that receives a revocation of consent under subsection (a) shall, to the extent possible, within 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 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 express consent of the minor's parent or legal guardian. The Attorney General 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 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) Use of recovered fees. Civil fees collected under subsection (b) shall be deposited into the School Safety and Security Fund to be used exclusively 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 allows for the creation or opening of an account for a minor based on a good faith belief that the minor has obtained the express consent required under this subchapter.

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.

"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;

(3) advertisements directed to a consumer in response to
the consumer's request for information or feedback; or

(4) 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 negligently 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 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
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 platform delete personal information in the
possession of the social media 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 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 90 business days of personal
information being deleted by the social media company, the
social media company shall provide, by written communication,
otice to the qualified individual that personal information has
been deleted.

(f) Violations.--A social media company that fails to delete
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.

The Attorney General shall have exclusive jurisdiction to
bring an action under this section.

SUBCHAPTER E
Sec.
1141. 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.

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

PRELIMINARY PROVISIONS

(RESERVED)

CHAPTER 11

PROTECTING MINORS ON SOCIAL MEDIA

SUBCHAPTER
A. GENERAL PROVISIONS

B. HATEFUL CONDUCT PROHIBITED

C. CONSENT TO OPEN AN ACCOUNT

D. DATA

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) 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 "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 HARM 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.
THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
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.

"DARK PATTERN." A USER INTERFACE DESIGNED OR MANIPULATED
WITH THE EFFECT OF SUBVERTING OR IMPAIRING USER AUTONOMY,
DECISION MAKING OR CHOICE. THE TERM INCLUDES ANY PRACTICE THE
FEDERAL TRADE COMMISSION CATEGORIZES AS A DARK PATTERN.

"DELETE." TO REMOVE PERSONAL INFORMATION SUCH THAT THE
INFORMATION IS NOT RETRIEVABLE BY ANYONE AND CANNOT BE RETRIEVED
IN THE NORMAL COURSE OF BUSINESS.

"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.

"ONLINE VIDEO GAME." A VIDEO GAME THAT CONNECTS TO THE
INTERNET AND ALLOWS A USER TO DO ANY OF THE FOLLOWING:

(1) CREATE AND UPLOAD CONTENT OTHER THAN CONTENT THAT IS
INCIDENTAL TO GAME PLAY, INCLUDING CHARACTER OR LEVEL DESIGNS
CREATED BY THE USER, PRESELECTED PHRASES OR SHORT
INTERACTIONS WITH OTHER USERS.

(2) ENGAGE IN MICROTRANSACTIONS WITHIN THE GAME.

(3) COMMUNICATE WITH OTHER USERS.

"PERSONAL INFORMATION." AS DEFINED IN 15 U.S.C. § 6501
(RELATING TO DEFINITIONS).

"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 SEMIPUBLIC INTERNET-BASED SERVICE, APPLICATION OR ONLINE VIDEO GAME THAT HAS USERS IN THIS COMMONWEALTH AND THAT MEETS ALL OF THE FOLLOWING CRITERIA:

(1) A PRIMARY FUNCTION OF THE SERVICE, APPLICATION OR ONLINE VIDEO GAME IS TO CONNECT USERS IN ORDER TO ALLOW USERS TO INTERACT_SOCIALLY WITH EACH OTHER WITHIN THE SERVICE, APPLICATION OR ONLINE VIDEO GAME, EXCEPT THAT A SERVICE, APPLICATION OR ONLINE VIDEO GAME 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, APPLICATION OR ONLINE VIDEO GAME ALLOWS USERS TO DO ALL OF THE FOLLOWING:

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

(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

HATEFUL CONDUCT PROHIBITED
SEC.

1111. DEFINITIONS.

1112. REPORTING INCIDENTS OF HATEFUL CONDUCT.

1113. CONSTRUCTION.

1114. PENALTIES.

§ 1111. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

"HATEFUL CONDUCT." THE USE OF A SOCIAL MEDIA PLATFORM TO VILIFY, HUMILIATE OR INCITE VIOLENCE AGAINST A GROUP OR A CLASS OF PERSONS ON THE BASIS OF RACE, COLOR, RELIGION, ETHNICITY, NATIONAL ORIGIN, DISABILITY, SEX, SEXUAL ORIENTATION, GENDER IDENTITY OR GENDER EXPRESSION.

§ 1112. REPORTING INCIDENTS OF HATEFUL CONDUCT.

(A) MECHANISM.--A SOCIAL MEDIA PLATFORM THAT CONDUCTS BUSINESS IN THIS COMMONWEALTH SHALL PROVIDE AND MAINTAIN A CLEAR AND EASILY ACCESSIBLE MECHANISM FOR INDIVIDUAL USERS TO REPORT INCIDENTS OF HATEFUL CONDUCT. THE MECHANISM SHALL MEET ALL OF THE FOLLOWING CRITERIA:

(1) BE CLEARLY ACCESSIBLE TO USERS OF THE SOCIAL MEDIA PLATFORM AND EASILY ACCESSED FROM OTHER SOCIAL MEDIA PLATFORMS' APPLICATIONS AND INTERNET WEBSITES.

(2) ALLOW THE SOCIAL MEDIA PLATFORM TO PROVIDE A DIRECT RESPONSE TO A USER REPORTING AN INCIDENT OF HATEFUL CONDUCT FOR THE PURPOSE OF INFORMING THE USER ON HOW THE MATTER IS BEING RESOLVED.

(B) POLICIES.--A SOCIAL MEDIA PLATFORM SHALL HAVE A CLEAR AND CONCISE POLICY READILY AVAILABLE AND ACCESSIBLE ON THE SOCIAL MEDIA PLATFORM'S INTERNET WEBSITE AND APPLICATION, WHICH...
§ 1113. CONSTRUCTION.

NOTHING IN THIS SUBCHAPTER SHALL BE CONSTRUED:

(1) AS AN OBLIGATION IMPOSED ON A SOCIAL MEDIA PLATFORM THAT ADVERSELY AFFECTS THE RIGHTS OR FREEDOMS OF AN INDIVIDUAL, INCLUDING THE EXERCISE OF THE RIGHT OF FREE SPEECH UNDER THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION; OR

(2) TO ADD TO OR INCREASE THE LIABILITY OF A SOCIAL MEDIA PLATFORM FOR ANY ACTION OTHER THAN THE FAILURE TO PROVIDE A MECHANISM FOR A USER TO REPORT AN INCIDENT OF HATEFUL CONDUCT TO THE SOCIAL MEDIA PLATFORM AND TO RECEIVE A RESPONSE TO THE REPORT FROM THE SOCIAL MEDIA PLATFORM.

§ 1114. PENALTIES.

THE ATTORNEY GENERAL SHALL IMPOSE A FINE ON A SOCIAL MEDIA PLATFORM THAT KNOWINGLY VIOLATES THE PROVISIONS OF THIS SUBCHAPTER IN AN AMOUNT NOT TO EXCEED $1,000 FOR EACH DAY THE SOCIAL MEDIA PLATFORM IS IN VIOLATION OF THIS SUBCHAPTER. IN DETERMINING WHETHER THE SOCIAL MEDIA PLATFORM IS IN VIOLATION OF THIS SUBCHAPTER, THE ATTORNEY GENERAL MAY TAKE PROOF, CONSIDER THE RELEVANT FACTS AND ISSUE SUBPOENAS IN ACCORDANCE WITH THE LAWS AND RULES OF CIVIL PROCEDURE. A DETERMINATION BY THE ATTORNEY GENERAL UNDER THIS SECTION SHALL BE SUBJECT TO THE PROVISIONS OF 2 PA.C.S. CH. 7 SUBCH. A (RELATING TO JUDICIAL REVIEW OF COMMONWEALTH AGENCY ACTION).

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§ 1121. APPLICABILITY.

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

§ 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 OF SOCIAL MEDIA PLATFORMS AND COMPANIES.

(A) REQUIRED CONSENT.—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 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) allowing a minor's parent or legal guardian to provide consent by responding to an email.
(4) ANY OTHER COMMERCIALLY REASONABLE METHODS OF OBTAINING CONSENT IN LIGHT OF AVAILABLE TECHNOLOGY.

(B) 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. THE OFFICE OF ATTORNEY GENERAL SHALL DEVELOP A STANDARD FORM WITH THE NECESSARY INFORMATION TO ALLOW A MINOR'S PARENT OR LEGAL GUARDIAN TO PROVIDE CONSENT UNDER THIS SECTION.

(C) SOCIAL MEDIA COMPANIES.—A SOCIAL MEDIA COMPANY SHALL POST IN A CONSPICUOUS PLACE ON EACH OF THE SOCIAL MEDIA COMPANY'S SOCIAL MEDIA PLATFORMS NOTICE THAT EXPRESS CONSENT BY A MINOR'S PARENT OR LEGAL GUARDIAN SHALL BE REQUIRED PRIOR TO OPENING AN ACCOUNT. AN ELECTRONIC CONSENT FORM ON A SOCIAL MEDIA PLATFORM FOR THE PURPOSES OF THIS SECTION SHALL INCLUDE THE NECESSARY INFORMATION ON THE FORM DEVELOPED BY THE OFFICE OF ATTORNEY GENERAL UNDER SUBSECTION (B).

(D) FAILURE TO OBTAIN CONSENT.—TO THE EXTENT POSSIBLE, IF A MINOR OPENS A SOCIAL MEDIA ACCOUNT WITHOUT EXPRESS CONSENT BY THE MINOR'S 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.

(E) 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; AND
   (2) 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.

   (F) 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.

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

   (H) NOTICE OF ALLEGED VIOLATION.--A SOCIAL MEDIA COMPANY
       SHALL DEVELOP AND POST NOTICE ON ITS PUBLICLY ACCESSIBLE
       INTERNET WEBSITE OF THE METHODS, INCLUDING 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. REVOKE ON CONSENT.

   (A) TIME.--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 PLATFORM.--A SOCIAL MEDIA PLATFORM SHALL
       TAKE REASONABLE STEPS TO PROVIDE A PARENT OR LEGAL GUARDIAN WHO
       HAS PROVIDED 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 PLATFORM THAT RECEIVES A REVOCATION OF CONSENT UNDER SUBSECTION (A) SHALL, TO THE EXTENT POSSIBLE, WITHIN 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 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 EXPRESS CONSENT OF THE MINOR'S PARENT OR LEGAL GUARDIAN. THE ATTORNEY GENERAL MAY BRING MULTIPLE CASES AT ONE TIME AGAINST A SOCIAL MEDIA COMPANY FOR VIOLATIONS OF THIS CHAPTER.

(B) PENALTIES.—

(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 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) USE OF RECOVERED FEES.—CIVIL FEES COLLECTED UNDER
SUBSECTION (B) SHALL BE DEPOSITED INTO THE SCHOOL SAFETY AND
SECURITY FUND TO BE USED EXCLUSIVELY 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 ALLOWS FOR THE CREATION
OR OPENING OF AN ACCOUNT FOR A MINOR BASED ON A GOOD FAITH
BELIEF THAT THE MINOR HAS OBTAINED THE EXPRESS CONSENT REQUIRED
UNDER THIS SUBCHAPTER.

SUBCHAPTER D

DATA

SEC.

1131. DEFINITIONS.
1132. PROHIBITIONS.
1133. VIOLATIONS.
1134. REMOVAL.

§ 1131. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
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.

"PRECISE GEOLOCATION." DATA THAT IS DERIVED FROM A DEVICE
AND USED OR INTENDED TO BE USED TO LOCATE A CONSUMER WITHIN A
GEOGRAPHIC AREA THAT IS EQUAL TO OR LESS THAN THE AREA OF A
CIRCLE WITH A RADIUS OF 1,850 FEET.

"PROCESS" OR "PROCESSING." TO CONDUCT OR DIRECT AN OPERATION
OR A SET OF OPERATIONS PERFORMED, WHETHER BY MANUAL OR AUTOMATED
MEANS, ON PERSONAL DATA OR ON SETS OF PERSONAL DATA, INCLUDING
THE COLLECTION, USE, STORAGE, DISCLOSURE, ANALYSIS, DELETION,
MODIFICATION OR OTHERWISE HANDLING OF PERSONAL DATA.

"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.

"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 NOTRESTRICT 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;

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

(4) 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 WHICH 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.

(D) PROCESSING BY DEFAULT.--A SOCIAL MEDIA PLATFORM MAY NOT
PROCESS THE PRECISE GEOLOCATION INFORMATION OF A MINOR BY
DEFAULT UNLESS THE PROCESSING OF THE PRECISE GEOLOCATION
INFORMATION:

(1) IS STRICTLY NECESSARY FOR THE SOCIAL MEDIA COMPANY
TO PROVIDE THE SERVICE, PRODUCT OR FEATURE REQUESTED BY THE
MINOR CONSUMER; OR

(2) IS ONLY FOR THE AMOUNT OF TIME NECESSARY TO PROVIDE
THE SERVICE, PRODUCT OR FEATURE.

(E) CONSPICUOUS SIGNAL.--A SOCIAL MEDIA PLATFORM MAY NOT
PROCESS THE PRECISE GEOLOCATION INFORMATION OF A MINOR WITHOUT
PROVIDING A CONSPICUOUS SIGNAL TO THE MINOR CONSUMER FOR THE
DURATION OF THE PROCESSING.

(F) DARK PATTERNS.--A SOCIAL MEDIA PLATFORM MAY NOT USE DARK
PATTERNS.

(G) UNKNOWN ADULT CONTACT.--A SOCIAL MEDIA PLATFORM MAY NOT
PERMIT, BY DEFAULT, AN UNKNOWN ADULT TO CONTACT A MINOR CONSUMER
ON THE SOCIAL MEDIA PLATFORM WITHOUT THE MINOR CONSUMER FIRST
INITIATING THE CONTACT.
§ 1133. VIOLATIONS.

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

(B) PENALTIES.--

(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 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 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 PLATFORM DELETE PERSONAL INFORMATION IN THE
POSSESSION OF THE SOCIAL MEDIA PLATFORM THAT WAS COLLECTED FROM
OR ABOUT THE INDIVIDUAL WHEN THE INDIVIDUAL WAS A MINOR.

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(D) DELETION.--UPON A REQUEST OF A QUALIFIED INDIVIDUAL, A SOCIAL MEDIA 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 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 FAILS TO DELETE 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. THE ATTORNEY GENERAL SHALL HAVE EXCLUSIVE JURISDICTION TO BRING AN ACTION UNDER THIS SECTION.

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