
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2143 Session of
2024

INTRODUCED BY COOPER, PARKER, KAUFFMAN, FLICK, KINSEY, M. BROWN,
MARCELL, MUNROE, GREGORY, MIHALEK, KUZMA, CABELL, GILLEN,
E. NELSON, CERRATO, LEADBETER, DALEY, DELLOSO, FLEMING,
M. JONES, ROWE AND BANTA, MARCH 25, 2024

REFERRED TO COMMITTEE ON CONSUMER PROTECTION, TECHNOLOGY AND
UTILITIES, MARCH 25, 2024

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in computer offenses, providing for
3 liability for Internet publishers and distributors of
4 material harmful to minors; and making an editorial change.

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

7 Section 1. Subchapter E heading of Chapter 76 of Title 18 of
8 the Pennsylvania Consolidated Statutes is amended to read:

9 SUBCHAPTER E

10 ELECTRONIC MAIL AND WEBSITE MATERIAL

11 Section 2. Title 18 is amended by adding a section to read:
12 § 7662. Liability for Internet publishers and distributors of
13 material harmful to minors.

14 (a) Duty of commercial entities.--A commercial entity that
15 in the regular course of trade or business hosts or makes
16 available material that is harmful to minors and is provided by
17 the entity with the objective of earning a profit, shall adopt

1 and utilize age verification measures to ensure that minors in
2 this Commonwealth are prevented from accessing material harmful
3 to minors that is hosted or made available on a website by the
4 commercial entity.

5 (b) Prohibited conduct.--Neither the commercial entity
6 described in subsection (a) nor a third party that provides age
7 verification measures under subsection (a) may:

8 (1) keep or retain the personal identifying information
9 of an individual who accesses or views or attempts to access
10 or view material harmful to minors; or

11 (2) share the personal identifying information of an
12 individual who accesses or views or attempts to access or
13 view material harmful to minors with another person.

14 (c) Recovery authorized.--A court of competent jurisdiction
15 may award the following damages for a violation of subsection
16 (a), when a minor accesses or views the material harmful to
17 minors, or subsection (b):

18 (1) Treble damages arising from the violation or
19 \$10,000, whichever is greater.

20 (2) Reasonable attorney fees and court costs.

21 (3) Injunctive relief sufficient to prevent the
22 defendant from a continued violation of subsection (a).

23 (4) Additional relief the court deems necessary and
24 proper.

25 (d) Exception.--An Internet service provider, affiliate or
26 subsidiary of an Internet service provider, search engine or
27 cloud service provider does not violate this section solely by
28 providing access or connection to or from a website or other
29 information or content on the Internet, or a facility, system or
30 network not under that provider's control, including

1 transmission, downloading, storing or providing access to the
2 extent that the Internet service provider does not create the
3 content of the communication that constitutes material harmful
4 to minors.

5 (e) Definitions.--As used in this section, the following
6 words and phrases shall have the meanings given to them in this
7 subsection unless the context clearly indicates otherwise:

8 "Age verification measure." Technology that:

9 (1) employs a system or process to determine whether it
10 is more likely than not that a user attempting to access
11 content on a website is an adult; and

12 (2) prevents access by minors to any content that is
13 harmful to minors.

14 "Commercial entity." A corporation, limited liability
15 company, partnership, limited partnership, sole proprietorship
16 or other legally recognized entity that:

17 (1) is engaged in commerce in this Commonwealth; or

18 (2) purposefully avails itself of the market of this
19 Commonwealth or a portion of the market.

20 "Harmful to minors." As defined in 18 Pa.C.S. § 5903(e)(6)
21 (relating to obscene and other sexual materials and
22 performances).

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

24 "Publish." To communicate or make information available to
25 another individual or entity on a publicly accessible Internet
26 website.

27 "Website." A collection of material placed in a computer
28 server-based file archive so that the material is publicly
29 accessible, over the Internet, using hypertext transfer protocol
30 or any successor protocol.

1 Section 3. This act shall take effect in 60 days.