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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1647 Session of  
2021

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INTRODUCED BY MALAGARI, KINSEY, HILL-EVANS, SCHLOSSBERG, CIRESI,  
McNEILL, SANCHEZ, NEILSON, DRISCOLL, DELLOSO, FREEMAN,  
PISCIOTTANO, INNAMORATO AND DALEY, JUNE 16, 2021

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REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JUNE 16, 2021

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AN ACT

1 Amending the act of December 17, 1968 (P.L.1224, No.387),  
2 entitled "An act prohibiting unfair methods of competition  
3 and unfair or deceptive acts or practices in the conduct of  
4 any trade or commerce, giving the Attorney General and  
5 District Attorneys certain powers and duties and providing  
6 penalties," providing for online access control measures.

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

9 Section 1. The act of December 17, 1968 (P.L.1224, No.387),  
10 known as the Unfair Trade Practices and Consumer Protection Law,  
11 is amended by adding a section to read:

12 Section 3.2. Online Access Control Measures.--(a) Except as  
13 provided in subsection (b), it shall be unlawful for any person  
14 in this Commonwealth to:

15 (1) Circumvent a security measure, access a control system  
16 or other technological control or measure on an Internet website  
17 or online service to enforce posted purchasing limits or to  
18 manage inventory.

19 (2) Sell or offer to sell any product or service obtained in

1 violation of paragraph (1) if the person selling or offering to  
2 sell the product or service:

3 (i) participated directly in or had the ability to control  
4 the conduct in violation of paragraph (1); or

5 (ii) knew or should have known that the product or service  
6 was acquired in violation of paragraph (1).

7 (b) It shall not be unlawful under this act for a person to  
8 create or use any computer software or system to:

9 (1) investigate or further the enforcement or defense of any  
10 alleged violation of this section or other statute or  
11 regulation; or

12 (2) engage in research necessary to identify and analyze  
13 flaws and vulnerabilities of measures, systems or controls  
14 described in subsection (a), if these research activities are  
15 conducted to:

16 (i) advance the state of knowledge in the field of computer  
17 system security; or

18 (ii) assist in the development of a computer security  
19 product.

20 Section 2. This act shall take effect in 60 days.