
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 602 Session of
2023

INTRODUCED BY M. BROWN AND N. NELSON, MARCH 21, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 21, 2023

AN ACT

1 Amending the act of April 14, 1972 (P.L.233, No.64), entitled
2 "An act relating to the manufacture, sale and possession of
3 controlled substances, other drugs, devices and cosmetics;
4 conferring powers on the courts and the secretary and
5 Department of Health, and a newly created Pennsylvania Drug,
6 Device and Cosmetic Board; establishing schedules of
7 controlled substances; providing penalties; requiring
8 registration of persons engaged in the drug trade and for the
9 revocation or suspension of certain licenses and
10 registrations; and repealing an act," providing for reporting
11 requirements of interactive computer service providers; and
12 imposing penalties.

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

15 Section 1. The act of April 14, 1972 (P.L.233, No.64), known
16 as The Controlled Substance, Drug, Device and Cosmetic Act, is
17 amended by adding a section to read:

18 Section 13.9. Reporting Requirements of Interactive Computer
19 Service Providers.--(a) As soon as reasonably practicable after
20 obtaining actual knowledge that an individual has engaged in, or
21 plans to engage in, the unlawful manufacture, delivery or
22 possession with intent to manufacture or deliver a controlled
23 substance in this Commonwealth in violation of section 13(a)

1 (30), an interactive computer service provider shall report to
2 the Pennsylvania State Police the mailing address, telephone
3 number, facsimile number and electronic mail address of, and
4 single point of contact for, the individual.

5 (b) To the extent that the facts and circumstances under
6 subsection (a) are within the custody or control of the
7 interactive computer service provider, the report under
8 subsection (a) shall include the following:

9 (1) Information relating to the identity of the individual
10 described in subsection (a), which, to the extent reasonably
11 practicable, may include:

12 (i) the electronic mail address, Internet Protocol address,
13 uniform resource locator, payment information, excluding
14 personally identifiable information, screen names or monikers
15 for the account used or any other account associated with the
16 individual; or

17 (ii) any other identifying information, including self-
18 reported identifying information.

19 (2) Information relating to when and how a customer or
20 subscriber of the interactive computer service provider
21 uploaded, transmitted or received content relating to the report
22 or when and how content relating to the report was reported to
23 or discovered by the interactive computer service provider,
24 including a date and time stamp and time zone.

25 (3) Information relating to the geographic location of the
26 individual, which may include the Internet Protocol address or
27 verified address or, if not reasonably available, at least one
28 form of geographic identifying information, including area code
29 or zip code, provided by the customer or subscriber or stored or
30 obtained by the provider, and any information as to whether a

1 virtual private network was used.

2 (4) Data, including symbols, photos, video, icons or direct
3 messages, relating to apparent activity involving the unlawful
4 manufacture, delivery or possession with intent to manufacture
5 or deliver a controlled substance or other content relating to
6 the incident that is the subject of the report.

7 (5) The electronic communications of the individual relating
8 to the unlawful manufacture, delivery or possession with intent
9 to manufacture or deliver a controlled substance in this
10 Commonwealth in violation of section 13(a)(30), including:

11 (i) Data or information regarding the transmission of the
12 electronic communication.

13 (ii) Data or other digital files contained in, or attached
14 to, the electronic communication.

15 (c) An interactive computer service provider that knowingly
16 and wilfully fails to make a report required by this section
17 shall be subject to the following:

18 (1) For a first offense, a fine not to exceed \$150,000.

19 (2) For a second or subsequent offense, a fine not to exceed
20 \$300,000.

21 (d) Nothing in this section shall be construed to require an
22 interactive computer service provider to:

23 (1) monitor a user, subscriber or customer of the
24 interactive computer service provider;

25 (2) monitor the content of an electronic communication of a
26 person described in paragraph (1); or

27 (3) affirmatively search, screen or scan for individuals
28 engaged in the unlawful manufacture, delivery or possession with
29 intent to manufacture or deliver a controlled substance in this
30 Commonwealth in violation of section 13(a)(30).

1 (e) As used in this section, the following words and phrases
2 shall have the meanings given to them in this subsection unless
3 the context clearly indicates otherwise:

4 "Electronic." Relating to technology having electrical,
5 digital, magnetic, wireless, optical, electromagnetic or similar
6 capabilities.

7 "Electronic communication." A transfer of signs, signals,
8 writing, images, sounds, data, emojis or intelligence of any
9 nature transmitted in whole or in part by a computer, wire,
10 radio, mobile telephone, electromagnetic, photoelectronic or
11 photo-optical system that affects interstate or foreign
12 commerce.

13 "Interactive computer service provider." A provider of an
14 Internet website or digital social networking application, a
15 primary purpose of which is facilitating social interaction with
16 other users of the website or application and has all of the
17 following capabilities:

18 (1) Allows users, subscribers or customers, through the
19 creation of Internet web pages or profiles or other similar
20 means, to provide personal information to the public or other
21 users of the Internet website.

22 (2) Offers a mechanism for electronic communication among
23 users, subscribers or customers of the Internet website.

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