

AMENDMENTS TO HOUSE BILL NO. 2017

Sponsor: REPRESENTATIVE MUNROE

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1 Amend Bill, page 1, lines 1 through 3, by striking out all of
2 said lines and inserting

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

6 Amend Bill, page 1, lines 6 through 16; pages 2 through 22,
7 lines 1 through 30; page 23, lines 1 through 12; by striking out
8 all of said lines on said pages and inserting

9 Section 1. Title 50 of the Pennsylvania Consolidated
10 Statutes is amended by adding parts to read:

11 PART I

12 PRELIMINARY PROVISIONS

13 (Reserved)

14 PART II

15 MINORS

16 Chapter

17 10. Preliminary Provisions (Reserved)

18 11. Protecting Minors on Social Media

19 CHAPTER 10

20 PRELIMINARY PROVISIONS

21 (Reserved)

22 CHAPTER 11

23 PROTECTING MINORS ON SOCIAL MEDIA

24 Subchapter

25 A. General Provisions

26 B. Hateful Conduct Prohibited

27 C. Consent to Open an Account

28 D. Data

29 SUBCHAPTER A

30 GENERAL PROVISIONS

31 Sec.

32 1101. Scope of chapter.

33 1102. Legislative intent.

34 1103. Definitions.

35 § 1101. Scope of chapter.

1 This chapter relates to protecting minors on social media.

2 § 1102. Legislative intent.

3 The General Assembly finds and declares as follows:

4 (1) Social media use among American teenagers is nearly
5 universal. According to the Pew Research Center, 95% of teens
6 report using YouTube and 67% of teens have used TikTok, with
7 16% using it almost constantly.

8 (2) According to the Pew Research Center, 54% of teens
9 say it would be difficult to give up social media entirely.

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

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

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

30 (6) In May 2023, the United States Surgeon General
31 released a health advisory finding that "more research is
32 needed to fully understand the impact of social media;
33 however, the current body of evidence indicates that while
34 social media may have benefits for some children and
35 adolescents, there are ample indicators that social media can
36 also have a profound risk of harm to the mental health and
37 well-being of children and adolescents." The advisory
38 recommends a range of policies to consider, including
39 "policies that further limit access - in ways that minimize
40 the risk of harm - to social media for all children,
41 including strengthening and enforcing age minimums."

42 (7) In addition to empowering parents and guardians to
43 protect children against these risks, policymakers are
44 establishing mechanisms to hold social media companies
45 accountable for harm to children and youth.

46 (8) Greater oversight of social media platforms will
47 enable families in this Commonwealth to use online tools in a
48 more productive and healthy fashion.

49 § 1103. Definitions.

50 The following words and phrases when used in this chapter
51 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:
2 "Account." Any means of registration by which an individual
3 may engage in one or more functions of a social media platform.
4 "Dark pattern." A user interface designed or manipulated
5 with the effect of subverting or impairing user autonomy,
6 decision making or choice. The term includes any practice the
7 Federal Trade Commission categorizes as a dark pattern.
8 "Delete." To remove personal information such that the
9 information is not retrievable by anyone and cannot be retrieved
10 in the normal course of business.
11 "Mine." The activity or process of searching through large
12 amounts of information for specific data or patterns.
13 "Minor." Except as provided in section 1131 (relating to
14 definitions), an individual who is under 16 years of age.
15 "Online video game." A video game that connects to the
16 Internet and allows a user to do any of the following:
17 (1) Create and upload content other than content that is
18 incidental to game play, including character or level designs
19 created by the user, preselected phrases or short
20 interactions with other users.
21 (2) Engage in microtransactions within the game.
22 (3) Communicate with other users.
23 "Personal information." As defined in 15 U.S.C. § 6501
24 (relating to definitions).
25 "Personalized recommendation system." A fully or partially
26 automated system that is based on a user's historical activity
27 data and which suggests, promotes or ranks information that is
28 presented or displayed to users.
29 "School entity." A school district, intermediate unit, area
30 career and technical school, charter school or private
31 residential rehabilitative institution.
32 "Social media company." A person that owns or operates one
33 or more social media platforms.
34 "Social media platform." A public or semipublic Internet-
35 based service, application or online video game that has users
36 in this Commonwealth and that meets all of the following
37 criteria:
38 (1) A primary function of the service, application or
39 online video game is to connect users in order to allow users
40 to interact socially with each other within the service,
41 application or online video game, except that a service,
42 application or online video game that provides email or
43 direct messaging services, cloud computing or commercial
44 transactions shall not be considered to meet this criterion
45 solely on the basis of that function.
46 (2) The service, application or online video game allows
47 users to do all of the following:
48 (i) Construct a public or semipublic profile for
49 purposes of signing into and using the service,
50 application or online video game.
51 (ii) Populate a list of other users with whom an

1 individual shares a social connection within the system.

2 (iii) Create or post content viewable by other
3 users, including, but not limited to, on message boards,
4 in chat rooms or through a landing page or main feed that
5 presents the user with content generated by other users.

6 SUBCHAPTER B

7 HATEFUL CONDUCT PROHIBITED

8 Sec.

9 1111. Definitions.

10 1112. Reporting incidents of hateful conduct.

11 1113. Construction.

12 1114. Penalties.

13 § 1111. Definitions.

14 The following words and phrases when used in this subchapter
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Hateful conduct." The use of a social media platform to
18 vilify, humiliate or incite violence against a group or a class
19 of persons on the basis of race, color, religion, ethnicity,
20 national origin, disability, sex, sexual orientation, gender
21 identity or gender expression.

22 § 1112. Reporting incidents of hateful conduct.

23 (a) Mechanism.--A social media platform that conducts
24 business in this Commonwealth shall provide and maintain a clear
25 and easily accessible mechanism for individual users to report
26 incidents of hateful conduct. The mechanism shall meet all of
27 the following criteria:

28 (1) Be clearly accessible to users of the social media
29 platform and easily accessed from other social media
30 platforms' applications and Internet websites.

31 (2) Allow the social media platform to provide a direct
32 response to a user reporting an incident of hateful conduct
33 for the purpose of informing the user on how the matter is
34 being resolved.

35 (b) Policies.--A social media platform shall have a clear
36 and concise policy readily available and accessible on the
37 social media platform's Internet website and application, which
38 shall include how the social media platform will respond and
39 address reports of incidents of hateful conduct on the social
40 media platform.

41 § 1113. Construction.

42 Nothing in this subchapter shall be construed:

43 (1) as an obligation imposed on a social media platform
44 that adversely affects the rights or freedoms of an
45 individual, including the exercise of the right of free
46 speech under the first amendment to the United States
47 Constitution; or

48 (2) add to or increase the liability of a social media
49 platform for any action other than the failure to provide a
50 mechanism for a user to report an incident of hateful conduct
51 to the social media platform and to receive a response to the

1 report from the social media platform.

2 § 1114. Penalties.

3 The Attorney General shall impose a fine on a social media
4 platform that knowingly violates the provisions of this
5 subchapter in an amount not to exceed \$1,000 for each day the
6 social media platform is in violation of this subchapter. In
7 determining whether the social media platform is in violation of
8 this subchapter, the Attorney General may take proof, consider
9 the relevant facts and issue subpoenas in accordance with the
10 laws and rules of civil procedure. A determination by the
11 Attorney General under this section shall be subject to the
12 provisions of 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial
13 review of Commonwealth agency action)

14 SUBCHAPTER C

15 CONSENT TO OPEN AN ACCOUNT

16 Sec.

17 1121. Applicability.

18 1122. Age assurance.

19 1123. Duties of social media platforms and companies.

20 1124. Revocation of consent.

21 1125. Violations.

22 § 1121. Applicability.

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

25 § 1122. Age assurance.

26 Utilizing commercially available best practices, a social
27 media platform shall make commercially reasonable efforts to
28 verify the age of users upon the creation of an account, with a
29 level of certainty appropriate to the risks that arise from the
30 information management practices of the social media company, or
31 apply the accommodations afforded to minors under this chapter
32 to all account holders.

33 § 1123. Duties of social media platforms and companies.

34 (a) Required consent.--A social media company may not permit
35 a minor residing in this Commonwealth to become an account
36 holder on a social media platform unless the minor has the
37 express consent of the minor's parent or legal guardian. A
38 social media platform may obtain express consent from a minor's
39 parent or legal guardian through any of the following means:

40 (1) By providing a completed form from a minor's parent
41 or legal guardian to sign and return to the social media
42 platform via mail or electronic means.

43 (2) Through a toll-free telephone number for a minor's
44 parent or legal guardian to call.

45 (3) Allowing a minor's parent or legal guardian to
46 provide consent by responding to an email.

47 (4) Any other commercially reasonable methods of
48 obtaining consent in light of available technology.

49 (b) Documentation.--A social media platform shall maintain
50 documentation as to the manner in which the social media company
51 has obtained express consent from a minor's parent or legal

1 guardian. The social media platform may delete the documentation
2 when the minor is no longer a minor or within the established
3 time frame by the social media company for maintaining data. The
4 Office of Attorney General shall develop a standard form with
5 the necessary information to allow a minor's parent or legal
6 guardian to provide consent under this section.

7 (c) Social media companies.--A social media company shall
8 post in a conspicuous place on each of the social media
9 company's social media platforms notice that express consent by
10 a minor's parent or legal guardian shall be required prior to
11 opening an account. An electronic consent form on a social media
12 platform for the purposes of this section shall include the
13 necessary information on the form developed by the Office of
14 Attorney General under subsection (b).

15 (d) Failure to obtain consent.--To the extent possible, if a
16 minor opens a social media account without express consent by
17 the minor's parent or legal guardian, the social media company
18 shall, within a reasonable time after discovery of the failure
19 to obtain the express consent:

20 (1) suspend the social media account; and

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

24 (e) Social media access.--To the extent possible, a social
25 media company shall provide a minor's parent or legal guardian
26 who has given express consent for the minor to become an account
27 holder with a means for the minor's parent or legal guardian to
28 initiate account supervision. Account supervision may include:

29 (1) allowing the minor's parent or legal guardian the
30 ability to view privacy settings of the minor's account; and

31 (2) allowing a minor the option of providing
32 notifications to the minor's parent or legal guardian if the
33 minor reports a person or an issue to the social media
34 platform.

35 (f) Notification.--A social media platform shall provide
36 clear notice to the minor on the features of the minor's account
37 to which the minor's parent or legal guardian may have access.

38 (g) No account required.--A social media platform may not
39 require a parent or legal guardian to have the parent or legal
40 guardian's own account as a condition of a minor being able to
41 open an account.

42 (h) Notice of alleged violation.--A social media company
43 shall develop and post notice on its publicly accessible
44 Internet website of the methods, including electronic and
45 telephonic means, by which a minor's parent or legal guardian
46 may notify the social media company that the minor has opened a
47 social media account on its social media platform without the
48 required consent.

49 § 1124. Revocation of consent.

50 (a) Time.-- A minor's parent or legal guardian who has
51 provided express consent under this subchapter may revoke the

1 consent at any time.

2 (b) Social media platform.--A social media platform shall
3 take reasonable steps to provide a parent or legal guardian who
4 has provided express consent for a minor to open a social media
5 account with the ability to revoke the consent.

6 (c) Effect of revocation.--A social media platform that
7 receives a revocation of consent under subsection (a) shall, to
8 the extent possible, within a reasonable time frame from receipt
9 of the revocation, suspend, delete or disable the account of the
10 minor for whom consent was revoked.

11 § 1125. Violations.

12 (a) Action.--The Attorney General shall have jurisdiction to
13 bring an action against a social media company that knowingly,
14 intentionally or negligently allows for a minor to open a social
15 media account without express consent of the minor's parent or
16 legal guardian. The Attorney General may bring multiple cases at
17 one time against a social media company for violations of this
18 chapter.

19 (b) Penalties.--

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

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

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

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

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

37 (c) Use of recovered fees.--Civil fees collected under
38 subsection (b) shall be deposited into the School Safety and
39 Security Fund to be used exclusively for mental health-related
40 services for school entities.

41 (d) Good faith.--It shall be a defense to an action under
42 subsection (a) if a social media company allows for the creation
43 or opening of an account for a minor based on a good faith
44 belief that the minor has obtained the express consent required
45 under this subchapter.

46 SUBCHAPTER D

47 DATA

48 Sec.

49 1131. Definitions.

50 1132. Prohibitions.

51 1133. Violations.

1 1134. Removal.

2 § 1131. Definitions.

3 The following words and phrases when used in this subchapter
4 shall have the meanings given to them in this section unless the
5 context clearly indicates otherwise:

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

7 "Precise geolocation." Data that is derived from a device
8 and used or intended to be used to locate a consumer within a
9 geographic area that is equal to or less than the area of a
10 circle with a radius of 1,850 feet.

11 "Process" or "processing." To conduct or direct an operation
12 or a set of operations performed, whether by manual or automated
13 means, on personal data or on sets of personal data, including
14 the collection, use, storage, disclosure, analysis, deletion,
15 modification or otherwise handling of personal data.

16 "Qualified individual." Any of the following:

17 (1) A parent or guardian of a minor.

18 (2) An adult individual from whom data was collected
19 when the individual was a minor.

20 "Sale," "sell" or "sold." The exchange of personal
21 information for monetary consideration by the business to a
22 third party. The term does not include:

23 (1) The disclosure of personal information to a
24 processor that processes the personal information on behalf
25 of the business.

26 (2) The disclosure of personal information to a third
27 party for purposes of providing a product or service
28 requested by the consumer.

29 (3) The disclosure or transfer of personal information
30 to an affiliate of the business.

31 (4) The disclosure of information that the consumer:

32 (i) intentionally made available to the general
33 public via a channel of mass media; and

34 (ii) did not restrict to a specific audience.

35 (5) The disclosure or transfer of personal information
36 to a third party as an asset that is part of a merger,
37 acquisition, bankruptcy or other transaction in which the
38 third party assumes control of all or part of the business's
39 assets.

40 "Targeted advertising." The displaying of advertisements to
41 a consumer where the advertisement is selected based on personal
42 information obtained from that consumer's activities over time
43 and across nonaffiliated websites or online applications to
44 predict such consumer's preferences or interests. The term does
45 not include:

46 (1) advertisements based on activities within a social
47 media platform's own websites or online applications;

48 (2) advertisements based on the context of a consumer's
49 current search query, visit to a website or online
50 application;

51 (3) advertisements directed to a consumer in response to

1 the consumer's request for information or feedback; or
2 (4) processing personal information processed solely for
3 measuring or reporting advertising performance, reach or
4 frequency.

5 "Third party." An individual or legal entity, public
6 authority, agency or body, other than the consumer, business or
7 processor or an affiliate of the processor or the business.

8 § 1132. Prohibitions.

9 (a) Mining.--A social media company may not mine data
10 related to a minor who has opened a social media account,
11 notwithstanding if the account was opened with the express
12 consent of the minor's parent or legal guardian. This subsection
13 shall not apply to any of the following:

14 (1) Data regarding age and location for purposes of
15 personalized recommendations related to age-appropriate
16 content.

17 (2) The mining of data necessary to protect minors from
18 viewing harmful content.

19 (3) Mining of data which is adequate, relevant and
20 reasonably necessary in relation to the purpose for which the
21 data is processed, as disclosed.

22 (b) Sale of data.--A social media company may not sell or
23 profit from personal information related to a minor who has
24 opened a social media account, or engage in targeted advertising
25 based on a minor's age, gender or interests, notwithstanding if
26 the account was opened with the express consent of a minor's
27 parent or legal guardian.

28 (c) Personalized recommendations.--A social media platform
29 may provide a prominent, accessible and responsive tool for a
30 user who is a minor to opt in of the use of search and watch
31 history for use in personalized recommendation systems. A social
32 media platform may not use a personalized recommendation system
33 unless a minor opts in.

34 (d) Processing by default.--A social media platform may not
35 process the precise geolocation information of a minor by
36 default unless the processing of the precise geolocation
37 information:

38 (1) is strictly necessary for the social media company
39 to provide the service, product or feature requested by the
40 minor consumer; or

41 (2) is only for the amount of time necessary to provide
42 the service, product or feature.

43 (e) Conspicuous signal.--A social media platform may not
44 process the precise geolocation information of a minor without
45 providing a conspicuous signal to the minor consumer for the
46 duration of the processing.

47 (f) Dark patterns.--A social media platform may not use dark
48 patterns.

49 (g) Unknown adult contact.--A social media platform may not
50 permit, by default, an unknown adult to contact a minor consumer
51 on the social media platform without the minor consumer first

1 initiating the contact.

2 § 1133. Violations.

3 (a) Actions.--The Attorney General shall have jurisdiction
4 to bring an action against a social media company that
5 knowingly, intentionally or negligently violates a prohibition
6 under section 1132 (relating to prohibitions).

7 (b) Penalties.--

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

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

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

16 (4) For a first offense for an action brought on behalf
17 of multiple minors, a civil penalty not to exceed the greater
18 of \$50,000,000 or the total number of violations multiplied
19 by the maximum civil penalty under paragraph (1).

20 (5) For a violation of paragraphs (1), (2), (3) and (4),
21 a court of competent jurisdiction may order data collected as
22 a result of a violation of a prohibition under section 1132
23 to be scrubbed and removed from the Internet. The cost of
24 removal shall be paid by the social media company.

25 (6) If a court of competent jurisdiction determines that
26 there has been repeated intentional violations of a
27 prohibition under section 1132 by a social media company, the
28 court may prohibit the social media company from operating
29 accounts for minors in this Commonwealth.

30 (c) Use of recovered fees.--Civil fees collected under this
31 section shall be deposited into the School Safety and Security
32 Fund to be used for mental-health-related services for school
33 entities.

34 (d) Good faith.--It shall be a defense to an action under
35 subsection (a) if a social media company takes good faith
36 actions to limit the personal information mined from a minor or
37 acts in good faith to prohibit the sale of personal information
38 of a minor.

39 § 1134. Removal.

40 (a) Process.--In response to a request from a qualified
41 individual, a social media platform shall provide such
42 individual the ability to correct or delete personal information
43 that the qualified individual has provided to the social media
44 platform or that the social media platform obtained about the
45 qualified individual. Deidentified information may be considered
46 deleted for purposes of this subchapter.

47 (b) Fulfilling requests.--To help fulfill requests from a
48 qualified individual, a social media platform may:

49 (1) require the qualified individual to reasonably
50 identify the activities to which the qualified individual's
51 request relates; and

1 (2) provide automated tools that allow qualified
2 individuals to correct or delete personal information under
3 subsection (a).

4 (c) Notice.--A social media platform that has mined or
5 collected personal information from a minor or retains personal
6 information about a minor shall prominently display notice on
7 the website of how a qualified individual can request that the
8 social media platform delete personal information in the
9 possession of the social media platform that was collected from
10 or about the individual when the individual was a minor.

11 (d) Deletion.--Upon a request of a qualified individual, a
12 social media platform shall, no later than 30 days after the
13 request, delete personal information in the possession of the
14 social media company that was mined or collected from or about
15 the individual when the individual was a minor.

16 (e) Confirmation.--Within 90 business days of personal
17 information being deleted by the social media company, the
18 social media company shall provide, by written communication,
19 notice to the qualified individual that personal information has
20 been deleted.

21 (f) Violations.--A social media company that fails to delete
22 personal information when a request to delete personal
23 information is made by a qualified individual shall be strictly
24 liable for a civil penalty of \$10,000 per day per website until
25 the personal information has been removed. If a social media
26 company has received consent from a parent or guardian to
27 collect personal information of a minor, the consent shall be an
28 absolute defense to a violation of this section. The Attorney
29 General shall have exclusive jurisdiction to bring an action
30 under this section.

31 Section 2. This act shall take effect in 18 months.