

AMENDMENTS TO SENATE BILL NO. 22

Sponsor: SENATOR PHILLIPS-HILL

Printer's No. 869

1 Amend Bill, page 2, line 6, by striking out "Cause of Action"
2 and inserting

3 Unlawful Activity

4 Amend Bill, page 2, lines 23 and 24, by striking out "Social
5 media platforms are designed to be addictive, with teenagers at
6 particular risk of excessive use."

7 Amend Bill, page 3, lines 18 through 23, by striking out
8 "social media can" in line 18 and all of lines 19 through 23 and
9 inserting

10 "more research is needed to fully understand the impact
11 of social media; however, the current body of evidence
12 indicates that while social media may have benefits for some
13 children and adolescents, there are ample indicators that
14 social media can also have a profound risk of harm to the
15 mental health and well-being of children and adolescents."
16 The advisory recommends a range of policies to consider,
17 including "policies that further limit access - in ways that
18 minimize the risk of harm - to social media for all children,
19 including strengthening and enforcing age minimums."

20 Amend Bill, page 4, lines 7 through 9, by striking out all of
21 said lines

22 Amend Bill, page 4, by inserting between lines 18 and 19

23 "Personalized recommendation system." A fully or partially
24 automated system that is based on a user's historical activity
25 data and which suggests, promotes or ranks information that is
26 presented or displayed to users.

27 Amend Bill, page 4, lines 24 through 30; page 5, lines 1
28 through 10; by striking out all of said lines on said pages and

1 inserting

2 "Social media platform." A public or semipublic Internet-
3 based service or application that has users in this Commonwealth
4 and that meets all of the following criteria:

5 (1) A substantial function of the service or application
6 is to connect users in order to allow users to interact
7 socially with each other within the service or application,
8 provided that a service or application that provides email or
9 direct messaging services or cloud computing shall not be
10 considered to meet this criterion solely on the basis of that
11 function.

12 (2) The service or application allows users to do all of
13 the following:

14 (i) Construct a public or semipublic profile for
15 purposes of signing into and using the service or
16 application.

17 (ii) Populate a list of other users with whom an
18 individual shares a social connection within the system.

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

23 Amend Bill, page 5, lines 11 and 12; page 6, lines 13 through
24 1; by striking out all of said lines on said pages and inserting

25 SUBCHAPTER B
26 UNLAWFUL ACTIVITY

27 Sec.

28 1110. Unlawful activity.

29 § 1110. Unlawful activity.

30 (a) Unlawful activity.--It shall be unlawful for a social
31 media company or a social media platform to intentionally,
32 knowingly, recklessly or negligently cause or encourage a minor
33 to access content which the social media company knows or should
34 have known subjects one or more minors to harm that is
35 detrimental to the physical health, mental health or the well-
36 being of a minor or that creates a reasonable likelihood of
37 bodily injury or death to the minor.

38 (b) Exclusive jurisdiction.--The Attorney General shall have
39 exclusive jurisdiction for violations of this section.

40 Amend Bill, page 6, line 2, by striking out "(b)" and

41 inserting

42 (c)

43 Amend Bill, page 6, line 10, by striking out "Reasonable
44 attorney fees and court costs." and inserting

1 Actual attorney fees and court costs incurred by the
2 Attorney General.

3 Amend Bill, page 6, by inserting between lines 13 and 14

4 (d) Deposit.--Damages recovered under subsection (c)(3) and
5 (4) shall be deposited into the School Safety and Security Fund
6 to be used exclusively for mental health-related services for
7 students.

8 Amend Bill, page 6, line 14, by striking out "(c)" and
9 inserting

10 (e)

11 Amend Bill, page 6, lines 15 and 16, by striking out "ability
12 of a person to receive a civil" in line 15 and all of line 16
13 and inserting

14 Attorney General's ability to bring an action under other
15 provisions of law.

16 Amend Bill, page 6, line 17, by striking out "(d)" and
17 inserting

18 (f)

19 Amend Bill, page 6, line 17, by striking out "a cause of" and
20 inserting

21 an

22 Amend Bill, page 6, lines 20 and 21, by striking out "harm
23 while using the social media company's" in line 20 and all of
24 line 21 and inserting

25 content that the social media company knew or should have
26 known subjects a minor to harm and is detrimental to the
27 physical health, mental health or the well-being of a minor or
28 that creates a reasonable likelihood of bodily injury or death
29 to the minor resulting from the use of the social media
30 company's platform.

31 Amend Bill, page 6, line 26, by striking out "Approval
32 prohibited" and inserting

33 Age assurance

34 Amend Bill, page 7, lines 3 through 30; page 8, lines 1
35 through 18; by striking out all of said lines on said pages and

1 inserting

2 § 1122. Age assurance.

3 Utilizing commercially available best practices, a social
4 media platform shall make commercially reasonable efforts to
5 verify the age of users upon the creation of an account, with a
6 level of certainty appropriate to the risks that arise from the
7 information management practices of the social media company, or
8 apply the accommodations afforded to minors under this chapter
9 to all account holders.

10 § 1123. Duties.

11 (a) General rule.--A social media company may not permit a
12 minor residing in this Commonwealth to become an account holder
13 on a social media platform unless the minor has the express
14 consent of the minor's parent or legal guardian. A social media
15 platform may obtain express consent from a minor's parent or
16 legal guardian through any of the following means:

17 (1) By providing a completed form, developed by the
18 Attorney General, from a minor's parent or legal guardian to
19 sign and return to the social media platform via mail or
20 electronic means.

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

23 (3) Through a call with a minor's parent or legal
24 guardian over video conferencing technology.

25 (4) By collecting information related to the government-
26 issued identification of a minor's parent or legal guardian,
27 shared by the parent or legal guardian. A social media
28 platform shall delete the information related to the
29 government-issued identification of a minor's parent or legal
30 guardian after confirming the identify of a minor's parent or
31 legal guardian.

32 (5) Allowing a minor's parent or legal guardian to
33 provide consent by responding to an email and taking
34 additional steps to verify the identity of a minor's parent
35 or legal guardian.

36 (6) Any other commercially reasonable methods of
37 obtaining consent in light of available technology.

38 (b) Attorney General.--The Office of Attorney General shall
39 develop and make available on their publicly accessible Internet
40 website a form that may be used by a parent or legal guardian to
41 provide consent for a minor to open a social media account. The
42 Attorney General shall transmit a copy of the form to each
43 social media company.

44 (c) Documentation.--A social media platform shall maintain
45 documentation as to the manner in which the social media company
46 has obtained express consent from a minor's parent or legal
47 guardian. The social media platform may delete the documentation
48 when the minor is no longer a minor or within the established
49 time frame by the social media company for maintaining data.

1 (d) Social media company.--Each social media company shall
2 post in a conspicuous place on each of their social media
3 platforms notice that express consent by the minor's parent or
4 legal guardian shall be required prior to opening an account.
5 Any electronic consent included in a social media platform must
6 include the same information as required by the form developed
7 by the Attorney General's office under subsection (b).

8 (e) Failure to obtain consent.--To the extent possible, if a
9 minor opens a social media account without express consent by
10 their parent or legal guardian, the social media company shall,
11 within a reasonable time after discovery of the failure to
12 obtain the express consent:

13 (1) suspend the social media account; and

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

17 (f) Social media access.--To the extent possible, a social
18 media company shall provide a minor's parent or legal guardian
19 who has given express consent for the minor to become an account
20 holder with a means for the minor's parent or legal guardian to
21 initiate account supervision. Account supervision may include:

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

24 (2) allowing a minor's parent or legal guardian to set
25 daily time limits for the minor's account;

26 (3) allowing a minor's parent or legal guardian to
27 schedule breaks for the minor's account; and

28 (4) allowing a minor the option of providing
29 notifications to the minor's parent or legal guardian if the
30 minor reports a person or an issue to the social media
31 platform.

32 (g) Notification.--A social media platform shall provide
33 clear notice to the minor on the features of the minor's account
34 to which the minor's parent or legal guardian may have access.

35 (h) No account required.--A social media platform may not
36 require a parent or legal guardian to have their own account as
37 a condition of a minor being able to open an account.

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

45 Amend Bill, page 8, lines 20 and 21, by striking out "A
46 parent or legal guardian of a minor who has provided written"
47 and inserting

48 A minor's parent or legal guardian who has provided express

1 Amend Bill, page 8, line 23, by striking out "company" where
2 it occurs the second time and inserting

3 platform

4 Amend Bill, page 8, line 25, by striking out "written" and
5 inserting

6 express

7 Amend Bill, page 8, line 27, by striking out "company" and
8 inserting

9 platform

10 Amend Bill, page 8, line 29, by striking out "24 hours of"
11 and inserting

12 a reasonable time frame from the

13 Amend Bill, page 9, lines 3 through 8, by striking out ", a
14 district attorney of" in line 3, all of lines 4 through 7 and
15 "may" in line 8 and inserting

16 shall have jurisdiction to

17 Amend Bill, page 9, line 10, by striking out "written" and
18 inserting

19 express

20 Amend Bill, page 9, lines 11 and 12, by striking out "or
21 district attorney"

22 Amend Bill, page 9, lines 23 and 24, by striking out "by the
23 Attorney General or a district attorney"

24 Amend Bill, page 10, line 1, by inserting after "operating"
25 accounts for minors

26 Amend Bill, page 10, lines 3 through 17, by striking out all
27 of said lines and inserting

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

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

6 Amend Bill, page 11, lines 4 through 24, by striking out all
7 of said lines and inserting

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

11 (1) The disclosure of personal information to a
12 processor that processes the personal information on behalf
13 of the business.

14 (2) The disclosure of personal information to a third
15 party for purposes of providing a product or service
16 requested by the consumer.

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

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

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

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

23 (5) The disclosure or transfer of personal information
24 to a third party as an asset that is part of a merger,
25 acquisition, bankruptcy or other transaction in which the
26 third party assumes control of all or part of the business's
27 assets.

28 "Targeted advertising." The displaying of advertisements to
29 a consumer where the advertisement is selected based on personal
30 information obtained from that consumer's activities over time
31 and across nonaffiliated websites or online applications to
32 predict such consumer's preferences or interests. The term does
33 not include:

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

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

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

41 (4) processing personal information processed solely for
42 measuring or reporting advertising performance, reach or
43 frequency.

44 "Third party." An individual or legal entity, public
45 authority, agency or body, other than the consumer, business or
46 processor or an affiliate of the processor or the business.
47 § 1132. Prohibitions.

48 (a) Mining.--A social media company may not mine data
49 related to a minor who has opened a social media account,

1 notwithstanding if the account was opened with the express
2 consent of the minor's parent or legal guardian. This subsection
3 shall not apply to any of the following:

4 (1) Data regarding age and location for purposes of
5 personalized recommendations related to age-appropriate
6 content.

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

9 (3) Mining of data beyond what is adequate, relevant and
10 reasonably necessary in relation to the purpose for which the
11 data is processed, as disclosed.

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

18 (c) Personalized recommendations.--A social media platform
19 may provide a prominent, accessible and responsive tool for a
20 user who is a minor to opt in of the use of search and watch
21 history for use in personalized recommendation systems. A social
22 media platform may not use a personalized recommendation system
23 unless a minor opts in.

24 § 1133. Violations.

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

29 Amend Bill, page 12, lines 4 and 5, by striking out "by the
30 Attorney General, district attorney or unit of government"

31 Amend Bill, page 12, line 17, by inserting after "operating"
32 accounts for minors

33 Amend Bill, page 12, lines 19 and 20, by striking out
34 "Attorney General use of recovered fees.--For an action brought
35 by the Attorney General, civil" and inserting

36 Use of recovered fees.--Civil

37 Amend Bill, page 12, lines 24 through 30; page 13, lines 1
38 through 8; by striking out all of said lines on said pages and
39 inserting

40 (d) Good faith.--It shall be a defense to an action under
41 subsection (a) if a social media company takes good faith
42 actions to limit the personal information mined from a minor or

1 acts in good faith to prohibit the sale of personal information
2 of a minor.

3 § 1134. Removal.

4 (a) Process.--In response to a request from a qualified
5 individual, a social media platform shall provide such
6 individual the ability to correct or delete personal information
7 that the qualified individual has provided to the social media
8 platform or that the social media platform obtained about the
9 qualified individual. Deidentified information may be considered
10 deleted for purposes of this subchapter.

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

13 (1) require the qualified individual to reasonably
14 identify the activities to which the qualified individual's
15 request relates; and

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

19 Amend Bill, page 13, line 9, by striking out "(b)" and

20 inserting

21 (c)

22 Amend Bill, page 13, line 9, by striking out "company" and

23 inserting

24 platform

25 Amend Bill, page 13, line 13, by striking out "company" and

26 inserting

27 platform

28 Amend Bill, page 13, line 14, by striking out "company" and

29 inserting

30 platform

31 Amend Bill, page 13, line 16, by striking out "(c)" and

32 inserting

33 (d)

34 Amend Bill, page 13, line 17, by striking out "company" and

35 inserting

36 platform

37 Amend Bill, page 13, line 21, by striking out "(d)" and

38 inserting

1 (e)

2 Amend Bill, page 13, line 21, by striking out "five" and
3 inserting

4 90

5 Amend Bill, page 13, lines 26 and 27, by striking out all of
6 line 26 and "knowingly or negligently failed" in line 27 and
7 inserting

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

9 Amend Bill, page 14, line 4, by inserting after "section."

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

12 Amend Bill, page 14, lines 5 through 9, by striking out "as
13 follows:" in line 5 and all of lines 6 through 9 and inserting

14 January 1, 2025, or in 18 months, whichever is later.