THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1729 Session of 2025

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2   Consolidated Statutes, in miscellaneous offenses, providing
3   for children's online safety.

4   The General Assembly of the Commonwealth of Pennsylvania

5 hereby enacts as follows:

6   Section 1. Title 18 of the Pennsylvania Consolidated

7 Statutes is amended by adding a chapter to read:

8   CHAPTER 63A

9   CHILDREN'S ONLINE SAFETY

10 Sec.

11 63A01. Scope of chapter.

12 63A02. Definitions.

13 63A03. Privacy by default.

14 63A04. Parental approvals.

15 63A05. Prohibition on dark patterns.

16 63A06. Nondiscrimination.

17 63A07. Limited liability.

18 63A08. Rulemaking authority.

1 63A09. Civil actions.

2 § 63A01. Scope of chapter.

3   This chapter relates to protections for children under 18

4 years of age who use websites, applications and online services.

5 § 63A02. Definitions.

6   The following words and phrases when used in this chapter

7 shall have the meanings given to them in this section unless the

8 context clearly indicates otherwise:

9   "Connected." When a covered minor or a covered minor's

10 parent has previously approved a connection with another user in

11 which the other user may privately contact the covered minor.

12   "Covered minor." A user who is determined by an operator,

13 via one or more commercially reasonable age verification

14 methods, to be under 18 years of age.

15   "Covered platform." A public or semipublic Internet website,

16 online service, online application or mobile application that:

17   (1) Is used by a covered minor in this Commonwealth.

18   (2) Allows users to construct a public or semipublic

19 profile for the purposes of using the website, service or

20 application.

21   (3) Allows users to create or post content that is

22 viewable by other users, including on message boards, in chat

23 rooms or through a landing page or main feed that presents

24 the user with content generated by other users.

25   (4) Allows users to privately message each other as a

26 significant part of the provision of the website, service or

27 application.

28   "Financial transaction." A transaction between users

29 involving any type of currency, including virtual currency, used

30 within a covered platform, whether or not the currency can be

1 converted to fiat money.

2   "Operator." A person, business or other legal entity who

3 operates or provides a covered platform.

4   "Parent." A parent or legal guardian.

5   "Tag." To identify a second user in posted content in a

6 manner that links to the second user's profile.

7   "User." A user of a covered platform not acting as an

8 operator, or agent or affiliate of an operator, of the covered

9 platform or any portion of the covered platform.

10 § 63A03. Privacy by default.

11   (a) Required age verification.--An operator shall not offer

12 a covered platform without conducting commercially reasonable

13 age verification to determine whether a user is a covered minor.

14   (b) Required default settings.--For all users determined

15 under a commercially reasonable age verification method by an

16 operator to be a covered minor, the operator shall utilize the

17 following settings by default for covered minors, which shall

18 ensure that no user who is not already connected to a covered

19 minor may:

20   (1) communicate directly and privately with the covered

21   minor;

22   (2) view the profile of the covered minor;

23   (3) tag the covered minor in posted content; or

24   (4) engage in a financial transaction with the covered

25   minor.

26   (c) Parental discretion.--A parent of a covered minor may

27 override the default privacy settings provided in subsection (b)

28 at the parent's discretion.

29   (d) Notification.--An operator shall notify a parent of a

30 covered minor whenever the covered minor attempts to change the

1 default settings provided in subsection (b). The parent may

2 approve or deny the request to change the settings for the

3 covered minor.

4 § 63A04. Parental approvals.

5   (a) New connections.--For a user determined under a

6 commercially reasonable age verification method by an operator

7 to be a covered minor under 13 years of age, an operator shall

8 require the parent of the covered minor to approve all new

9 connections with the covered minor before the covered minor's

10 and the other user's accounts are connected.

11   (b) Parental access.--For a covered minor under 13 years of

12 age, an operator shall also establish a mechanism by which a

13 parent of the covered minor may easily view the list of all

14 users currently connected with the account of the covered minor.

15   (c) Financial transactions.--For a user determined under a

16 commercially reasonable age verification method by an operator

17 to be a covered minor, the operator shall require a parent to

18 approve all financial transactions relating to the covered

19 minor's account and establish a mechanism by which a parent of a

20 covered minor may easily view a history of all financial

21 transactions relating to a covered minor's account at any time.

22 § 63A05. Prohibition on dark patterns.

23   It shall be unlawful for a covered platform to deploy any

24 mechanism or design which intentionally inhibits the purpose of

25 this chapter, subverts user or parent choice or autonomy or

26 renders it more difficult for a user or parent to exercise any

27 of the prescribed rights or privileges provided in this chapter.

28 § 63A06. Nondiscrimination.

29   An operator shall not withhold, degrade, lower the quality of

30 or increase the price of a product, service or feature of a

1 covered platform, other than as necessary for compliance with

2 this chapter or any rules or regulations promulgated under this

3 chapter, to a user due to the operator being required to

4 establish the settings and approvals in this chapter.

5 § 63A07. Limited liability.

6   Nothing in this chapter shall be construed to impose

7 liability for commercial activities or actions by operators

8 subject to 15 U.S.C. § 6501 (relating to definitions) that is

9 inconsistent with the treatment of the activities or actions

10 under 15 U.S.C. § 6502 (relating to regulation of unfair and

11 deceptive acts and practices in connection with collection and

12 use of personal information from and about children on the

13 Internet).

14 § 63A08. Rulemaking authority.

15   (a) Promulgation.--The Attorney General shall promulgate

16 rules and regulations as necessary to effectuate and enforce the

17 provisions of this chapter.

18   (b) Age verification.--The regulations shall provide

19 identifying methods for commercially reasonable and technically

20 feasible age verification, which shall consider:

21   (1) the size, financial resources and technical

22   capabilities of covered platforms;

23   (2) the costs and effectiveness of available age

24   determination techniques for users of the covered platforms;

25   (3) the audience of the covered platforms; and

26   (4) prevalent practices of the industry of the operator.

27   (c) Accuracy verification.--The regulations shall also

28 identify the appropriate levels of accuracy that would be

29 considered commercially reasonable and technically feasible for

30 operators to achieve in determining whether a user is a covered

minor.

§ 63A09. Civil actions.

(a) Remedies.--The Attorney General shall bring a civil action to:

    (1) enjoin any violation of this chapter;

    (2) obtain restitution of money or property obtained directly or indirectly by any violation;

    (3) obtain disgorgement of any profits or gains obtained directly or indirectly by any violation;

    (4) obtain damages caused directly or indirectly by any violation;

    (5) obtain civil penalties of up to $5,000 per violation; and

    (6) obtain any other and further relief as the court may deem proper, including preliminary relief.

(b) Public website.--The Attorney General shall maintain a publicly accessible Internet website to receive complaints and information from members of the public concerning an operator's or covered platform's alleged compliance or noncompliance with the provisions of this chapter.

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