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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1077 Session of  
2024

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INTRODUCED BY HAYWOOD, FONTANA, COSTA, KANE AND STREET,  
FEBRUARY 12, 2024

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REFERRED TO COMMUNICATIONS AND TECHNOLOGY, FEBRUARY 12, 2024

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AN ACT

1 Amending Title 12 (Commerce and Trade) of the Pennsylvania  
2 Consolidated Statutes, providing for social media hate speech  
3 accountability.

4 This act may be referred to as the Social Media Hate Speech  
5 Accountability Act.

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

8 Section 1. Title 12 of the Pennsylvania Consolidated  
9 Statutes is amended by adding a chapter to read:

10 CHAPTER 99

11 SOCIAL MEDIA HATE SPEECH ACCOUNTABILITY

12 Sec.

13 9901. Scope of chapter.

14 9902. Definitions.

15 9903. Complaint requirements.

16 9904. Failure to provide, supply or monitor social media.

17 § 9901. Scope of chapter.

18 This chapter relates to social media hate speech

1 accountability.

2 § 9902. Definitions.

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

6 "Hate speech." A public expression, either verbally or in  
7 writing or through images, made with the intent to defame, to  
8 motivate and produce imminent lawless action or to intimidate  
9 and commit an act of unlawful violence on a person or group of  
10 persons because of the person's or group's race, ethnicity,  
11 nationality, religion or beliefs, sexual orientation, gender  
12 identity or physical, mental or intellectual disability.

13 "Person." Natural persons, corporations, trusts,  
14 partnerships, incorporated or unincorporated associations and  
15 any other legal entities.

16 "Provider." Service providers which, for profit-making  
17 purposes, operate Internet platforms that are designed to enable  
18 users to share any content with other users or to make the  
19 content available to the public through social media networks,  
20 such as Facebook, YouTube, Twitter, Instagram, Snapchat, Tumblr  
21 and Flickr. The term does not include Internet platforms:

22 (1) offering journalistic or editorial content, the  
23 responsibility for which lies with the service provider  
24 itself; and

25 (2) that are designed to enable individual communication  
26 or the dissemination of specific content.

27 § 9903. Complaint requirements.

28 (a) General rule.--The provider of a social media network  
29 shall maintain an effective and transparent procedure for  
30 handling complaints about hate speech content that supplies

1 users with an easily recognizable, directly accessible and  
2 permanently available procedure for submitting complaints about  
3 hate speech.

4 (b) Procedure.--The provider of the social media network  
5 shall:

6 (1) Take immediate note of the complaint and check  
7 whether the content reported in the complaint is hate speech  
8 and subject to removal or whether access to the content must  
9 be blocked.

10 (2) Remove or block access to content that is hate  
11 speech within 24 hours of receiving the complaint except if  
12 the social media network has reached agreement with the  
13 competent law enforcement authority on a longer period for  
14 deleting or blocking any hate speech content.

15 (3) Remove or block access to all hate speech content  
16 within seven days of receiving the complaint, except that the  
17 seven-day time limit may be exceeded if the decision  
18 regarding the hatefulness of the content is dependent on the  
19 falsity of a factual allegation or is clearly dependent on  
20 other factual circumstances. If the seven-day time limit is  
21 exceeded, the social media network can give the user an  
22 opportunity to respond to the complaint before the decision  
23 is rendered.

24 (4) Immediately notify the person submitting the  
25 complaint and the user about any decision, including the  
26 reasons for its decision.

27 § 9904. Failure to provide, supply or monitor social media.

28 (a) Offense defined.--An offense is an intentional or  
29 negligent act committed by a provider that fails to:

30 (1) Provide a correct or complete procedure for

1 processing complaints submitted by users whose place of  
2 residence is located in this Commonwealth.

3 (2) Supply a procedure or correctly supply a procedure.

4 (3) Monitor the handling of complaints or correctly  
5 monitor handling of complaints.

6 (b) Enforcement.--The Attorney General may bring an action  
7 against a provider that violates the provisions of this section,  
8 including:

9 (1) Enjoining further violation of the provisions of  
10 this chapter.

11 (2) Assessing a penalty of up to \$1,000,000 for any  
12 violation of this chapter, including any offense not  
13 committed in this Commonwealth. In an action brought under  
14 this paragraph, a court may increase the damages up to three  
15 times the damages allowed if the defendant has been found to  
16 have engaged in a pattern and practice of violating the  
17 provisions of this chapter.

18 (c) Construction.--Nothing in this section shall be  
19 construed to restrict any right which a person may have under  
20 any other law.

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