
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 22 Session of
2023

INTRODUCED BY HUGHES, PHILLIPS-HILL, DILLON, PENNYCUICK,
FONTANA, HAYWOOD, AUMENT, COSTA, CULVER, BREWSTER,
CAPPELLETTI, KANE, SCHWANK AND COLLETT, JUNE 14, 2023

REFERRED TO COMMUNICATIONS AND TECHNOLOGY, JUNE 14, 2023

AN ACT

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

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

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

8 Part

9 I. Preliminary Provisions (Reserved)

10 II. Minors

11 PART I. PRELIMINARY PROVISIONS

12 (Reserved).

13 PART II. MINORS

14 Chapter

15 10. Preliminary Provisions (Reserved)

16 11. Protecting Minors on Social Media

17 CHAPTER 10

18 PRELIMINARY PROVISIONS

1 (Reserved)

2 CHAPTER 11

3 PROTECTING MINORS ON SOCIAL MEDIA

4 Subchapter

5 A. General Provisions

6 B. Cause of Action

7 C. Consent to Open an Account

8 D. Data

9 SUBCHAPTER A

10 GENERAL PROVISIONS

11 Sec.

12 1101. Scope of chapter.

13 1102. Legislative intent.

14 1103. Definitions.

15 § 1101. Scope of chapter.

16 This chapter relates to protecting minors on social media.

17 § 1102. Legislative intent.

18 The General Assembly finds and declares as follows:

19 (1) Social media use among American teenagers is nearly
20 universal. According to the Pew Research Center, 95% of teens
21 report using YouTube and 67% of teens have used TikTok, with
22 16% using it almost constantly.

23 (2) Social media platforms are designed to be addictive,
24 with teenagers at particular risk of excessive use. According
25 to the Pew Research Center, 54% of teens say it would be
26 difficult to give up social media entirely.

27 (3) Social media use is linked to negative feelings
28 among teens. A growing body of research, described in the
29 *International Journal of Adolescence and Youth* and elsewhere,
30 has found that increased social media use is associated with

1 greater rates of depression and anxiety in teens. Additional
2 research published in the *Children and Youth Services Review*
3 describe a trend in which social media use can trigger and
4 accelerate offline violence.

5 (4) Rates of suicide and self-harm among American
6 teenagers have grown dramatically in recent years. The
7 Centers for Disease Control and Prevention have found that,
8 in 2021, three in five girls felt persistently sad and
9 hopeless, while more than one in four girls reported
10 seriously considering attempting suicide. These rates have
11 increased significantly since 2011.

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

17 (6) In May 2023, the United States Surgeon General
18 released a health advisory finding that social media can
19 "have a profound risk of harm to the mental health and well-
20 being of children and adolescents." The advisory recommends
21 policies that limit access to social media and require
22 greater protection of data relating to children and
23 adolescents.

24 (7) In addition to empowering parents and guardians to
25 protect children against these risks, policymakers are
26 establishing mechanisms to hold social media companies
27 accountable for harms to children and youth.

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

1 § 1103. Definitions.

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

5 "Account." Any means of registration by which an individual
6 may engage in one or more functions of a social media platform.

7 "Algorithmic recommendation." A fully or partially automated
8 system that suggests, promotes or ranks information for, or
9 presents advertising to, an individual.

10 "Delete." To remove personal information such that the
11 information is not retrievable by anyone and cannot be retrieved
12 in the normal course of business.

13 "Mine." The activity or process of searching through large
14 amounts of information for specific data or patterns.

15 "Minor." Except as provided in section 1131 (relating to
16 definitions), an individual who is less than 16 years of age.

17 "Personal information." As defined in 15 U.S.C. § 6501
18 (relating to definitions).

19 "School entity." A school district, intermediate unit, area
20 career and technical school, charter school or private
21 residential rehabilitative institution.

22 "Social media company." A person that owns or operates one
23 or more social media platforms.

24 "Social media platform." A public or semi-public Internet-
25 based service or application that has users in this Commonwealth
26 and that meets all of the following:

27 (1) A substantial function of the service or application
28 is to connect users in order to allow users to interact
29 socially with each other within the service or application.

30 (2) The service or application allows users to do one or

1 more of the following:

2 (i) Construct a public or semi-public profile for
3 purposes of signing into and using the service or
4 application.

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

7 (iii) Create or post content viewable by other
8 users, including on message boards, in chat rooms or
9 through a landing page or main feed that presents the
10 user with content generated by other users.

11 SUBCHAPTER B

12 CAUSE OF ACTION

13 Sec.

14 1110. Cause of action.

15 § 1110. Cause of action.

16 (a) Establishment.--A parent or legal guardian of a minor
17 may bring a civil cause of action against a social media company
18 that intentionally, knowingly, recklessly or negligently causes
19 or encourages a minor to access content which subjects the minor
20 to a risk of emotional or physical harm, which adversely affects
21 the mental health or dignity of the minor or that creates a
22 reasonable likelihood of bodily injury or death to the minor.

23 Prohibited activity under this subsection may include:

24 (1) Causing or encouraging access to content that
25 encourages eating disorders, violence, substance abuse,
26 sexual exploitation and suicide or discusses means of
27 suicide.

28 (2) The use of features that attempt to maximize time,
29 attention and engagement of a minor on social media.

30 (3) The use of tools that adversely affect the health,

1 emotional and physical development of a minor.

2 (b) Damages.--A court of competent jurisdiction may award
3 damages as provided under this subsection. In determining the
4 extent of injury, the court shall consider the damage caused to
5 the minor due to utilization of a social media platform by the
6 minor. The court may award:

7 (1) Actual costs incurred as a result of the damage,
8 including costs associated with counseling services, doctors
9 visits, treatment and co-pays.

10 (2) Reasonable attorney fees and court costs.

11 (3) Punitive damages determined by the court.

12 (4) Consequential damages, if harm to reputation
13 occurred, as determined by the court.

14 (c) Remedies preserved.--Nothing under this section shall be
15 construed to limit the ability of a person to receive a civil
16 penalty under this chapter.

17 (d) Good faith.--It shall be a defense to a cause of action
18 under subsection (a) if a social media company takes good faith
19 actions, as determined by a court of competent jurisdiction, to
20 protect a minor from harm while using the social media company's
21 platform.

22 SUBCHAPTER C

23 CONSENT TO OPEN AN ACCOUNT

24 Sec.

25 1121. Applicability.

26 1122. Approval prohibited.

27 1123. Duties.

28 1124. Revocation of consent.

29 1125. Violations.

30 § 1121. Applicability.

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

3 § 1122. Approval prohibited.

4 A social media company may not approve the creation of an
5 account for a minor or allow a minor to open or operate an
6 account without affirmative written consent of the minor's
7 parent or legal guardian.

8 § 1123. Duties.

9 (a) Attorney General.--The Office of Attorney General shall
10 develop and make available on their publicly accessible Internet
11 website a form that may be used by a parent or legal guardian to
12 provide consent for a minor to open a social media account. The
13 Attorney General shall transmit a copy of the form to each
14 social media company.

15 (b) Social media company.--Each social media company shall
16 post in a conspicuous place on each of their social media
17 platforms notice that written consent by the minor's parent or
18 legal guardian shall be required prior to opening an account.
19 The social media platform shall allow for a parent or legal
20 guardian to submit, electronically or via mail service, a
21 completed consent notification form developed by the Attorney
22 General under subsection (a). A social media platform may
23 include a method for a parent or legal guardian to provide
24 written consent as required by this chapter via electronic
25 means. Any electronic consent included in a social media
26 platform must include the same information as required by the
27 form developed by the Attorney General's office under subsection
28 (a).

29 (c) Failure to obtain consent.--To the extent possible, if a
30 minor opens a social media account without written consent by

1 their parent or legal guardian, the social media company shall,
2 within 24 hours of discovery of the failure to obtain the
3 consent:

- 4 (1) suspend the social media account; and
5 (2) notify the parent or legal guardian that the minor
6 has attempted to open a social media account without their
7 consent.

8 (d) Social media account access.--If a parent or legal
9 guardian provides written consent to a minor to open a social
10 media account under this section, the social media company shall
11 ensure a parent or legal guardian has the same access to the
12 minor's account as if they were the account holder.

13 (e) Notice of alleged violation.--A social media company
14 shall develop and post notice on its website of the methods,
15 such as electronic and telephonic means, by which a minor's
16 parent or legal guardian may notify the social media company
17 that the minor has opened a social media account on its social
18 media platform without the required written consent.

19 § 1124. Revocation of consent.

20 (a) Time.--A parent or legal guardian of a minor who has
21 provided written consent under this subchapter may revoke the
22 consent at any time.

23 (b) Social media company.--A social media company shall take
24 reasonable steps to provide a parent or legal guardian who has
25 provided written consent for a minor to open a social media
26 account with the ability to revoke the consent.

27 (c) Effect of revocation.--A social media company that
28 receives a revocation of consent under subsection (a) shall, to
29 the extent possible, within 24 hours of receipt of the
30 revocation, suspend, delete or disable the account of the minor

1 for whom consent was revoked.

2 § 1125. Violations.

3 (a) Action.--The Attorney General, a district attorney of
4 the county in which the minor or minor's parent or legal
5 guardian resides, a unit of government in the municipality in
6 which the minor or minor's parent or legal guardian resides or a
7 lawyer acting on behalf of a parent or legal guardian of a minor
8 may bring an action against a social media company that
9 knowingly, intentionally or negligently allows for a minor to
10 open a social media account without written consent of the
11 minor's parent or legal guardian. The Attorney General or
12 district attorney may bring multiple cases at one time against a
13 social media company for violations of this chapter.

14 (b) Penalty.--

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

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

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

23 (4) For a first offense for an action brought by the
24 Attorney General or a district attorney on behalf of multiple
25 minors, a civil penalty not to exceed the greater of
26 \$5,000,000 or the total number of violations multiplied by
27 the maximum civil penalty under paragraph (1).

28 (5) If a court of competent jurisdiction determines that
29 there have been repeated intentional violations of this
30 chapter by a social media company, the court may enter an

1 order enjoining the social media company from operating in
2 this Commonwealth.

3 (c) Attorney General use of recovered fees.--For an action
4 brought by the Attorney General, civil fees collected under
5 subsection (b)(4) shall be deposited into the School Safety and
6 Security Fund to be used exclusively for mental health-related
7 services for school entities.

8 (d) District attorney or unit of government use of received
9 fees.--For an action brought by a district attorney or a unit of
10 government, civil fees collected under this section shall be
11 used by the county or unit of government to provide mental
12 health-related services for school entities in the county.

13 (e) Good faith.--It shall be a defense to a cause of action
14 under subsection (a) if a social media company takes good faith
15 actions, as determined by a court of competent jurisdiction, to
16 protect a minor from harm while using the social media company's
17 platform.

18 SUBCHAPTER D

19 DATA

20 Sec.

21 1131. Definitions.

22 1132. Prohibitions.

23 1133. Violations.

24 1134. Removal.

25 § 1131. Definitions.

26 As used in this subchapter, the following words and phrases
27 shall have the meanings given to them in this section unless the
28 context clearly indicates otherwise:

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

30 "Qualified individual." Any of the following:

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

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

4 § 1132. Prohibitions.

5 (a) Mining.--A social media company may not mine data
6 related to a minor who has opened a social media account,
7 notwithstanding if the account was opened with the written
8 consent of a parent or legal guardian of the minor.

9 (b) Sale of data.--A social media company may not sell or
10 profit from data related to a minor who has opened a social
11 media account, notwithstanding if the account was opened with
12 the written consent of a parent or legal guardian of the minor.

13 (c) Algorithmic recommendations.--A social media platform
14 may not use the personal data of a minor in an algorithmic
15 recommendation system.

16 § 1133. Violations.

17 (a) Actions.--The Attorney General, a district attorney in
18 the county in which the minor or minor's parent or legal
19 guardian reside, a unit of government in which the minor or
20 minor's parent or legal guardian or a lawyer acting on behalf of
21 a parent or legal guardian of a minor may bring an action
22 against a social media company that knowingly, intentionally or
23 negligently violates a prohibition under section 1132 (relating
24 to prohibitions).

25 (b) Penalty.--

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

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

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

4 (4) For a first offense for an action brought by the
5 Attorney General, district attorney or unit of government on
6 behalf of multiple minors, a civil penalty not to exceed the
7 greater of \$50,000,000 or the total number of violations
8 multiplied by the maximum civil penalty under paragraph (1).

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

14 (6) If a court of competent jurisdiction determines that
15 there has been repeated intentional violations of a
16 prohibition under section 1132 by a social media company, the
17 court may prohibit the social media company from operating in
18 this Commonwealth.

19 (c) Attorney General use of recovered fees.--For an action
20 brought by the Attorney General, civil fees collected under this
21 section shall be deposited into the School Safety and Security
22 Fund to be used for mental health-related services for school
23 entities.

24 (d) District attorney or unit of government use of received
25 fees.--For an action brought by a district attorney or unit of
26 government, civil fees collected under this section shall be
27 used by the county or unit of government to provide mental
28 health-related services for school entities in the county or
29 unit of government.

30 (e) Good faith.--It shall be a defense to a cause of action

1 under subsection (a) if a social media company takes good faith
2 actions, as determined by a court of competent jurisdiction.
3 § 1134. Removal.

4 (a) Process.--A social media company shall implement a
5 process for a qualified individual to have data mined or
6 collected from an individual when the individual was a minor
7 deleted and removed from websites and platforms operated by the
8 social media company.

9 (b) Notice.--A social media company that has mined or
10 collected personal information from a minor or retains personal
11 information about a minor shall prominently display notice on
12 the website of how a qualified individual can request that the
13 social media company delete personal information in the
14 possession of the social media company that was collected from
15 or about the individual when the individual was a minor.

16 (c) Deletion.--Upon a request of a qualified individual, a
17 social media company shall, no later than 30 days after the
18 request, delete personal information in the possession of the
19 social media company that was mined or collected from or about
20 the individual when the individual was a minor.

21 (d) Confirmation.--Within five business days of personal
22 information being deleted by the social media company, the
23 social media company shall provide, by written communication,
24 notice to the qualified individual that personal information has
25 been deleted.

26 (e) Violations.--A social media company that intentionally,
27 knowingly or negligently failed to delete personal information
28 when a request to delete personal information is made by a
29 qualified individual shall be strictly liable for a civil
30 penalty of \$10,000 per day per website until the personal

1 information has been removed. If a social media company has
2 received consent from a parent or guardian to collect personal
3 information of a minor, the consent shall be an absolute defense
4 to a violation of this section.

5 Section 2. This act shall take effect as follows:

6 (1) Except for 50 Pa.C.S. § 1123(a), 50 Pa.C.S. Ch. 11,
7 Subch. C. shall take effect in one year.

8 (2) The remainder of this act shall take effect
9 immediately.