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THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 603 Session of 2025

INTRODUCED BY DUSH, J. WARD, FONTANA AND STEFANO, APRIL 9, 2025

REFERRED TO JUDICIARY, APRIL 9, 2025

AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in computer offenses, providing for Internet protections for minors.

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

Section 1. Chapter 76 of Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a subchapter to read:

SUBCHAPTER F

INTERNET PROTECTIONS FOR MINORS

Sec.

7671. Definitions.

7672. Age verification for certain publicly accessible Internet websites.

§ 7671. Definitions.

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

"Commercial entity." A corporation, limited liability company, partnership, sole proprietorship or other legally

recognized entity that has a publicly accessible Internet website on which the publicly accessible Internet website has a substantial portion of material that is harmful to minors.

"Distributes." To issue, sell, give, provide, deliver, transfer, transmute, circulate or disseminate by any means.

"Internet." The term shall mean the same as in section 7621 (relating to definitions).

"Material harmful to minors." The following:

(1) material that the average person, applying contemporary community standards, would find, taking the material as a whole and with respect to minors, is designed to appeal to, or is designed to pander to, the prurient interest;

(2) material that exploits, is devoted to or principally consists of descriptions of actual, simulated or animated display or depiction of any of the following, in a manner patently offensive with respect to minors:

(i) pubic hair, anus, vulva, genitals or nipple of the female breast;

(ii) touching, caressing or fondling of nipples, breasts, buttocks, anuses or genitals; and

(iii) sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, excretory functions, exhibitions or any other sexual act; or

(3) material that taken as a whole lacks serious literary, artistic, political or scientific value for minors.

"Minor." An individual under 18 years of age.

"News-gathering organization." One of the following:

(1) an employee of a newspaper, news publication or news source, printed or on an online or mobile platform, of

current news and public interest while operating as an employee who can provide documentation of employment with the newspaper, news publication or news source; or

(2) an employee of a radio broadcast station, television broadcast station, cable television operator or wire service while operating as an employee who can provide documentation of employment.

"Publish." To communicate or make information available to another person on a publicly accessible Internet website.

"Reasonable age verification method." The following:

(1) verification through an independent, third-party age verification service that compares the personal information entered by the individual who is seeking access to the material that is available from a commercially available database or aggregate of databases that is regularly used by government agencies and businesses for the purpose of age and identity verification; or

(2) any commercially reasonable method that relies on public or private transactional data to verify the age of the person attempting to access the material.

"Substantial portion." More than 33.3% of total material on the publicly accessible Internet website is material harmful to minors.

"Transactional data." A sequence of information that documents an exchange, agreement or transfer between an individual, commercial entity or third party used for the purpose of satisfying a request or event. The term includes records from mortgage, education and employment entities.

§ 7672. Age verification for certain publicly accessible Internet websites.

(a) Duty of commercial entity.--A commercial entity that knowingly and intentionally publishes or distributes material harmful to minors on a publicly accessible Internet website that contains a substantial portion of material that is harmful to minors on the website shall perform reasonable age verification methods to verify the age of an individual accessing the publicly accessible Internet website. A commercial entity or third party that performs the required age verification shall not retain identifying information of the individual accessing the publicly accessible Internet website that contains material harmful to minors.

(b) Violations.--

(1) A commercial entity that is found to have violated this section shall be liable to an individual for damages resulting from a minor accessing material harmful to minors on the publicly accessible Internet website, including court costs and reasonable attorney fees as ordered by the court.

(2) A commercial entity that is found to have knowingly retained identifying information of an individual after access has been granted to the individual shall be liable to the individual for damages resulting from retaining the identifying information, including court costs and reasonable attorney fees as ordered by the court.

(c) Exception.--

(1) This section shall not apply to a bona fide news or public interest broadcast, website video, report or event and shall not be construed to affect the rights of news-gathering organizations.

(2) No Internet service provider, affiliate or subsidiary of an Internet service provider, search engine or

cloud service provider shall be liable for a violation of this section solely for providing access or connection to or from a website or other information or content on the Internet, or a facility, system or network not under that Internet service provider's control, including transmitting, downloading, storing or providing access, to the extent that the provider is not responsible for the creation of the content of the communication that constitutes material harmful to minors.

Section 2. This act shall take effect in 90 days.