

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 565 Session of 2023

INTRODUCED BY PHILLIPS-HILL, MARTIN, J. WARD, LAUGHLIN AND BROOKS, MARCH 28, 2023

SENATOR ARGALL, EDUCATION, AS AMENDED, JUNE 6, 2023

AN ACT

1 Amending Title 24 (Education) of the Pennsylvania Consolidated
2 Statutes, in preliminary provisions, providing for student
3 data privacy and protection; imposing duties on the
4 Department of Education; and providing for penalties.

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

7 Section 1. Part I of Title 24 of the Pennsylvania
8 Consolidated Statutes is amended by adding a chapter to read:

9 CHAPTER 5

10 STUDENT DATA PRIVACY AND PROTECTION

11 Subchapter

12 A. General Provisions

13 B. Powers and Duties

14 C. Disclosure and Use of Information

15 D. Enforcement

16 SUBCHAPTER A

17 GENERAL PROVISIONS

18 Sec.

19 501. Scope of chapter.

1 502. Legislative intent.

2 503. Findings and declarations.

3 504. Definitions.

4 505. Effect of chapter.

5 § 501. Scope of chapter.

6 This chapter relates to student data privacy and protection.

7 § 502. Legislative intent.

8 It is the intent of the General Assembly to ensure the

9 following:

10 (1) Only essential student data shall be collected.

11 (2) Student data shall be safeguarded.

12 (3) The privacy rights of students and their parents or
13 legal guardians shall be honored, respected and protected.

14 § 503. Findings and declarations.

15 The General Assembly finds and declares as follows:

16 (1) Educational entities in this Commonwealth are
17 custodians of vast amounts of personally identifiable
18 information through their collection and maintenance of
19 student data.

20 (2) It is critically important to ensure that only
21 essential student data shall be collected and that personal
22 information shall be protected, safeguarded, kept private and
23 only accessed or used by appropriate authorized persons.

24 (3) The Commonwealth lacks a sufficient plan to ensure
25 adequate protection of student data.

26 (4) The Commonwealth lacks guarantees for the protection
27 of student data and the personally identifiable information
28 contained within that data.

29 (5) Given the vast personally identifiable student
30 information held, educational entities are prime targets for

1 data and information poaching by identity thieves and other
2 hackers.

3 (6) In emergencies, certain information should be
4 readily available to school officials and emergency personnel
5 to assist students and their families.

6 § 504. Definitions.

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

10 "Aggregate student data." Student data collected by an
11 educational entity which:

12 (1) is totaled and reported at the group, cohort,
13 school, school district, region or State level as determined
14 by the educational entity;

15 (2) does not reveal personally identifiable student
16 data; and

17 (3) cannot reasonably be used to identify, contact,
18 single out or infer information about a student or device
19 used by a student.

20 "Biometric identifier." A measurable biological or
21 behavioral characteristic that can be used for automated
22 recognition of an individual. The following apply:

23 (1) The term includes any of the following:

24 (i) A retina or iris scan.

25 (ii) A fingerprint.

26 (iii) A human biological sample.

27 (iv) A scan of the hand.

28 (v) A voice print.

29 (vi) Facial geometry.

30 (2) The term does not include any of the following:

1 (i) A physical description, including, but not
2 limited to, height, weight, hair color or eye color.

3 (ii) A writing sample.

4 (iii) A written signature.

5 (iv) Demographic data.

6 "Data authorization." A written authorization by a student
7 or a student's parent or legal guardian if the student is under
8 18 years of age to collect or share the student's student data.

9 ~~"Educational entity." An organized education provider,~~ <--
10 ~~including, but not limited to, any of the following:~~

11 ~~(1) A school district of any class.~~

12 ~~(2) A board of school directors of a school district of~~
13 ~~any class.~~

14 ~~(3) A public school.~~

15 ~~(4) An institution of higher education.~~

16 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE <--
17 COMMONWEALTH.

18 "EDUCATIONAL ENTITY." AN ORGANIZED EDUCATION PROVIDER,
19 INCLUDING, BUT NOT LIMITED TO, A PUBLIC SCHOOL. THE TERM DOES
20 NOT INCLUDE AN INSTITUTION OF HIGHER EDUCATION.

21 "Educational record." Student data or other student
22 information created and maintained by an educational entity or a
23 third party.

24 ~~"Eligible student." A student who is:~~ <--

25 ~~(1) 18 years of age or older or an emancipated~~
26 ~~individual; and~~

27 ~~(2) attending an institution of higher education.~~

28 "Institution of higher education." Any of the following:

29 (1) A community college operating under Article XIX-A of
30 the act of March 10, 1949 (P.L.30, No.14), known as the

1 Public School Code of 1949.

2 (2) A State-owned institution.

3 (3) A State-related institution.

4 (4) Any other institution that is designated as State-
5 related by the Commonwealth.

6 (5) An accredited private or independent college or
7 university.

8 (6) A private licensed school as defined in the act of
9 December 15, 1986 (P.L.1585, No.174), known as the Private
10 Licensed Schools Act.

11 "Necessary student data." Student data required by Federal
12 or State law to conduct the regular activities of an educational
13 entity.

14 "Personally identifiable student data." Student data that,
15 by itself or in connection with other information, would enable
16 a specific student or other individual to be reasonably
17 identified.

18 "Public school." A school operated by a school district of
19 any class, intermediate unit, charter school, cyber charter
20 school or an area career and technical school.

21 "State-owned institution." An institution which is part of
22 the State System of Higher Education under Article XX-A of the
23 Public School Code of 1949 and all branches and campuses of a
24 State-owned institution.

25 "State-related institution." The Pennsylvania State
26 University, including the Pennsylvania College of Technology,
27 the University of Pittsburgh, Temple University and Lincoln
28 University and their branch campuses.

29 "Student." An individual who attends a public school ~~or~~
30 ~~institution of higher education, whether enrolled on a full-~~

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1 ~~time, part time, credit or noncredit basis.~~

2 "Student data." Information regarding a student that is
3 descriptive of the student and collected and maintained at the
4 individual student level, regardless of physical, electronic or
5 other media or format, including, but not limited to, any of the
6 following:

7 (1) The following information regarding the student:

8 (i) Name.

9 (ii) Date and location of birth.

10 (iii) Social Security number.

11 (iv) Gender.

12 (v) Race.

13 (vi) Ethnicity.

14 (vii) Tribal affiliation.

15 (viii) Sexual identity or orientation.

16 (ix) Migrant status.

17 (x) English language learner status.

18 (xi) Disability status.

19 (xii) Mother's maiden name.

20 (xiii) Contact information, including telephone
21 numbers, email addresses, physical addresses and other
22 distinct contact identifiers.

23 (xiv) Special education records or an applicable
24 mandate under 20 U.S.C. Ch. 33 (relating to education of
25 individuals with disabilities).

26 (xv) An individualized education program or other
27 written education plan, including special education
28 evaluation data for the program or plan.

29 (xvi) The student's identification number.

30 (xvii) Local or State assessment results or the

1 reason for an exception from taking a local or State
2 assessment.

3 (xviii) Courses taken and completed, credits earned
4 or other transcript information.

5 (xix) Course grades, grade point average or another
6 indicator of academic achievement.

7 (xx) Grade level and expected graduation date.

8 (xxi) Cohort graduation rate or related information.

9 (xxii) Degree, diploma, credential attainment or
10 other school exit information.

11 (xxiii) Attendance and mobility.

12 (xxiv) Dropout data.

13 (xxv) An immunization record or the reason for an
14 exception from receiving an immunization.

15 (xxvi) Remediation efforts.

16 (xxvii) Cumulative disciplinary records.

17 (xxviii) Juvenile delinquency or dependency records.

18 (xxix) Criminal records.

19 (xxx) Medical or health records created or
20 maintained by an educational entity.

21 (xxxi) Political affiliation, voter registration
22 information or voting history.

23 (xxxii) Income or other socioeconomic information,
24 except as required by law or if an educational entity
25 determines income information is required to apply for,
26 administer, research or evaluate programs to assist
27 students from low-income families.

28 (xxxiii) Religious information or beliefs.

29 (xxxiv) A biometric identifier or other biometric
30 information.

1 (xxxv) Food purchases.

2 (xxxvi) Geolocation data.

3 (xxxvii) Any other information that either on its
4 own or collectively could reasonably be used to identify
5 a specific student.

6 (2) The following information regarding family members,
7 including parents and legal guardians, of the student:

8 (i) Name of family members.

9 (ii) Contact information for family members,
10 including telephone numbers, email addresses, physical
11 addresses and other distinct contact identifiers.

12 (iii) Education status, an educational record or
13 student data of a family member who is a student.

14 "Targeted marketing." Advertising to a student or a
15 student's parent or guardian that is selected based on
16 information obtained or inferred from the student's online or
17 offline behavior, usage of applications or student data. The
18 term does not include advertising to a student at an online
19 location based on the student's current visit to that location
20 or single search query without collection and retention of the
21 student's online activities over time. The term does not include
22 using the student's personally identifiable student data to
23 identify for the student institutions of higher education or
24 scholarship providers that are seeking students who meet
25 specific criteria, provided a written data authorization by the
26 student, or the student's parent or legal guardian if the
27 student is under 18 years of age, permits the disclosure and
28 use.

29 "Third party." A person that enters into a contract with an
30 educational entity to provide a good or service. The term

1 includes a subsequent subcontractor that may accompany the
2 person in the provision of the good or service.

3 § 505. Effect of chapter.

4 Nothing in this chapter shall be construed to prohibit or
5 otherwise limit the ability of an educational entity from
6 reporting or making available aggregate student data or other
7 collective data for reasonable usage.

8 SUBCHAPTER B

9 POWERS AND DUTIES

10 Sec.

11 511. Chief data privacy officer.

12 512. Data inventory and data elements.

13 513. Forms.

14 514. Rules and regulations.

15 515. Educational entities.

16 § 511. Chief data privacy officer.

17 (a) Designation.--The Secretary of Education shall designate
18 an individual to serve as the chief data privacy officer within
19 the department to assume primary responsibility for student data
20 privacy and security policy.

21 (b) Specific duties.--The chief data privacy officer within
22 the department shall:

23 (1) Ensure that student data contained in the State data
24 system shall be handled in full compliance with:

25 (i) this chapter;

26 (ii) 20 U.S.C. § 1232g (relating to family
27 educational and privacy rights) and its associated
28 regulations; and

29 (iii) other Federal and State data privacy and
30 security laws.

1 (2) Establish, publish and make easily available
2 policies necessary to assure that the use of technologies
3 sustain, enhance and do not erode privacy protections
4 relating to the use, collection and disclosure of student
5 data.

6 (3) Develop and provide to educational entities a model
7 student data privacy and security plan.

8 (4) Evaluate legislative and regulatory proposals
9 involving use, collection and disclosure of student data by
10 educational entities.

11 (5) Conduct a privacy impact assessment on legislative
12 proposals and regulations and program initiatives of the
13 department, including the type of personal information
14 collected and the number of students affected.

15 (6) Prepare an annual report for submission to the
16 General Assembly on activities of the department that affect
17 privacy, including complaints of privacy violations, internal
18 controls and other related matters.

19 (7) Consult and coordinate with other representatives of
20 the department and the Commonwealth and other persons
21 regarding the quality, usefulness, openness and privacy of
22 data and the implementation of this chapter.

23 (8) Establish and operate a privacy incident response
24 program to ensure that each data-related incident involving
25 the department is properly reported, investigated and
26 mitigated.

27 (9) Establish a model process and policy for an eligible <--
28 A student and a student's parent or legal guardian if the <--
29 student is under 18 years of age to file a complaint
30 regarding a violation of data privacy or an inability to

1 access, review or correct the student's student data or other
2 information contained in the student's educational record.

3 (10) Provide training, guidance, technical assistance
4 and outreach to build a culture of data privacy protection
5 and data security among educational entities and third
6 parties.

7 (c) Investigations.--The chief data privacy officer may
8 investigate issues of compliance with this chapter or another
9 data privacy or security law concerning a matter related to this
10 chapter. In conducting the investigation, the chief data privacy
11 officer shall:

12 (1) have access to all records, reports, audits,
13 reviews, documents, papers, recommendations and other
14 materials available to the educational entity or third party
15 under investigation;

16 (2) limit the investigation and any accompanying report
17 to those matters which are necessary or desirable to the
18 effective administration of this chapter; and

19 (3) in matters related to compliance with Federal law,
20 refer the matter to the appropriate Federal agency and
21 cooperate with any investigation by the Federal agency.

22 § 512. Data inventory and data elements.

23 The department shall create and post on its publicly
24 accessible Internet website a data inventory and dictionary of
25 data elements with definitions of individual student data fields
26 currently in the student data system, including information
27 which:

28 (1) is required to be reported by Federal or State
29 education mandates;

30 (2) has been proposed for inclusion in the student data

1 system with a statement regarding the purpose or reason for
2 the proposed collection; and

3 (3) the department collects or maintains with no current
4 purpose or reason.

5 § 513. Forms.

6 The department shall develop forms, including, but not
7 limited to, the following:

8 (1) The notice of disclosure and acknowledgment under
9 section 522 (relating to notice of disclosure).

10 (2) The written data authorization to permit the
11 disclosure of information.

12 § 514. Rules and regulations.

13 The department shall promulgate rules and regulations
14 necessary to implement the provisions of this chapter.

15 § 515. Educational entities.

16 An educational entity shall:

17 (1) Subject to the approval of the chief data privacy
18 officer within the department and taking into account the
19 specific needs and priorities of the educational entity,
20 adopt and implement reasonable security policies and
21 procedures to protect educational records and student data in
22 accordance with this chapter to protect information from
23 unauthorized access, destruction, use, modification or
24 disclosure.

25 (2) Designate an individual to act as a student data
26 manager to fulfill the responsibilities under this section.

27 (3) Create, maintain and submit to the chief data
28 privacy officer under the department a data governance plan
29 addressing the protection of existing data and future data
30 records.

1 (4) Establish a review process for all requests for data
2 for the purpose of external research or evaluation.

3 (5) Prepare an annual report for submission to the chief
4 data privacy officer within the department. Each annual
5 report shall include:

6 (i) Any proposed changes to data security policies.

7 (ii) Attempted occurrences of data security breach.

8 SUBCHAPTER C

9 DISCLOSURE AND USE OF INFORMATION

10 Sec.

11 521. Data ownership.

12 522. Notice of disclosure.

13 523. Disclosure by educational entity.

14 524. Biometric identifiers.

15 525. Targeted marketing.

16 526. Review and correction of educational records.

17 527. Use of information by third parties.

18 528. Third-party contracts.

19 529. Law enforcement.

20 530. Exception for use of personally identifiable student data.

21 § 521. Data ownership.

22 (a) Authority of student.--A student is the owner of the
23 student's student data and may download, export, transfer or
24 otherwise save or maintain any document, data or other
25 information created by the student that may be held or
26 maintained, in whole or in part, by an educational entity.

27 (b) Work or product.--Any work or intellectual product
28 created by a student, whether for academic credit or otherwise,
29 shall be the property of the student.

30 § 522. Notice of disclosure.

1 (a) Distribution.--An educational entity which collects
2 student data, regardless of whether that information is
3 developed and maintained as aggregate student data, shall
4 provide to each eligible student and each student's parent or <--
5 legal guardian if the student is under 18 years of age an annual
6 written notice outlining the conditions under which the
7 student's student data may be disclosed.

8 (b) Form.--The notice under this section shall be:

- 9 (1) prominent and provided as a stand-alone document;
10 (2) annually updated and distributed; and
11 (3) written in plain language that is easily
12 comprehended by an average individual.

13 (c) Contents.--The notice under this section shall:

- 14 (1) list the necessary and optional student data which
15 the educational entity collects and the rationale for the
16 collection of the data;
17 (2) state that student data collected may not be shared
18 without a written data authorization by the eligible student <--
19 or a THE student's parent or legal guardian if the student is <--
20 under 18 years of age;
21 (3) list each third party with access or control of
22 student data under a contractual agreement;
23 (4) outline the rights and responsibilities under this
24 chapter; and
25 (5) contain an acknowledgment specifying that the
26 intended recipient of the notice actually received the notice
27 and understands its contents.

28 (d) Receipt and acknowledgment.--Each recipient of the
29 notice under this section shall sign the acknowledgment and
30 return it to the appropriate educational entity as soon as

1 possible.

2 (e) Maintenance.--An educational entity shall maintain on
3 file, electronically or otherwise, each signed acknowledgment
4 received under this section.

5 § 523. Disclosure by educational entity.

6 (a) Conditions for disclosure.--An educational entity may
7 not disclose student data unless the disclosure is:

8 (1) authorized in writing by an ~~eligible~~ A student or a <--
9 student's parent or legal guardian if the student is under 18
10 years of age;

11 (2) authorized or required by Federal or State law;

12 (3) determined to be necessary due to an imminent health
13 or safety emergency; or

14 (4) ordered by a court of competent jurisdiction.

15 (b) Financial benefit.--Except as otherwise provided under
16 this chapter, an educational entity may not release or otherwise
17 disclose student data or information in an educational record in
18 exchange for any good, product, application, service or any
19 other thing of measurable value.

20 § 524. Biometric identifiers.

21 An educational entity or third party may not collect any
22 biometric identifier on a student except as may be required by
23 law.

24 § 525. Targeted marketing.

25 Student data may not be released or used for purposes of
26 targeted marketing unless the release is absolutely necessary
27 for education progression, which may include the use of adaptive
28 educational software or any other strictly educational endeavor
29 whose sole purpose is to provide a tailored education experience
30 to the student.

1 § 526. Review and correction of educational records.

2 (a) Request for inspection.--~~An eligible~~ A student or a <--
3 student's parent or legal guardian if the student is under 18
4 years of age may request the inspection and review of the
5 student's student data or other information contained in the
6 student's educational records and maintained by an educational
7 entity or a third party.

8 (b) Transmittal of information.--Upon the request under
9 subsection (a), the educational entity or third party shall
10 provide the information in a timely manner and in electronic
11 form unless the requested information:

12 (1) is not maintained in electronic format, in which
13 case arrangements shall be made for transmittal in another
14 format; or

15 (2) cannot reasonably be made available to the
16 requesting individual or the reproduction of the requested
17 information would be unduly burdensome.

18 (c) Corrections and expungement.--

19 (1) A requesting individual under subsection (a) may
20 request that corrections be made to inaccurate or incomplete
21 information contained in the student's student data or other
22 educational record.

23 (2) A requesting individual under subsection (a) shall
24 have the right to expunge the student's student data or other
25 information contained in the student's educational record
26 that pertain to:

27 (i) an unsubstantiated accusation; or

28 (ii) an adjudicated matter if the student has been
29 found not at fault or not guilty of the charges raised.

30 (3) After receiving the request under this subsection,

1 the educational entity or third party that maintains the
2 information shall make the necessary changes to the student
3 data or other educational record and confirm the changes with
4 the requesting individual within 90 days of the request under
5 this subsection.

6 § 527. Use of information by third parties.

7 (a) Personally identifiable student data.--A third party
8 shall use personally identifiable student data received under a
9 contract with an educational entity strictly for the purpose of
10 providing the contracted product or service to the educational
11 entity, unless a student or the student's parent affirmatively
12 chooses to disclose the student's data for a secondary purpose.

13 (b) Prohibited uses.--A third party may not manage or use
14 student data or information from an educational record obtained
15 in the course of a contractual relationship with an educational
16 entity to do any of the following:

17 (1) Conduct targeted marketing.

18 (2) Create a student profile except:

19 (i) as allowed under the terms of the contractual
20 relationship with the educational entity; or

21 (ii) in furtherance of the purposes of the
22 educational entity.

23 (3) Sell student data or information from an educational
24 record.

25 (4) Exchange student data or information from an
26 educational record for any goods, services or applications.

27 (5) Disclose student data or information from an
28 educational record except as provided under this chapter.

29 (6) Impede the ability of a student, ~~an eligible A~~
30 student or a student's parent or legal guardian if the

<--

1 student is under 18 years of age from downloading, exporting
2 or otherwise saving or maintaining the student's student data
3 or other information from the student's educational record.

4 (b.1) Limitation.--Subsection (b) shall not apply to
5 nonprofit organizations engaging in activities to provide
6 students with higher education, scholarship or other educational
7 opportunities.

8 (c) Permissive uses.--A third-party contractor may:

9 (1) Use student data for adaptive learning or customized
10 student learning purposes.

11 (2) Market an educational application or product to a
12 student's parent or legal guardian if the student is under 18
13 years of age if the third party did not use student data,
14 shared by or collected on behalf of an educational entity, to
15 develop the educational application or product.

16 (3) Use a recommendation engine to recommend to an <--
17 eligible A student or a student's parent or legal guardian if <--
18 the student is under 18 years of age any of the following:

19 (i) Content that relates to learning or employment,
20 within the third party's internal application, if the
21 recommendation is not motivated by payment or other
22 consideration from another party.

23 (ii) Services that relate to learning or employment,
24 within the third party's internal application, if the
25 recommendation is not motivated by payment or other
26 consideration from another party.

27 (4) Respond to an <--
28 eligible A student or a student's <--
29 parent or legal guardian if the student is under 18 years of
30 age regarding a request for information or feedback, if the
content of the response is not motivated by payment or other

1 consideration from another party.

2 (5) Use student data to allow or improve operability and
3 functionality of the third party's internal application.

4 (6) Disclose a student's personally identifiable
5 information at the student's request to institutions of
6 higher education and other educational organizations,
7 including scholarship providers.

8 (7) Disclose and utilize personally identifiable
9 information and aggregate student data when used solely for
10 research purposes that are compatible with the context in
11 which the information was collected.

12 § 528. Third-party contracts.

13 When contracting with a third party, an educational entity
14 shall require the following provisions in the contract:

15 (1) Requirements and restrictions related to the
16 collection, use, storage or sharing of student data by the
17 third party that are necessary for the educational entity to
18 ensure compliance with the provisions of this chapter and
19 other State law.

20 (2) A description of a person, or type of person,
21 including an affiliate or subcontractor of the third party,
22 with whom the third party may share student data or other
23 information.

24 (3) When and how to delete student data or other
25 information received by the third party.

26 (4) A prohibition on the secondary use of personally
27 identifiable student data by the third party except when used
28 for research purposes or for legitimate educational interests
29 compatible with the context in which the personal information
30 was collected.

1 Sec.

2 541. Data breach or security compromise.

3 542. Funding.

4 543. Civil and administrative penalties.

5 544. Effect on criminal liability.

6 § 541. Data breach or security compromise.

7 (a) Notification of chief data privacy officer.--An
8 educational entity shall notify the chief data privacy officer
9 within the department of a suspected or confirmed data breach or
10 security compromise within 24 hours of becoming aware of the
11 data breach or security compromise.

12 (b) Notification of students, parents and legal guardians.--
13 If there is an unauthorized release or compromise of student
14 data by security breach or otherwise, the effected educational
15 entity shall, within three business days of verification of the
16 release or compromise, notify all of the following:

17 (1) Each ~~eligible~~ student whose information has been <--
18 released or compromised.

19 (2) Each student's parent or legal guardian if the
20 student is under 18 years of age and the student's
21 information has been released or compromised.

22 (c) Notification by third party.--If a suspected or
23 confirmed data breach or security compromise of student data
24 held by a third party has occurred, the third party shall:

25 (1) notify the educational entity with whom it has
26 contracted regarding the information within 24 hours of
27 becoming aware of the data breach or security compromise;

28 (2) take action to determine the scope of data breached
29 or otherwise compromised;

30 (3) update the educational entity once the full scope of

1 data breach and security compromise is known; and

2 (4) take all reasonable steps to notify the affected
3 individuals of the data breach or security compromise.

4 § 542. Funding.

5 No public funds shall be made available under an applicable
6 program to an educational entity that has a policy that denies
7 or effectively prevents an eligible A student or a student's <--
8 parent or legal guardian if the student is under 18 years of age
9 the right to inspect, review or correct the student's student
10 record or information within the student's educational record.

11 § 543. Civil and administrative penalties.

12 An educational entity or third party that fails to comply
13 with any duty or other provision under this chapter resulting in
14 the intentional, knowing, reckless or negligent data breach or
15 security compromise shall be subject to the following penalties:

16 (1) Civil penalties, which shall include the following:

17 (i) The costs of identity protection for each
18 individual affected by the data breach or security
19 compromise.

20 (ii) Legal fees and costs incurred by each
21 individual affected by the data breach or security
22 compromise.

23 (iii) Any other penalty that the court deems
24 reasonable or appropriate.

25 (2) Administrative penalties by the department, which
26 shall include a fine of not less than \$1,000 nor more than
27 \$5,000 for each offense committed. The aggregate amount of
28 finances under this paragraph may not exceed \$1,000,000 in any
29 calendar year.

30 § 544. Effect on criminal liability.

1 Nothing in this subchapter shall be construed to limit,
2 preclude or supersede criminal liability as may be applicable to
3 or enforceable under this chapter.

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

5 (1) The following shall take effect August 1, 2024:

6 (i) The addition of 24 Pa.C.S. §§ 511(c) and 515.

7 (ii) The addition of 24 Pa.C.S. Ch. 5 Subchs. C and

8 D.

9 (2) This section shall take effect immediately.

10 (3) The remainder of this act shall take effect in 120
11 days.