

House File 2523 - Reprinted

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BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2255)

(As Amended and Passed by the House March 6, 2024)

A BILL FOR

1 An Act relating to parental authorization for minors to
2 create accounts on social media platforms, providing civil
3 penalties, and including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 554H.1 Short title.

2 This chapter shall be known and may be cited as the "*Social*
3 *Media Parental Authorization Act*".

4 Sec. 2. NEW SECTION. 554H.2 Definitions.

5 As used in this chapter, unless the context otherwise
6 requires:

7 1. "*Minor*" means an individual under the age of eighteen who
8 currently resides in Iowa.

9 2. "*Parental authorization*" means all of the following:

10 a. A written statement signed by both a minor and the
11 minor's parent or legal guardian that authorizes the minor to
12 create an account on a social media platform.

13 b. A digital authorization by a parent or a legal guardian
14 of a minor that authorizes the minor to create an account
15 on a social media platform if the social media platform
16 has previously verified that the account granting parental
17 authorization belongs to the parent or legal guardian of the
18 minor seeking parental authorization.

19 3. "*Social media company*" means a company that operates a
20 social media platform.

21 4. a. "*Social media platform*" means an internet site or
22 application that is open to the public and that allows a user
23 to create an account for the primary purpose of performing all
24 of the following:

25 (1) Create personal profiles or accounts that include the
26 person's name, age, location, and other personal information.

27 (2) Connect with other social media platform users as
28 friends, followers, or any other means of connecting that
29 allows other users to access shared content.

30 (3) Facilitate public access to content, including text,
31 images, videos, internet site links, or any other information.

32 (4) Send private messages to other social media platform
33 users.

34 (5) Create groups for the purpose of communicating about
35 shared interests.

1 *b.* "Social media platform" does not include an online
2 service, website, or application where the predominate or
3 exclusive function is interactive gaming, virtual gaming, or
4 an online service that allows the creation and uploading of
5 content for the purpose of interactive gaming, educational
6 entertainment, or associated entertainment, and the
7 communication related to such content.

8 5. "User" means an individual who uses a social media
9 platform.

10 Sec. 3. NEW SECTION. **554H.3 Parental authorization**
11 **requirements.**

12 1. A social media company shall not permit a minor to be
13 an account holder on the social media company's social media
14 platform unless the social media company has received prior
15 express parental authorization.

16 2. A social media company shall allow a parent or guardian
17 who has provided parental authorization to revoke or rescind
18 the grant of parental authorization upon request at any time.

19 3. A social media company shall not collect, transfer,
20 transmit, image, or retain any data from or regarding a minor
21 if the minor has not received parental authorization for the
22 minor to be an account holder on the social media company's
23 social media platform in accordance with subsection 1.

24 4. Notwithstanding any other provision of this chapter, a
25 social media company shall not permit a minor to create, use,
26 or hold an account on the social media company's social media
27 platform if the minor is prohibited from creating, using, or
28 holding an account on a social media platform under any other
29 provision of state or federal law.

30 5. A social media company shall provide a parent or guardian
31 who has granted parental authorization under subsection 1 with
32 a password or other means to access the account of the minor,
33 which shall allow the parent or guardian to do all of the
34 following:

35 *a.* View all posts created by the minor on the social media

1 platform.

2 *b.* View all messages sent by, and responses received by, the
3 minor on the social media platform.

4 *c.* Control the privacy and account settings of the minor's
5 account on the social media platform.

6 *d.* Monitor and limit the amount of time the minor may spend
7 using the social media platform.

8 **Sec. 4. NEW SECTION. 554H.4 Enforcement — penalties.**

9 If the attorney general has reasonable belief that a social
10 media company is in violation of this chapter, the attorney
11 general may bring a civil action to provide for civil penalties
12 in an amount not more than one thousand dollars for each
13 violation of this chapter.

14 **Sec. 5. NEW SECTION. 554H.5 Private right of action.**

15 A person harmed by a violation of this chapter by a social
16 media company may bring a civil action in the district court
17 in which the person resides and, upon a finding that a social
18 media company violated this chapter, a district court may order
19 any of the following:

20 1. Damages in an amount equal to the greater of either ten
21 thousand dollars for each violation or, if the court determines
22 that the social media company's violation was the direct cause
23 of the harm, the amount of actual damages for any financial,
24 physical, and emotional harm to the person bringing the action.

25 2. Punitive damages.

26 3. Reasonable attorney fees and court costs.

27 **Sec. 6. NEW SECTION. 554H.6 Rules.**

28 The attorney general shall adopt rules pursuant to chapter
29 17A to administer this chapter, including but not limited to
30 rules to establish all of the following:

31 1. Processes or means by which a social media company can
32 comply with the parental authorization requirements under
33 section 554H.3.

34 2. Acceptable forms or methods of parental authorization.

35 3. Processes to confirm that a social media company has

1 received parental authorization under section 554H.3 for each
2 minor that has created an account on the social media company's
3 social media platform.

4 Sec. 7. APPLICABILITY. This Act applies to a social media
5 company operating on or after the effective date of this Act.