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February 10, 2025

The Honorable Kevin Alons
Chair, Subcommittee
Senate Technology Subcommittee
Iowa State Senate
1007 East Grand Avenue
Des Moines, IA 50319

Re: SF 207, TechNet Amendments and Concerns

Dear Chair Alons and the Honorable Members of the Senate Technology Subcommittee on SF 207:

I write on behalf of TechNet and its members to respectfully share our proposed amendments for SF 207 which would create new regulations on age verification for materials that distribute obscene material in Iowa. These amendments are friendly to the bill, and help ensure that it is narrowly tailored to its stated purpose.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes dynamic American businesses ranging from startups to the most iconic companies on the planet and represents over 4.5 million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance. TechNet has offices in Austin, Boston, Chicago, Denver, Harrisburg, Olympia, Sacramento, Silicon Valley, Tallahassee, and Washington, D.C.

Stringent age-verification, as outlined in SF 207, requires the collection of personal information such as birthdates, addresses, and government IDs. Without incorporating these amendments to ensure that the bill is narrowly tailored to the purpose of regulating websites that distribute obscene material, this bill would risk constitutionality issues and also be in conflict with data minimization requirements in the Iowa Consumer Data Protection Act (2023 SF 262).

We recognize the drafting intended to accomplish an appropriate scoping of this bill, and we appreciate that approach and recommend the following changes, including adopting the generally used standard of a 33.3% threshold of content. This would

align the bill with the similar Louisiana and Utah bills, which survived First Amendment challenges. Our amendment is as follows:

Section 1., New subparagraph

8. "Substantial portion" means more than thirty-three and one-third percent of total material on a website that meets the definition of "obscene material" as defined in Section 728.1.

Revise Section 2., Paragraph 1.

A covered platform shall be held liable if the covered platform knowingly or intentionally publishes or distributes obscene material on the internet from a website that contains a substantial portion of such material and fails to perform reasonable age verification of individuals attempting to access obscene material published or distributed by the covered platform and the failure allows access by a minor to the obscene material:

Revise Section 3., Paragraph 1. a.

This chapter shall not be construed to impose liability on a provider or user of an interactive computer service on the internet. No internet service provider, or its affiliates or subsidiaries, search engine, or cloud service provider shall be held to have violated the provisions 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 provider's control including transmission, downloading, intermediate storage, access software, or other to the extent such provider is not responsible for the creation of the content of the communication that constitutes material harmful to minors.

These changes also help ensure that other commercial entities - outside of those that knowingly publish or distribute obscene material on the internet – could not be incorrectly found liable under this law or incorrectly interpreted to fall under its purview.

Our members are aligned with the intent of this bill and work to give users the tools and software solutions to create the online experience that fits their needs and that works for their family and children. Our member companies partner with law enforcement, educational institutions, nonprofits, government agencies, and a wide range of organizations to provide consumer education and to protect users of all

ages, as well as hiring teams to filter out CSAM images identified by the National Center for Missing and Exploited Children and report unlawful content to the proper authorities at all levels of government.

Thank you for your work on this legislation and for considering our amendments, please reach out if you have any questions at rbarko@technet.org.

Best regards,



Ruthie Barko
Executive Director, Colorado & the Central U.S.
TechNet

Cc: Members of the Senate Technology Subcommittee, Sen.s. Bennett and Campbell