

House File 2616

H-8344

1 Amend House File 2616, as passed by the Senate, as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <DIVISION I

5 PUBLICATION AND DISTRIBUTION OF OBSCENE MATERIAL TO MINORS ON
6 THE INTERNET

7 Section 1. NEW SECTION. 554H.1 **Publication and distribution**
8 **of obscene material to minors on the internet.**

9 1. For purposes of this section:

10 *a. "Covered platform"* means a commercial entity that is
11 a website for which it is in the regular course of the trade
12 or business of the entity to create, host, or make available
13 content that meets the definition of obscene material, and is
14 provided by the entity, a user, or other information content
15 provider.

16 *b. "Identifying information"* means any representation of
17 information that permits the identity of an individual to whom
18 the information applies to be reasonably inferred by either
19 direct or indirect means.

20 *c. "Interactive computer service"* means the same as defined
21 in 47 U.S.C. §230.

22 *d. "Obscene material"* means the same as defined in section
23 728.1, subsection 5.

24 2. A covered platform that publishes or distributes obscene
25 material to minors on the internet shall be held liable if the
26 platform fails to perform reasonable age verification to verify
27 the age of individuals attempting to access the material and
28 fails to prevent access by minors to the material.

29 3. Reasonable age verification required under subsection 2
30 includes any of the following age verification methods:

31 *a.* Government-issued identification.

32 *b.* Financial documents or other documents that are reliable
33 proxies for age.

34 *c.* Any other commercially reasonable and reliable age
35 verification method.

1 4. Reasonable age verification required under subsection
2 2 may be conducted by a trusted third party other than the
3 covered platform to verify age and may employ cryptographic
4 techniques such as zero knowledge proofs to preserve anonymity
5 and protect privacy.

6 5. A covered platform or third party that performs the
7 required age verification shall not retain any identifying
8 information of the individual after access has been granted to
9 the material.

10 6. Any covered platform that violates the provisions of
11 this section shall be subject to civil liability for damages
12 resulting from a minor's access to obscene material or from
13 the retention of identifying information and shall include
14 reasonable attorney fees and costs.

15 7. This section shall not be construed to impose civil
16 liability on a user of an interactive computer service on the
17 internet.

18 8. The requirements of this section shall be enforced
19 exclusively through private civil actions. No direct or
20 indirect enforcement of this section may be taken or threatened
21 by the state or any political subdivision thereof.

22 DIVISION II

23 SOCIAL MEDIA PARENTAL AUTHORIZATION ACT

24 Sec. 2. NEW SECTION. 554I.1 Short title.

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

27 Sec. 3. NEW SECTION. 554I.2 Definitions.

28 As used in this chapter, unless the context otherwise
29 requires:

30 1. "*Data*" means individually identifiable information about
31 a person collected online including but not limited to:

32 a. A first and last name.

33 b. A home or other physical address including street name
34 and the name of the city or town.

35 c. Online contact information.

- 1 *d.* A screen or user name that functions in the same manner
2 as online contact information.
- 3 *e.* A telephone number.
- 4 *f.* A social security number.
- 5 *g.* A persistent identifier that can be used to recognize a
6 user over time and across different internet sites or online
7 services including but not limited to a customer number held in
8 a cookie, an internet protocol address, a processor or device
9 serial number, or unique device identifier.
- 10 *h.* A photograph, video, or audio file that contains a
11 minor's image or voice.
- 12 *i.* Geolocation information sufficient to a street name and
13 the name of a city or town.
- 14 *j.* Information concerning the minor or the parent or legal
15 guardian of that minor that the operator collects online from
16 the minor and combines with other data described in this
17 subsection.

18 2. "*Minor*" means an individual under the age of eighteen who
19 currently resides in Iowa.

20 3. "*Parental authorization*" means all of the following:

21 *a.* A written statement signed by both a minor and the
22 minor's parent or legal guardian that authorizes the minor to
23 create an account on a social media platform.

24 *b.* A digital authorization by a parent or a legal guardian
25 of a minor that authorizes the minor to create an account
26 on a social media platform if the social media platform
27 has previously verified that the account granting parental
28 authorization belongs to the parent or legal guardian of the
29 minor seeking parental authorization.

30 4. "*Social media company*" means a company that operates a
31 social media platform.

32 5. *a.* "*Social media platform*" means an internet site or
33 application that is open to the public and that allows a user
34 to create an account and do all of the following:

35 (1) Create personal profiles or accounts that include the

1 person's name, age, location, and other personal information.

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

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

7 (4) Send private messages to other social media platform
8 users.

9 (5) Create groups for the purpose of communicating about
10 shared interests.

11 b. "Social media platform" does not include an online
12 service, website, or application where the predominate or
13 exclusive function is interactive gaming, virtual gaming, or
14 an online service that allows the creation and uploading of
15 content for the purpose of interactive gaming, educational
16 entertainment, or associated entertainment, and the
17 communication related to such content.

18 6. "User" means an individual who uses a social media
19 platform.

20 Sec. 4. NEW SECTION. 554I.3 Parental authorization
21 requirements.

22 1. A social media company shall not permit a minor to be
23 an account holder on the social media company's social media
24 platform unless the social media company has received prior
25 express parental authorization. A social media company may
26 rely on a reasonable representation of authority by a parent
27 or legal guardian allowing a minor to be an authorized account
28 holder.

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

32 3. A social media company shall not collect, transfer,
33 transmit, image, or retain any data from or regarding a minor
34 if the minor has not received parental authorization for the
35 minor to be an account holder on the social media company's

1 social media platform in accordance with subsection 1.

2 4. Notwithstanding any other provision of this chapter, a
3 social media company shall not permit a minor to create, use,
4 or hold an account on the social media company's social media
5 platform if the minor is prohibited from creating, using, or
6 holding an account on a social media platform under any other
7 provision of state or federal law.

8 5. A social media company shall provide a parent or guardian
9 who has granted parental authorization under subsection 1 with
10 a password or other means to access the account of the minor,
11 which shall allow the parent or guardian to do all of the
12 following:

13 a. View all posts created by the minor on the social media
14 platform.

15 b. View all messages sent by, and responses received by, the
16 minor on the social media platform.

17 c. Control the privacy and account settings of the minor's
18 account on the social media platform.

19 d. Monitor and limit the amount of time the minor may spend
20 using the social media platform.

21 Sec. 5. NEW SECTION. 554I.4 Enforcement — penalties.

22 If the attorney general has reasonable belief that a social
23 media company is in violation of this chapter, the attorney
24 general may bring a civil action to provide for civil penalties
25 in an amount not more than one thousand dollars for each
26 violation of this chapter.

27 Sec. 6. NEW SECTION. 554I.5 Private right of action.

28 A person harmed by a violation of this chapter by a social
29 media company may bring a civil action in the district court
30 in which the person resides and, upon a finding that a social
31 media company violated this chapter, a district court may order
32 any of the following:

33 1. Damages in an amount equal to the greater of either ten
34 thousand dollars for each violation or, if the court determines
35 that the social media company's violation was the direct cause

1 of the harm, the amount of actual damages for any financial,
2 physical, and emotional harm to the person bringing the action.

3 2. Punitive damages.

4 3. Reasonable attorney fees and court costs.

5 Sec. 7. NEW SECTION. 554I.6 Rules.

6 The attorney general shall adopt rules pursuant to chapter
7 17A to administer this chapter, including but not limited to
8 rules to establish all of the following:

9 1. Processes or means by which a social media company can
10 comply with the parental authorization requirements under
11 section 554H.3.

12 2. Acceptable forms or methods of parental authorization.

13 3. Processes to confirm that a social media company has
14 received parental authorization under section 554H.3 for each
15 minor that has created an account on the social media company's
16 social media platform.

17 Sec. 8. APPLICABILITY. This division of this Act applies to
18 a social media company operating on or after the effective date
19 of this Act.>

20 2. Title page, by striking lines 1 and 2 and inserting <An
21 Act relating to the publication or distribution of obscene
22 material to minors on the internet, age verification, and
23 parental authorization for minors to create accounts on social
24 media platforms, providing civil penalties, and including
25 applicability provisions.>

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