

House File 864 - Enrolled

House File 864

AN ACT

REQUIRING PERSONS WHO OPERATE CERTAIN INTERNET SITES,
APPLICATIONS, OR A SEGMENT OF AN INTERNET SITE OR
APPLICATION THAT CONTAINS MATERIAL PORNOGRAPHIC FOR MINORS
TO PERFORM REASONABLE AGE VERIFICATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 554J.1 Definitions.

For purposes of this chapter:

1. "*Application*" means a software application or electronic service that a user may run or direct on a mobile device.
2. "*Commercial entity*" means a legally recognized business entity.
3. "*Digital identification*" means information stored on a digital network that may be accessed by a commercial entity and that serves as proof of the identity of an individual.
4. "*Interactive computer service*" means the same as defined in 47 U.S.C. §230.
5. "*Minor*" means an individual under eighteen years of age.

6. "*Mobile device*" means a device described by all of the following:

- a. The device is small enough to be held and operated in hand.
- b. The device provides a cellular or wireless connection to the internet.
- c. The device has the ability to run an application.

7. "*News-gathering organization*" means any of the following:

a. An employee of a newspaper, news publication, or other commercial entity with the primary purpose of serving as a source of current news and public interest stories, who is acting within the course and scope of that employment and can provide documentation of that employment.

b. An employee of a radio broadcast station, television broadcast station, cable television operator, or wire service who is acting within the course and scope of that employment and can provide documentation of that employment.

8. "*Pornographic for minors*" means material or a performance described by all of the following:

a. The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors.

b. The material or performance depicts nudity, sexual conduct, the condition of human genitals when in a state of sexual stimulation or arousal, or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors.

c. The material or performance, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

9. "*Provider*" means all of the following:

- a. An internet service provider.
- b. A cloud service provider.
- c. A wireless service provider.
- d. An internet search engine.
- e. An information service as defined in 47 U.S.C. §153.
- f. A telecommunications service as defined in 47 U.S.C.

§153.

g. A cable service as defined in 47 U.S.C. §522.

h. An affiliate or a subsidiary of an entity listed in paragraphs “a” through “g”.

10. “*Substantial portion*” means thirty-three percent or more of the total amount of data publicly available on an internet site or application.

11. “*Transactional data*” means a sequence of information that documents an exchange, agreement, or transfer between an individual, commercial entity, or third party.

Sec. 2. NEW SECTION. 554J.2 Age verification.

1. A person shall not operate an internet site, an application, or a segment of an internet site or application, including on a social media platform, that contains a substantial portion of content pornographic for minors unless the person uses reasonable age verification to prevent minors from accessing such content.

2. Reasonable age verification shall include any of the following:

a. Requiring an individual to provide digital identification.

b. A method that is commercially reasonable given a person’s scope of business and that relies on transactional data to verify an individual’s age.

c. A method approved by the attorney general by rule.

3. A person that performs reasonable age verification under this section, including a third party that contracts with a person to perform reasonable age verification for the person, shall not retain, sell, lease, or otherwise disseminate any identifying information of an individual subject to reasonable age verification unless retention or dissemination of the identifying information is required by law or a court order.

4. A person that performs reasonable age verification under this section, including a third party that contracts with a person to perform reasonable age verification for the person, shall use reasonable methods given the person’s scope of business to secure all data collected and transmitted under this section.

Sec. 3. NEW SECTION. 554J.3 Limitations.

1. This chapter shall not apply to any of the following:
 - a. A bona fide news or public interest broadcast, news recording, report, or event.
 - b. A news-gathering organization.
 - c. An internet service provider, an internet service provider's affiliates and subsidiaries, a search engine, or a cloud service provider solely for providing access or connection to an internet site or other information or content on the internet, in a facility, on a system, or on a network not under the internet service provider's, affiliate's, subsidiary's, search engine's, or cloud service provider's control. This subsection shall not apply if the internet service provider, affiliate, subsidiary, search engine, or cloud service provider was responsible for the creation of the content pornographic for minors.

2. This chapter shall not be construed to impose liability on a user of an interactive computer service on the internet.

3. This chapter shall not be construed to impose liability on a provider solely for providing access or connection to an internet site, system, or network that contains material pornographic for minors provided that the internet site, system, or network is not under the provider's control. For purposes of this subsection, "access or connection" includes but is not limited to transmitting, downloading, providing intermediate storage for, and providing access software for data.

Sec. 4. NEW SECTION. 554J.4 Enforcement and penalties.

1. The attorney general shall enforce this chapter, seek injunctions for violations of this chapter, and bring actions against a person thought to be in violation of this chapter.

2. Each time an individual accesses an internet site or application not in compliance with this chapter shall constitute a separate violation.

3. a. A violation of this chapter is punishable by a civil penalty of up to one thousand dollars per violation. A person in violation of this chapter shall not accrue civil penalties of more than ten thousand dollars in a single day.

b. Civil penalties collected under this section shall be deposited into the general fund of the state.

Sec. 5. NEW SECTION. 554J.5 Rules.

The attorney general shall adopt rules pursuant to chapter 17A to implement and administer this chapter.

PAT GRASSLEY
Speaker of the House

AMY SINCLAIR
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 864, Ninety-first General Assembly.

MEGHAN NELSON
Chief Clerk of the House

Approved _____, 2026

KIM REYNOLDS
Governor