

House File 2523 - Introduced

HOUSE FILE 2523
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2255)

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. "*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 and do all of the following:

24 a. Create personal profiles or accounts that include the
25 person's name, age, location, and other personal information.

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

29 c. Facilitate public access to content, including text,
30 images, videos, internet site links, or any other information.

31 d. Send private messages to other social media platform
32 users.

33 e. Create groups for the purpose of communicating about
34 shared interests.

35 5. "*User*" means an individual who uses a social media

1 platform.

2 Sec. 3. NEW SECTION. **554H.3 Parental authorization**
3 **requirements.**

4 1. A social media company shall not permit a minor to be
5 an account holder on the social media company's social media
6 platform unless the social media company has received prior
7 express parental authorization.

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

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

16 4. Notwithstanding any other provision of this chapter, a
17 social media company shall not permit a minor to create, use,
18 or hold an account on the social media company's social media
19 platform if the minor is prohibited from creating, using, or
20 holding an account on a social media platform under any other
21 provision of state or federal law.

22 5. A social media company shall provide a parent or guardian
23 who has granted parental authorization under subsection 1 with
24 a password or other means to access the account of the minor,
25 which shall allow the parent or guardian to do all of the
26 following:

27 *a.* View all posts created by the minor on the social media
28 platform.

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

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

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

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

1 If the attorney general has reasonable belief that a social
2 media company is in violation of this chapter, the attorney
3 general may bring a civil action to provide for civil penalties
4 in an amount not more than one thousand dollars for each
5 violation of this chapter.

6 Sec. 5. NEW SECTION. 554H.5 Private right of action.

7 A person harmed by a violation of this chapter by a social
8 media company may bring a civil action in the district court
9 in which the person resides and, upon a finding that a social
10 media company violated this chapter, a district court may order
11 any of the following:

- 12 1. Damages in an amount equal to the greater of either ten
13 thousand dollars for each violation or, if the court determines
14 that the social media company's violation was the direct cause
15 of the harm, the amount of actual damages for any financial,
16 physical, and emotional harm to the person bringing the action.
- 17 2. Punitive damages.
- 18 3. Reasonable attorney fees and court costs.

19 Sec. 6. NEW SECTION. 554H.6 Rules.

20 The attorney general shall adopt rules pursuant to chapter
21 17A to administer this chapter, including but not limited to
22 rules to establish all of the following:

- 23 1. Processes or means by which a social media company can
24 comply with the parental authorization requirements under
25 section 554H.3.
- 26 2. Acceptable forms or methods of parental authorization.
- 27 3. Processes to confirm that a social media company has
28 received parental authorization under section 554H.3 for each
29 minor that has created an account on the social media company's
30 social media platform.

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

33

EXPLANATION

34 The inclusion of this explanation does not constitute agreement with
35 the explanation's substance by the members of the general assembly.

1 This bill relates to parental authorization for minors to
2 create accounts on social media platforms.

3 The bill requires a social media company (company) to
4 obtain parental authorization before permitting a minor
5 to create an account on the company's platform, and, upon
6 request, to allow a parent or guardian to revoke or rescind the
7 grant of parental authorization at any time. "Social media
8 company", "parental authorization", "minor", and "social media
9 platform" are defined in the bill. The bill prohibits the
10 collection, transfer, transmission, imaging, or retention of
11 data related to a minor by a company if the company has not
12 received parental authorization, and prohibits a company from
13 allowing a minor to create or use an account on the social
14 media platform if the minor is prohibited from doing so by any
15 other provision of state or federal law. The bill requires
16 a company to provide a parent or guardian who has granted
17 parental authorization with a password or other means to access
18 the account of the minor to allow the parent or guardian to
19 view all posts created by the minor, view all messages and
20 responses sent or received by the minor, control the privacy
21 and account settings of the minor's account, and monitor and
22 limit the amount of time the minor may spend using the social
23 media platform.

24 The bill permits the attorney general to bring a civil
25 action for a violation of the bill and the court to assess a
26 civil penalty against a company of up to \$1,000 per violation.
27 A person harmed by a company's violation of the bill may
28 bring a civil action in district court and, upon a finding
29 that a company violated the bill, a district court may order
30 damages in an amount equal to the greater of either \$10,000
31 for each violation, or the amount of actual damages for any
32 financial, physical, and emotional harm to the person if the
33 court determines that the company's violation was the direct
34 cause of the harm. The court may also order punitive damages,
35 reasonable attorney fees, and court costs.

1 The attorney general shall adopt rules to administer the
2 bill, including but not limited to rules to establish the
3 processes or means by which a company can comply with the
4 parental authorization requirements, acceptable forms or
5 methods of parental authorization, and the processes to confirm
6 that a company has received parental authorization for each
7 minor that has created an account on the platform.

8 The bill applies to a company operating in the state on or
9 after the effective date of the bill.