

Senate File 2213 - Introduced

SENATE FILE 2213

BY SALMON

A BILL FOR

1 An Act relating to minors using mobile devices, including
2 protections for minors and civil liability.

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

1 Section 1. NEW SECTION. 554H.1 Definitions.

2 As used in this chapter, unless the context requires
3 otherwise:

4 1. "*Activate*" means the process of powering on a device and
5 associating the device with a new user account.

6 2. "*Device*" means a tablet or a smartphone manufactured on
7 or after January 1, 2025.

8 3. "*Filter*" means software installed on a device that is
9 capable of preventing the device from accessing or displaying
10 obscene material as defined by state law through internet
11 website or search engines through mobile data networks, wired
12 internet networks, and wireless internet networks.

13 4. "*Internet*" means the global information system that
14 is logically linked together by a globally unique address
15 space based on the internet protocol, or its subsequent
16 extensions, and that is able to support communications using
17 the transmission control protocol or internet protocol suite,
18 or its subsequent extensions, or other internet protocol
19 compatible protocols, and that provides, uses, or makes
20 accessible, either publicly or privately, high-level services
21 layered on communications and related infrastructure.

22 5. "*Manufacturer*" means a person or company that meets all
23 of the following:

24 a. Is engaged in the business of manufacturing a device.

25 b. Holds the patents for the device the person or company
26 manufactures.

27 c. Has a commercial designated registered agent as required
28 by Title XII.

29 6. "*Minor*" means the same as defined in section 728.1.

30 7. "*Obscene*" means the same as "*obscene material*" as defined
31 in section 728.1.

32 8. "*Password*" means a string of characters or other secure
33 method used to enable, deactivate, modify, or uninstall a
34 filter on a device.

35 9. "*Reasonable age verification measures*" means any of the

1 following:

2 a. State-issued driver's license.

3 b. State-issued identification.

4 c. Government identification card.

5 d. Military identification card.

6 e. Credit cards, not including cards that do not require the
7 individual in ownership of the account to be eighteen years of
8 age or older.

9 f. Debit cards, not including cards that do not require the
10 individual in ownership of the account to be eighteen years of
11 age or older.

12 g. Bank account information.

13 h. Any other means or method that reliably and accurately
14 can determine a user of a covered platform is a minor and
15 prevent access by minors to the content on a covered platform.

16 10. "Smartphone" means an electronic device that combines
17 a cell phone with a hand-held computer, typically offering
18 internet access through a browser or search engine, data
19 storage, text, and electronic mail capabilities.

20 11. "Tablet" means an internet-ready device equipped with an
21 operating system, touchscreen display, rechargeable battery,
22 and the ability to support access to a cellular network.

23 Sec. 2. NEW SECTION. 554H.2 Filter required.

24 All devices activated in the state must do all of the
25 following:

26 1. Contain a filter.

27 2. Determine the age of the user during activation and
28 account setup.

29 3. Automatically activate the age verification filter for
30 minor users.

31 4. Allow a password to be established for the filter.

32 5. Notify the user of the device when the filter blocks the
33 device from accessing a website.

34 6. Give the user with a password the opportunity to
35 deactivate and reactivate the filter.

1 Sec. 3. NEW SECTION. **554H.3 Manufacturer liability.**

2 1. A manufacturer of a device shall be subject to civil
3 liability under this chapter if all of the following are true:

4 *a.* The device is activated in this state.

5 *b.* The device does not, upon activation, enable a filter
6 that complies with the requirements described in section
7 554H.2.

8 *c.* A minor accesses material that is obscene on the device.

9 2. Notwithstanding subsection 1, a manufacturer that makes
10 a good faith effort to provide a device that, upon activation
11 of the device in this state, automatically enables a generally
12 accepted and commercially reasonable filter that blocks obscene
13 content on all internet browsers or search engines accessed on
14 the device shall not be civilly liable under this chapter.

15 3. This chapter shall not be construed to create a cause of
16 action against the retailer of a device.

17 Sec. 4. NEW SECTION. **554H.4 Individual liability.**

18 With the exception of the minor's parent or legal guardian,
19 any person may be liable in a civil action for enabling the
20 password to remove the filter on a device in the possession of
21 the minor if the minor accesses obscene material on the device.

22 Sec. 5. NEW SECTION. **554H.5 Proceedings by the attorney**
23 **general.**

24 1. Whenever the attorney general has reason to believe
25 that a person violated or is violating the provisions of this
26 chapter, the attorney general, acting in the public interest,
27 may bring an action in the name of the state against such
28 person to do any of the following:

29 *a.* To enjoin any action that constitutes a violation of this
30 chapter by the issuance of a temporary restraining order or
31 preliminary or permanent injunction.

32 *b.* To recover from the alleged violator a civil penalty
33 not to exceed five thousand dollars per violation, and not
34 to exceed a total of fifty thousand dollars in aggregate, as
35 determined by the court.

1 *c.* To recover from the alleged violator the attorney
2 general's reasonable expenses, investigative costs, and
3 attorney fees.

4 *d.* To obtain other appropriate relief as provided for under
5 this chapter.

6 2. The attorney general, in addition to other powers
7 conferred by this chapter, may issue subpoenas to any person
8 and conduct hearings in aid of any investigation or inquiry.

9 3. The attorney general may seek the revocation of any
10 license or certificate authorizing a manufacturer to engage in
11 business in this state.

12 4. For purposes of assessing a penalty under this section,
13 a manufacturer is considered to have committed a separate
14 violation for each device manufactured on or after January 1,
15 2025, that violates the provisions of section 554H.3.

16 Sec. 6. NEW SECTION. **554H.6 Civil action by parents or**
17 **legal guardians.**

18 1. Any parent or legal guardian of a minor that accesses
19 obscene content in violation of section 554H.2 may bring a
20 private cause of action in any court of competent jurisdiction
21 against a manufacturer who failed to comply with section
22 554H.2. A prevailing plaintiff may recover any of the
23 following:

24 *a.* Actual damages, or in the alternative, in the discretion
25 of the court where actual damages are difficult to ascertain
26 due to the nature of the injury, liquidated damages in the
27 amount of fifty thousand dollars for each violation.

28 *b.* When a violation is found to have been done knowingly
29 and willfully, punitive damages in an amount determined by the
30 court.

31 *c.* Nominal damages.

32 *d.* Such other relief as the court deems appropriate,
33 including court costs and expenses.

34 *e.* Reasonable attorney fees against a violating
35 manufacturer.

1 2. This section shall not preclude the bringing of a class
2 action lawsuit against a manufacturer where the manufacturer's
3 conduct in violation of section 554H.2 is done knowingly and
4 willfully.

5 3. A parent or legal guardian of a child may bring an action
6 in a court of competent jurisdiction against any person who is
7 not the parent or legal guardian of the child and who disables
8 the filter from a device in the possession of the child which
9 results in the child's exposure to obscene content.

10 EXPLANATION

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

13 This bill relates to minors using mobile devices, including
14 protections for minors and providing civil and criminal
15 penalties.

16 The bill establishes filter requirements for minors and
17 enforcement mechanisms for smartphones, tablets, and other
18 devices. The bill requires that based on the age established
19 during device activation and account setup, automatically
20 activate filters on devices for minors during activation. The
21 bill allows the filter to be deactivated by use of a password.
22 The bill provides that any adult who is not a parent or legal
23 guardian shall not deactivate the filter for a minor. The bill
24 applies only to devices manufactured on or after January 1,
25 2025.

26 The bill allows the attorney general to bring civil action
27 suits against manufactures of devices that do not comply with
28 the bill. The bill also allows private civil actions by
29 parents or guardians of a minor against manufacturers who fail
30 to comply with the bill. The bill details the civil remedies
31 available against a manufacturer that violates the provisions
32 of the bill.