

**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.

