

**House File 2274 - Introduced**

HOUSE FILE 2274  
BY GUSTOFF

**A BILL FOR**

1 An Act requiring persons who operate certain internet sites,  
2 applications, or a segment of an internet site or application  
3 that contains material pornographic for minors to perform  
4 reasonable age verification.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

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

2 For purposes of this chapter:

3 1. "*Application*" means a software application or electronic  
4 service that a user may run or direct on a mobile device.

5 2. "*Commercial entity*" means a legally recognized business  
6 entity.

7 3. "*Digital identification*" means information stored on a  
8 digital network that may be accessed by a commercial entity and  
9 that serves as proof of the identity of an individual.

10 4. "*Minor*" means an individual under eighteen years of age.

11 5. "*Mobile device*" means a device described by all of the  
12 following:

13 a. The device is small enough to be held and operated in  
14 hand.

15 b. The device provides a cellular or wireless connection to  
16 the internet.

17 c. The device has the ability to run an application.

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

19 a. A newspaper, news publication, or other commercial entity  
20 with the primary purpose of serving as a source of current news  
21 and public interest stories, regardless of the primary format on  
22 which the entity publishes news.

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

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

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

34 a. The average person, applying contemporary community  
35 standards, would find that the material or performance, taken as

1 a whole, has a tendency to cater or appeal to a prurient interest  
2 of minors.

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

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

12 8. "*Substantial portion*" means thirty-three percent or more  
13 of the total amount of data publicly available on an internet  
14 site.

15 9. "*Transactional data*" means a sequence of information  
16 that documents an exchange, agreement, or transfer between an  
17 individual, commercial entity, or third party.

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

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

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

27 a. Requiring an individual to provide digital identification.

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

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

32 3. A person that performs reasonable age verification under  
33 this section, including a third party that contracts with a  
34 person to perform reasonable age verification for the person,  
35 shall not retain any identifying information of an individual

1 subject to reasonable age verification unless retention of the  
2 identifying information is required by law or a court order.

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

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

9 This chapter shall not apply to any of the following:

10 1. A bona fide news or public interest broadcast, news  
11 recording, report, or event.

12 2. A news-gathering organization.

13 3. An internet service provider, an internet service  
14 provider's affiliates and subsidiaries, a search engine, or a  
15 cloud service provider solely for providing access or connection  
16 to an internet site or other information or content on the  
17 internet, in a facility, on a system, or on a network not  
18 under the internet service provider's, affiliate's, subsidiary's,  
19 search engine's, or cloud service provider's control. This  
20 subsection shall not apply if the internet service provider,  
21 affiliate, subsidiary, search engine, or cloud service provider  
22 was responsible for the creation of the content pornographic for  
23 minors.

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

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

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

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

35 b. Civil penalties collected under this section shall be

1 deposited into the general fund of the state.

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

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

5 EXPLANATION

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

8 This bill requires persons who operate certain internet sites  
9 (sites), applications (apps), or a segment of a site or an app to  
10 perform reasonable age verification.

11 The bill defines "application", "commercial entity", "digital  
12 identification", "minor", "mobile device", "news-gathering  
13 organization", "pornographic for minors", "substantial portion",  
14 and "transactional data".

15 The bill prohibits a person from operating a site, an  
16 app, or a segment of a site or an app, including on a  
17 social media platform, that contains a substantial portion of  
18 content pornographic for minors unless the person uses reasonable  
19 age verification to prevent minors from accessing the content  
20 pornographic for minors. Reasonable age verification includes  
21 requiring an individual to provide digital identification; a  
22 method that is commercially reasonable given the person's scope  
23 of business and that relies on transactional data to verify an  
24 individual's age; or a method approved by the attorney general by  
25 rule.

26 The bill prohibits a person that performs reasonable age  
27 verification under the bill, including a third party that  
28 contracts with a person to perform reasonable age verification  
29 for the person, from retaining any identifying information of  
30 an individual subject to reasonable age verification unless  
31 retention of the identifying information is required by law or  
32 a court order.

33 The bill requires a person that performs reasonable age  
34 verification under the bill, including a third party that  
35 contracts with a person to perform reasonable age verification

1 for the person, to use reasonable methods given the person's  
2 scope of business to secure all data collected and transmitted  
3 under the bill.

4 The bill lists certain entities and situations to which the  
5 bill does not apply.

6 The bill requires the attorney general to enforce the bill,  
7 seek injunctions for violations of the bill, and bring actions  
8 against a person thought to be in violation of the bill.

9 Each time an individual accesses a site or application not in  
10 compliance with the bill constitutes a separate violation. A  
11 violation of the bill is punishable by a civil penalty of up to  
12 \$1,000 per violation. A person in violation of the bill shall  
13 not accrue civil penalties of more than \$10,000 in a single day.  
14 Civil penalties collected under the bill shall be deposited into  
15 the general fund of the state.

16 The bill requires the attorney general to adopt rules to  
17 implement and administer the bill.