

**House File 278 - Introduced**

HOUSE FILE 278  
BY KAUFMANN

**A BILL FOR**

1 An Act relating to parental authorization for minors to create  
2 accounts on social media platforms, providing civil penalties,  
3 and including applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. **554I.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. **554I.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 minor's  
11 parent or legal guardian that authorizes the minor to create an  
12 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 on a  
15 social media platform if the social media platform has previously  
16 verified that the account granting parental authorization belongs  
17 to the parent or legal guardian of the minor seeking parental  
18 authorization.

19 3. "Social media company" means a company that operates a  
20 social media platform.

21 4. a. "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 for the primary purpose of performing all of  
24 the following:

25 (1) Create personal profiles or accounts that include the  
26 person's name, age, location, and other personal information.

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

30 (3) Facilitate public access to content, including text,  
31 images, videos, internet site links, or any other information.

32 (4) Send private messages to other social media platform  
33 users.

34 (5) Create groups for the purpose of communicating about  
35 shared interests.

1     *b.* "Social media platform" does not include an online  
2 service, website, or application where the predominate or  
3 exclusive function is interactive gaming, virtual gaming, or an  
4 online service that allows the creation and uploading of content  
5 for the purpose of interactive gaming, educational entertainment,  
6 or associated entertainment, and the communication related to  
7 such content.

8     5. "User" means an individual who uses a social media  
9 platform.

10     Sec. 3. NEW SECTION.   **554I.3 Parental authorization**  
11 **requirements.**

12     1. A social media company shall not permit a minor to be  
13 an account holder on the social media company's social media  
14 platform unless the social media company has received prior  
15 express parental authorization.

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

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

24     4. Notwithstanding any other provision of this chapter, a  
25 social media company shall not permit a minor to create, use,  
26 or hold an account on the social media company's social media  
27 platform if the minor is prohibited from creating, using, or  
28 holding an account on a social media platform under any other  
29 provision of state or federal law.

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

34     *a.* View all posts created by the minor on the social media  
35 platform.

1     b. View all messages sent by, and responses received by, the  
2 minor on the social media platform.

3     c. Control the privacy and account settings of the minor's  
4 account on the social media platform.

5     d. Monitor and limit the amount of time the minor may spend  
6 using the social media platform.

7     Sec. 4. NEW SECTION.   **554I.4 Enforcement — penalties.**

8     If the attorney general has reasonable belief that a social  
9 media company is in violation of this chapter, the attorney  
10 general may bring a civil action to provide for civil penalties  
11 in an amount not more than one thousand dollars for each  
12 violation of this chapter.

13     Sec. 5. NEW SECTION.   **554I.5 Private right of action.**

14     A person harmed by a violation of this chapter by a social  
15 media company may bring a civil action in the district court in  
16 which the person resides and, upon a finding that a social media  
17 company violated this chapter, a district court may order any of  
18 the following:

19     1. Damages in an amount equal to the greater of either ten  
20 thousand dollars for each violation or, if the court determines  
21 that the social media company's violation was the direct cause  
22 of the harm, the amount of actual damages for any financial,  
23 physical, and emotional harm to the person bringing the action.

24     2. Punitive damages.

25     3. Reasonable attorney fees and court costs.

26     Sec. 6. NEW SECTION.   **554I.6 Rules.**

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

30     1. Processes or means by which a social media company can  
31 comply with the parental authorization requirements under section  
32 554I.3.

33     2. Acceptable forms or methods of parental authorization.

34     3. Processes to confirm that a social media company has  
35 received parental authorization under section 554I.3 for each

1 minor that has created an account on the social media company's  
2 social media platform.

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

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 relates to parental authorization for minors to  
9 create accounts on social media platforms.

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

30 The bill permits the attorney general to bring a civil action  
31 for a violation of the bill and the court to assess a civil  
32 penalty against a company of up to \$1,000 per violation. A  
33 person harmed by a company's violation of the bill may bring a  
34 civil action in district court and, upon a finding that a company  
35 violated the bill, a district court may order damages in an

1 amount equal to the greater of either \$10,000 for each violation,  
2 or the amount of actual damages for any financial, physical, and  
3 emotional harm to the person if the court determines that the  
4 company's violation was the direct cause of the harm. The court  
5 may also order punitive damages, reasonable attorney fees, and  
6 court costs.

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

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

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