

House File 62 - Introduced

HOUSE FILE 62
BY WILLS

A BILL FOR

1 An Act relating to obscene material available on devices and
2 imposing civil liability on certain entities who publish or
3 distribute obscene material on the internet.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. **554I.1 Publication and distribution**
2 **of obscene material on the internet — age verification.**

3 1. For purposes of this chapter:

4 a. "*Interactive computer service*" means the same as that term
5 is defined in 47 U.S.C. §230.

6 b. "*Obscene material*" means the same as defined in section
7 728.1.

8 2. A commercial entity that knowingly or intentionally
9 publishes or distributes obscene material on the internet shall
10 verify that any person attempting to access obscene material is
11 not a minor through the use of any of the following:

12 a. A commercially available database that is regularly used
13 by businesses or governmental entities for the purpose of age and
14 identity verification.

15 b. Another commercially reasonable method of age and identity
16 verification.

17 3. A commercial entity that violates the provisions of this
18 section shall be subject to civil liability for damages resulting
19 from a minor's access to obscene material and reasonable attorney
20 fees and costs.

21 4. This section shall not be construed to impose civil
22 liability on a provider or user of an interactive computer
23 service on the internet.

24 EXPLANATION

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

27 This bill creates civil liability for commercial entities
28 who publish or distribute obscene material on the internet that
29 is accessed by minors. The bill requires a commercial entity
30 that knowingly or intentionally publishes or distributes obscene
31 material on the internet to use reasonable age verification
32 methods to verify that the individual attempting to access the
33 material is not a minor. A commercial entity that is found in
34 violation shall be civilly liable to an individual for damages
35 resulting from a minor's access to the material, including court

1 costs and reasonable attorney fees as ordered by the court. The
2 bill does not impose civil liability on a provider or user of an
3 interactive computer service on the internet.

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