

House File 798 - Introduced

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BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 278)

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. "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 a. Create personal profiles or accounts that include the
26 person's name, age, location, and other personal information.

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

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

32 d. Send private messages to other social media platform
33 users.

34 e. Create groups for the purpose of communicating about
35 shared interests.

1 5. "User" means an individual who uses a social media
2 platform.

3 Sec. 3. NEW SECTION. **554I.3 Parental authorization**
4 **requirements.**

5 1. A social media company shall not permit a minor to be
6 an account holder on the social media company's social media
7 platform unless the social media company has received prior
8 express parental authorization.

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

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

17 4. Notwithstanding any other provision of this chapter, a
18 social media company shall not permit a minor to create, use,
19 or hold an account on the social media company's social media
20 platform if the minor is prohibited from creating, using, or
21 holding an account on a social media platform under any other
22 provision of state or federal law.

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

27 a. View all posts created by the minor on the social media
28 platform.

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

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

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

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

1 If the attorney general has reasonable belief that a social
2 media company is in violation of this chapter, the attorney
3 general may bring a civil action to provide for civil penalties
4 in an amount not more than one thousand dollars for each
5 violation of this chapter.

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

7 A person harmed by a violation of this chapter by a social
8 media company may bring a civil action in the district court in
9 which the person resides and, upon a finding that a social media
10 company violated this chapter, a district court may order any of
11 the following:

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

17 2. Punitive damages.

18 3. Reasonable attorney fees and court costs.

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

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

23 1. Processes or means by which a social media company can
24 comply with the parental authorization requirements under section
25 554I.3.

26 2. Acceptable forms or methods of parental authorization.

27 3. Processes to confirm that a social media company has
28 received parental authorization under section 554I.3 for each
29 minor that has created an account on the social media company's
30 social media platform.

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

33 **EXPLANATION**

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

1 This bill relates to parental authorization for minors to
2 create accounts on social media platforms.

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

23 The bill permits the attorney general to bring a civil action
24 for a violation of the bill and the court to assess a civil
25 penalty against a company of up to \$1,000 per violation. A
26 person harmed by a company's violation of the bill may bring a
27 civil action in district court and, upon a finding that a company
28 violated the bill, a district court may order damages in an
29 amount equal to the greater of either \$10,000 for each violation,
30 or the amount of actual damages for any financial, physical, and
31 emotional harm to the person if the court determines that the
32 company's violation was the direct cause of the harm. The court
33 may also order punitive damages, reasonable attorney fees, and
34 court costs.

35 The attorney general shall adopt rules to administer the

1 bill, including but not limited to rules to establish the
2 processes or means by which a company can comply with the
3 parental authorization requirements, acceptable forms or methods
4 of parental authorization, and the processes to confirm that a
5 company has received parental authorization for each minor that
6 has created an account on the platform.

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

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