

Senate File 181 - Introduced

SENATE FILE 181
BY ALONS

A BILL FOR

1 An Act establishing requirements related to electronic resources
2 provided by postsecondary schools, public libraries, schools,
3 and state agencies to students enrolled in kindergarten
4 through grade twelve, providing penalties, and including
5 effective date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **256J.1 Electronic resources**
2 **provided to students — requirements.**

3 1. As used in this section:

4 a. "*Educational receiver*" means all of the following:

5 (1) A postsecondary school.

6 (2) A public library.

7 (3) A school.

8 (4) A state agency.

9 b. "*Electronic resource*" means digital database resources,
10 internet-based database resources, digital instructional
11 materials, digital instructional subscriptions, internet-based
12 instructional materials, and internet-based instructional
13 subscriptions.

14 c. "*Obscene material*" means the same as defined in section
15 728.1.

16 d. "*Postsecondary school*" means all of the following:

17 (1) A community college established under chapter 260C.

18 (2) An institution of higher education under the state board
19 of regents.

20 (3) An accredited private institution as defined in section
21 256.183.

22 e. "*Provider*" means a person, vendor, or any other entity
23 that provides electronic resources, including free electronic
24 resources, to an educational receiver.

25 f. "*Public library*" means all of the following:

26 (1) A library established by city ordinance.

27 (2) A library district as provided in chapter 336.

28 g. "*School*" means all of the following:

29 (1) A school district organized pursuant to chapter 274.

30 (2) A nonpublic school as defined in section 280.2.

31 (3) A charter school established pursuant to chapter 256E.

32 (4) A charter school or innovation zone school established
33 pursuant to chapter 256F.

34 h. "*State agency*" means any executive, judicial, or
35 legislative department, commission, board, institution, division,

1 bureau, office, agency, or other entity of state government.

2 i. "Visual depiction of a minor" means the same as defined in
3 section 728.12.

4 2. An educational receiver shall not offer an electronic
5 resource to a student enrolled in kindergarten through grade
6 twelve, including a free electronic resource, unless the
7 educational receiver has entered into a written agreement with
8 the provider related to the electronic resource that states
9 that the provider agrees that the electronic resource has safety
10 policies and technological protection measures that satisfy all
11 of the following requirements:

12 a. The safety policies and technological protection measures
13 prohibit a user of the electronic resource from sending,
14 receiving, viewing, uploading, or downloading materials that
15 constitute any of the following:

16 (1) Obscene materials.

17 (2) A visual depiction of a minor engaging in a prohibited
18 sexual act or the simulation of a prohibited sexual act.

19 b. The safety policies and technology protection measures
20 filter or block access to all of the following:

21 (1) Obscene materials.

22 (2) A visual depiction of a minor engaging in a prohibited
23 sexual act or the simulation of a prohibited sexual act.

24 c. The safety policies and technology protection measures
25 comply with the federal Children's Internet Protection Act,
26 Pub. L. No. 106-554.

27 d. The safety policies and technology protection measures
28 comply with 18 U.S.C. §1460 - 1470.

29 e. The safety policies and technology protection measures
30 comply with 18 U.S.C. §2252B - 2252C.

31 3. a. (1) Within fourteen days after the execution of
32 the written agreement described in subsection 2, the provider
33 shall certify to the educational receiver that the electronic
34 resource's safety policies and technology protection measures
35 satisfy all of the requirements described in subsection 2.

1 (2) If the provider fails to certify to the educational
2 receiver that the electronic resource's safety policies and
3 technology protection measures satisfy all of the requirements
4 described in subsection 2, such failure shall be deemed a breach
5 of the written agreement, and the educational receiver shall
6 immediately terminate the written agreement.

7 b. If, at any point fifteen or more days after the
8 execution of the written agreement described in subsection 2, the
9 electronic resource's safety policies and technology protection
10 measures do not satisfy any of the requirements described
11 in subsection 2, the educational receiver shall withhold any
12 payments due to the provider under the written agreement until
13 the provider certifies to the educational receiver that the
14 electronic resource's safety policies and technology protection
15 measures satisfy all of the requirements described in subsection
16 2.

17 4. a. A provider that has entered into a written agreement
18 with an educational receiver related to an electronic resource
19 shall, annually on or before June 30, provide a report to the
20 educational receiver that describes any issues the contractor
21 experienced related to the ability of the electronic resource's
22 safety policies and technological protection measures to comply
23 with the requirements of subsection 2.

24 b. The educational receiver shall provide the department of
25 education with a copy of each report provided to the educational
26 receiver under paragraph "a".

27 5. If any person believes that an electronic resource's
28 safety policies and technology protection measures do not satisfy
29 any of the requirements described in subsection 2, or that an
30 educational receiver is not complying with the requirements of
31 this section, the person may notify the attorney general of the
32 potential violation. The attorney general may bring a civil
33 action for injunctive relief against the educational receiver to
34 require the educational receiver to comply with the requirements
35 of this section. If the attorney general is the prevailing

1 party, the court shall award reasonable court costs and attorney
2 fees to the attorney general.

3 Sec. 2. Section 709.15, subsection 1, Code 2025, is amended
4 by adding the following new paragraphs:

5 NEW PARAGRAPH. 0c. "Educational receiver" means the same as
6 defined in section 256J.1.

7 NEW PARAGRAPH. 00c. "Electronic resource" means the same as
8 defined in section 256J.1.

9 NEW PARAGRAPH. 0g. "Provider" means the same as defined in
10 section 256J.1.

11 Sec. 3. Section 709.15, Code 2025, is amended by adding the
12 following new subsections:

13 NEW SUBSECTION. 4A. Sexual exploitation by an employee of
14 an educational receiver occurs when a court finds that the
15 employee offered an electronic resource to a student enrolled in
16 kindergarten through grade twelve when the educational receiver
17 had not entered into a written agreement with a provider related
18 to the electronic resource that satisfies the requirements
19 established in section 256J.1, subsection 2.

20 NEW SUBSECTION. 8. An employee of an education receiver who
21 commits sexual exploitation in violation of subsection 4A commits
22 an aggravated misdemeanor. In lieu of the sentence provided for
23 under section 903.1, subsection 2, the offender may be required
24 to attend a sexual abuser treatment program.

25 Sec. 4. EFFECTIVE DATE. This Act takes effect January 1,
26 2026.

27 **EXPLANATION**

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

30 This bill establishes requirements related to electronic
31 resources provided by postsecondary schools, public libraries,
32 schools, and state agencies to students enrolled in kindergarten
33 through grade 12.

34 The bill defines "educational receiver" to include
35 postsecondary school, public libraries, schools, and state

1 agencies. The bill defines "electronic resource" as digital
2 database resources, internet-based database resources, digital
3 instructional materials, digital instructional subscriptions,
4 internet-based instructional materials, and internet-based
5 instructional subscriptions. The bill defines "provider" to
6 mean a person, vendor, or any other entity that provides
7 electronic resources, including free electronic resources, to
8 an educational receiver. The bill also defines "obscene
9 material", "postsecondary school", "public library", "school",
10 "state agency", and "visual depiction of a minor".

11 The bill prohibits an educational receiver from offering
12 an electronic resource to a student enrolled in kindergarten
13 through grade 12, including a free electronic resource, unless
14 the educational receiver has entered into a written agreement
15 with the provider related to the electronic resource that states
16 that the provider agrees that the electronic resource has safety
17 policies and technological protection measures that satisfy the
18 requirements established in the bill.

19 The bill provides that, within 14 days after the execution
20 of the written agreement, the provider is required to certify to
21 the educational receiver that the electronic resource's safety
22 policies and technology protection measures satisfy all of the
23 requirements established in the bill. If the provider fails
24 to make this certification, such failure is deemed a breach of
25 the written agreement, and the educational receiver is required
26 to immediately terminate the written agreement. The bill also
27 provides that if, at any point 15 or more days after the
28 execution of the written agreement, the electronic resource's
29 safety policies and technology protection measures do not satisfy
30 any of the requirements established in the bill, the educational
31 receiver is required to withhold any payments due to the provider
32 until the provider certifies to the educational receiver that the
33 electronic resource's safety policies and technology protection
34 measures satisfy all of the requirements established in the bill.

35 The bill requires a provider to, annually on or before June

1 30, provide a report to the educational receiver that describes
2 any issues the contractor experienced related to the ability
3 of the electronic resource's safety policies and technological
4 protection measures to comply with the requirements established
5 in the bill. The educational receiver is required to provide the
6 department of education with a copy of such report.

7 The bill allows any person who believes that an electronic
8 resource's safety policies and technology protection measures do
9 not satisfy the requirements established in the bill, or that an
10 educational receiver is otherwise not complying with the bill's
11 requirements, to notify the attorney general of the potential
12 violation. The bill allows the attorney general to bring a civil
13 action for injunctive relief against the educational receiver
14 to require the educational receiver to comply with the bill's
15 requirements. If the attorney general is the prevailing party in
16 the civil action, the court is required to award reasonable court
17 costs and attorney fees to the attorney general.

18 The bill establishes that sexual exploitation by an employee
19 of an educational receiver occurs when a court finds that the
20 employee offered an electronic resource to a student enrolled
21 in kindergarten through grade 12 when the educational receiver
22 had not entered into a written agreement with a provider related
23 to the electronic resource that satisfies the requirements
24 established in the bill. The bill provides that such an employee
25 commits an aggravated misdemeanor. An aggravated misdemeanor is
26 punishable by confinement for no more than two years and a fine
27 of at least \$855 but not more than \$8,540. In lieu of the
28 sentence provided for under Code section 903.1(2), the offender
29 may be required to attend a sexual abuser treatment program.

30 The bill takes effect January 1, 2026.