

**House File 2606 - Introduced**

HOUSE FILE 2606  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2274)

**A BILL FOR**

1 An Act requiring persons who operate certain internet  
2 sites, applications, or a segment of an internet site or  
3 application that contains material pornographic for minors  
4 to perform reasonable age verification.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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  
22 on 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  
26 acting within the course and scope of that employment and can  
27 provide documentation of that employment.

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

1 as a whole, has a tendency to cater or appeal to a prurient  
2 interest 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  
22 substantial portion of content pornographic for minors unless  
23 the person uses reasonable age verification to prevent minors  
24 from accessing such content.

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

27     *a.* Requiring an individual to provide digital  
28 identification.

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

32     *c.* A method approved by the attorney general by rule.

33     3. A person that performs reasonable age verification under  
34 this section, including a third party that contracts with a  
35 person to perform reasonable age verification for the person,

1 shall not retain any identifying information of an individual  
2 subject to reasonable age verification unless retention of the  
3 identifying information is required by law or a court order.

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

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

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

12 1. A bona fide news or public interest broadcast, news  
13 recording, report, or event.

14 2. A news-gathering organization.

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

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

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

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

33 3. a. A violation of this chapter is punishable by a civil  
34 penalty of up to one thousand dollars per violation. A person  
35 in violation of this section shall not accrue civil penalties



1 verification under the bill, including a third party that  
2 contracts with a person to perform reasonable age verification  
3 for the person, to use reasonable methods given the person's  
4 scope of business to secure all data collected and transmitted  
5 under the bill.

6 The bill lists certain entities and situations to which the  
7 bill does not apply.

8 The bill requires the attorney general to enforce the bill,  
9 seek injunctions for violations of the bill, and bring actions  
10 against a person thought to be in violation of the bill. Each  
11 time an individual accesses a site or application not in  
12 compliance with the bill constitutes a separate violation. A  
13 violation of the bill is punishable by a civil penalty of up  
14 to \$1,000 per violation. A person in violation of the bill  
15 shall not accrue civil penalties of more than \$10,000 in a  
16 single day. Civil penalties collected under the bill shall be  
17 deposited into the general fund of the state.

18 The bill requires the attorney general to adopt rules to  
19 implement and administer the bill.