HOUSE FILE 2523
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2255)

(As Amended and Passed by the House March 6, 2024)

[= New Language by the House

* = Language Stricken by the House

A BILL FOR

An Act relating to parental authorization for minors to create accounts on social media platforms, providing civil penalties, and including applicability provisions.

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

Section 1. NEW SECTION. **554H.1 Short title.**

This chapter shall be known and may be cited as the *"Social Media Parental Authorization Act"*.

Sec. 2. NEW SECTION. **554H.2 Definitions.**

As used in this chapter, unless the context otherwise requires:

1. *"Minor"* means an individual under the age of eighteen who currently resides in Iowa.

2. *"Parental authorization"* means all of the following:

a. A written statement signed by both a minor and the minor's parent or legal guardian that authorizes the minor to create an account on a social media platform.

b. A digital authorization by a parent or a legal guardian of a minor that authorizes the minor to create an account on a social media platform if the social media platform has previously verified that the account granting parental authorization belongs to the parent or legal guardian of the minor seeking parental authorization.

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

[4. *a.* *"Social media platform"* means an internet site or application that is open to the public and that allows a user to create an account for the primary purpose of performing all of the following:

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

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

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

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

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

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

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

Sec. 3. NEW SECTION. **554H.3 Parental authorization requirements.**

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

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

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

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

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

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

platform.

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

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

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

Sec. 4. NEW SECTION. **554H.4 Enforcement — penalties.**

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

Sec. 5. NEW SECTION. **554H.5 Private right of action.**

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

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

2. Punitive damages.

3. Reasonable attorney fees and court costs.

Sec. 6. NEW SECTION. **554H.6 Rules.**

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

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

2. Acceptable forms or methods of parental authorization.

3. Processes to confirm that a social media company has

received parental authorization under section 554H.3 for each minor that has created an account on the social media company's social media platform.

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