A BILL FOR

1 An Act relating to requirements for specific digital content
2 blocking capabilities on products manufactured, distributed,
3 or sold in the state that make the internet accessible,
4 and provides for the collection and remittance of fees,
5 and provides for criminal and civil liability for certain
6 violations of the Act.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. NEW SECTION. 710B.1 Definitions.

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

1. “Consumer” means an individual who purchases a product that makes the internet accessible from a person in this state that manufactures, distributes, or sells such a product.

2. “Full or partial nudity” means the same as defined in section 708.7.

3. “Human trafficking” means the same as defined in section 710A.1.

4. “Obscene material” means the same as defined in section 728.1.

5. “Photograph or film” means the same as defined in section 708.7.

6. “Prohibited sexual act” means the same as defined in section 728.1.

7. “Revenge pornography” means a photograph or film showing another person in a state of full or partial nudity or engaged in a sex act that has been disseminated, published, distributed, or posted without the consent of the person in the photograph or film.

8. “Sex act” means the same as defined in section 702.17.

Sec. 2. NEW SECTION. 710B.2 Digital content blocking capability requirement.

A person in this state that manufactures, distributes, or sells a product that makes the internet accessible to a consumer shall not manufacture, sell, or distribute the product without an active and operating digital content blocking capability that blocks all internet sites that contain the following:

1. Obscene material.

2. Revenge pornography.

3. Sexual exploitation of a minor as described in section 728.12.

4. Promotion or facilitation of prostitution as described
in section 725.1.

5. Promotion or facilitation of human trafficking.

Sec. 3. NEW SECTION. **710B.3 Duty to maintain appropriate functioning of digital content blocking capabilities.**

A person in this state that manufactures, distributes, or sells a product that makes the internet accessible to a user of the product shall do all of the following:

1. Make reasonable and ongoing efforts to ensure proper functioning of the digital content blocking capability in all products manufactured, sold, or distributed.

2. Provide routine digital content blocking updates to a consumer who has purchased a product containing digital content blocking to ensure the ongoing quality and performance of the digital content blocking.

3. Establish a telephone call center or internet site for a consumer to report a failure of the digital content blocking requirements of this chapter or to report digital content blocking of an internet site not subject to the requirements of section 710B.2.

4. Investigate a consumer’s report of a violation of this chapter and provide the consumer an appropriate digital content blocking update within thirty days of the initial report if a violation of section 710B.2 has occurred.

5. Investigate a consumer’s report of digital content blocking of an internet site not subject to the requirements of section 710B.2 and if appropriate enable the consumer’s access to the internet site within thirty days of the initial report.

Sec. 4. NEW SECTION. **710B.4 Prohibition on digital content blocking of certain internet sites.**

A person in this state that manufactures, distributes, or sells a product that makes the internet accessible to a user of the product shall not use digital content blocking on any such product to make any of the following internet sites inaccessible:

1. A social media internet site that has an existing process...
to manage consumer complaints.

2. An internet site not specified in section 710B.2.

3. An internet site that has the primary function of serving

4. An internet site that makes movies available that are

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Sec. 5. NEW SECTION. 710B.5 Restrictions on deactivation of
digital content blocking capability.

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or sells a product that makes the internet accessible shall

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Sec. 6. NEW SECTION. 710B.6 Human trafficking and child
1 exploitation prevention fund.
2 1. A manufacturer, distributor, or seller of a product
3 that makes the internet accessible shall annually remit all
4 deactivation fees collected under section 710B.5, subsection
5 1, paragraph “e”, to the treasurer of state in the manner
6 prescribed by the treasurer of state.
7 2. A human trafficking and child exploitation prevention
8 fund is created in the state treasury as a separate fund
9 under the control of the department of justice. All moneys
10 deposited or paid into the fund pursuant to subsection 1 are
11 appropriated and made available to the department to be used
12 to provide grants to governmental and nongovernmental entities
13 and individuals involved with upholding community standards of
14 decency, strengthening families, or developing, expanding, or
15 strengthening programs for child victims of human trafficking,
16 to be used for any of the following:
17 a. Rape kit testing.
18 b. Physical and mental health services.
19 c. Temporary and permanent housing or shelter.
20 d. Employment, education, and job training.
21 e. Training for first responders and educational campaigns
22 for the public to increase awareness to prevent, and to protect
23 victims of, human trafficking, domestic violence, prostitution,
24 child abuse, and rape.
25 f. For medical examination costs pursuant to section 915.41,
26 for the department of justice’s prosecutor-based victim service
27 coordination, including the duties defined in sections 910.3
28 and 910.6, for the awarding of funds to programs that provide
29 services and support to victims of domestic abuse pursuant to
30 chapter 236, for victims of sexual abuse as provided in chapter
31 236A, for reimbursement to the Iowa law enforcement academy for
32 domestic abuse and human trafficking training, for the support
33 of an automated victim notification system pursuant to section
34 915.10A, for training for victim service providers, for victim
35 service programming, to provide training concerning homicide,
domestic assault, sexual assault, stalking, harassment, and to conduct outreach, awareness, and training on human trafficking pursuant to section 710A.6.

   g. Family counseling.

   h. Creative arts that do not contain or promote obscene material.

   i. Border security.

   j. State agency support programs assisting victims of human trafficking.

   k. To support the governor's initiatives on human trafficking, programs upholding community standards of decency, and state security.

   l. Human trafficking enforcement programs.

3. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state.

Sec. 7. NEW SECTION. 710B.7 Criminal liability.

1. A person in this state that knowingly manufactures, distributes, or sells a product that makes the internet accessible to a consumer of the product is guilty of an aggravated misdemeanor if any of the following apply:

   a. The product does not comply with section 710B.2.

   b. The person that manufactures, distributes, or sells the product provides a method, source code, or any other instruction to deactivate the digital content blocking capability of the product other than pursuant to a written request to deactivate the product.

   c. The person that manufactures, distributes, or sells the product deactivates the digital content blocking capability in a manner that violates section 710B.5.

2. Section 728.10 affirmative defense applies to this section.

Sec. 8. NEW SECTION. 710B.8 Civil cause of action and injunctive relief.

1. A consumer that purchases a product from a person in this state who violates section 710B.7 shall have a civil cause of action for relief against the person to enjoin the sale and distribution of the product and to recover punitive, consequential, and incidental damages in an amount sufficient to compensate the consumer for any loss and for an adequate punishment against the person who violated section 710B.7.
state that manufactures, distributes, or sells a product that makes the internet accessible may bring a civil action seeking relief and recover up to five hundred dollars in damages per reported failure plus reasonable attorney fees and court costs if the person’s violation is substantiated pursuant to an investigation conducted under section 710B.3, subsection 4.

2. The attorney general or county attorney may seek injunctive relief if a person in this state that manufactures, distributes, or sells a product that makes the internet accessible to a consumer of the product violates section 710B.2 or 710B.3.

3. It shall be an affirmative defense in a civil action pursuant to this section that a consumer purchased a product that makes the internet accessible from a person in this state that manufactures, distributes, or sells such a product, and the product did not digitally block content pursuant to section 710B.2 because the internet site that is not blocked is the registered domain of an institution or organization that has a scientific, educational, artistic, literary, or similar justification for making content pursuant to section 710B.2 accessible.

Sec. 9. NEW SECTION. 710B.9 Applicability.

1. This chapter applies to a person in this state that manufactures, distributes, or sells a product on or after January 1, 2020, that makes the internet accessible to a consumer.

2. This chapter does not apply to a product that makes the internet accessible to a consumer if the product was produced, sold, or purchased prior to January 1, 2020.

3. This chapter does not apply to the sale of a product that makes the internet accessible to a consumer by a person that is not regularly engaged in the business of selling products that make the internet accessible.

EXPLANATION

The inclusion of this explanation does not constitute agreement with
H.F. 313

This bill relates to requirements for specific digital content blocking capabilities on products manufactured, distributed, or sold in the state that make the internet accessible. The bill prohibits a person that manufactures, distributes, or sells such products from manufacturing, selling or distributing a product without an active and operating digital content blocking capability that blocks any internet site that contains material that is obscene or that constitutes sexual exploitation of a minor, promotion or facilitation of prostitution, promotion or facilitation of human trafficking, or revenge pornography as defined in the bill.

The bill requires such a person to make reasonable and ongoing efforts to ensure proper functioning of the digital content blocking capability, to provide routine updates for the digital content blocking to a consumer who has purchased a product containing digital content blocking, to establish a call center or internet site that allows consumers to report a failure of the digital blocking or to report blocking of an internet site that is not required to be blocked. In addition, such a person is required to investigate a consumer’s report of a failure and provide an appropriate update to the digital blocking capability within 30 days of the initial report, and to investigate any consumer report of blocking of an internet site that is not required to be blocked, and if appropriate, enable consumer access to the incorrectly blocked site within 30 days of the initial report.

The bill prohibits blocking of social media internet sites that have existing processes to manage consumer complaints or blocking of any internet site that does not contain obscene material, revenge pornography, sexual exploitation of a minor, or promote or facilitate prostitution or human trafficking. The bill also prohibits blocking an internet site that has the primary function of serving as a search engine or an internet site that makes movies available that are rated restricted or
The bill prohibits a manufacturer, distributor, or seller from sharing, selling, or distributing a method, source code, or any other instruction to deactivate the digital blocking capability unless a consumer who purchases a product submits a written request for deactivation, provides proof the consumer is age 18 or older, signs an acknowledgment that a written warning outlining the dangers of deactivation has been provided by the manufacturer, distributor, or seller, and pays a one-time $20 deactivation fee. The bill also allows a manufacturer, distributor, or a seller to charge a consumer an additional fee in order for the manufacturer, distributor, or seller to deactivate the digital content blocking capability of the product. The fee must be reasonable and the manufacturer, distributor, or seller may retain the fee. The manufacturer, distributor, or seller must annually remit all deactivation fees that are collected to the treasurer of state. The treasurer of state shall deposit all fees received into the human trafficking and child exploitation prevention fund established by the bill. All moneys deposited or paid into the fund are appropriated and made available to the department of justice to be used to provide grants to governmental and nongovernmental entities and individuals involved with upholding community standards of decency, strengthening families, or developing, expanding, or strengthening programs for child victims of human trafficking to be used for any of the activities as detailed in the bill. A person in this state that knowingly manufactures, distributes, or sells a product that makes the internet accessible is guilty of an aggravated misdemeanor if the product does not contain the required digital content blocking capabilities, or the person deactivates the digital content blocking capability in a manner other than that authorized by the bill, or the person provides a consumer who purchased a product with a method, source code, or any other instruction
to deactivate the digital blocking capability. An aggravated
misdemeanor is punishable by confinement for no more than two
years and a fine of at least $625 but not more than $6,250.
The bill provides for a civil cause of action if a person
that manufactures, distributes, or sells a product that makes
the internet accessible does not respond appropriately to a
consumer’s report of a failure of the digital content blocking
capability requirement. A consumer that purchased the product
may bring a civil action seeking relief and recover up to $500
in damages per reported failure, plus reasonable attorney fees
and court costs. The attorney general or county attorney
may seek injunctive relief if products are sold without
the required digital content blocking or the manufacturer,
distributor, or seller fails to maintain the digital content
blocking capabilities, or fails to respond as required to a
consumer complaint.
The bill makes it an affirmative defense in a civil action
asserting that a consumer purchased a product that makes
the internet accessible from a person in this state that
manufactures, distributes, or sells such a product and the
product did not digitally block content as required by the
bill, because the internet site that is not blocked is the
registered domain of an institution or organization that has
a scientific, educational, artistic, literary, or similar
justification for making the content accessible.
The bill applies to a person in this state that manufactures,
distributes, or sells a product on or after January 1, 2020,
that makes the internet accessible to a consumer. The bill
does not apply to a product that makes the internet accessible
to a consumer if the product was produced, sold, or purchased
prior to January 1, 2020. The bill also does not apply to
the sale of a product that makes the internet accessible to
a consumer by a person that is not regularly engaged in the
business of selling products that make the internet accessible.