An Act relating to requirements for specific digital content-blocking capabilities of products manufactured, distributed, or sold in the state that make the internet accessible, providing for the collection and remittance of fees, and providing for criminal and civil liability for certain violations of the Act.

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.

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 user of the product shall not manufacture, sell, or distribute the product without an active and operating digital content-blocking capability that blocks all internet sites that contain any of the following:

1. Obscene material.

2. Revenge pornography.

3. A minor engaged in a prohibited sexual act or visual depiction of sexual exploitation of a minor as described in section 728.12.

4. An unlawful act promoting or facilitating prostitution.
as described in section 725.1.
5. An unlawful act promoting or facilitating 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, distributed, or sold.
2. Provide routine digital content blocking updates to a consumer of 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 violation 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 activate or make operational digital content blocking on the product to make any of the following internet sites inaccessible:
1. A social media internet site that has an existing process to manage a complaint by a user of the site.

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

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

A person in this state that manufactures, distributes, or sells a product that makes the internet accessible shall not share, sell, or distribute a method, source code, or any other instruction to deactivate the digital content blocking capability of the product unless all of the following apply:

1. A consumer of the product submits a written request for deactivation.

2. Proof that the consumer is age eighteen or older is provided.

3. The manufacturer, distributor, or seller of the product provides the consumer with a written warning that outlines the consequences of deactivation.

4. The consumer signs an acknowledgment that a written warning has been provided.

5. The consumer pays a one-time twenty-dollar deactivation fee.

Sec. 6. NEW SECTION. 710B.6 Remittance of deactivation fees and deposit into victim compensation fund.

1. A manufacturer, distributor, or seller shall annually remit all deactivation fees collected under section 710B.5 to the treasurer of state in the manner prescribed by the treasurer of state.

2. The treasurer of state shall deposit all deactivation fees received into the victim compensation fund to be used as provided in section 915.94.

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

1. A person in this state that 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 by a consumer 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. An affirmative defense under section 728.10 applies to this section.

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

1. A consumer of a product containing digital content blocking capabilities that makes the internet accessible may bring a civil action seeking relief from a person in this state that manufactures, distributes, or sells the product and may recover up to five hundred dollars in damages per reported violation 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.

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

This chapter applies to a person in this state that manufactures, distributes, or sells a product on or after January 1, 2019, that makes the internet accessible to a user of the product.

EXPLANATION

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

This bill relates to requirements for specific digital
1 content-blocking capabilities of products manufactured,
2 distributed, or sold in the state that make the internet
3 accessible. The bill prohibits a person from manufacturing,
4 distributing, or selling a product without an active and
5 operating digital content-blocking capability that blocks
6 any internet site that contains material that is obscene or
7 that constitutes sexual exploitation of a minor, promotion
8 or facilitation of prostitution, promotion or facilitation
9 of human trafficking, or revenge pornography as defined or
10 described in the bill.
11 The bill requires such a person to make reasonable and
12 ongoing efforts to ensure proper functioning of the digital
13 content blocking capability, to provide routine updates for
14 the digital content blocking to a consumer who has a product
15 containing digital content blocking, to establish a call center
16 or internet site that allows consumers to report a violation
17 of the digital content blocking or to report blocking of an
18 internet site that is not required to be blocked. In addition,
19 such a person is required to investigate a consumer's report of
20 a violation and provide an appropriate update to the digital
21 content blocking capability within 30 days of the initial
22 report, and to investigate any consumer report of blocking of
23 an internet site that is not required to be blocked, and if
24 appropriate, enable consumer access to the incorrectly blocked
25 site within 30 days of the initial report.
26 The bill prohibits digital content blocking of social
27 media internet sites that have existing processes to manage
28 complaints from a user of the site or blocking of any
29 internet site that does not contain obscene material, revenge
30 pornography, or acts or depictions of sexual exploitation of a
31 minor, or does not promote or facilitate prostitution or human
32 trafficking.
33 The bill prohibits a manufacturer, distributor, or seller
34 from sharing, selling, or distributing a method, source code,
35 or any other instruction to deactivate the digital content
blocking capability unless a consumer of 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 consequences of deactivation has been provided by the manufacturer, distributor, or seller, and pays a one-time $20 deactivation 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 victim compensation fund to be used as provided in Code section 915.94.

A person in this state that 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 of a product with a method, source code, or any other instruction to deactivate the digital content 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 violation of the digital content blocking capability requirement. A consumer of a product may bring a civil action seeking relief and recover up to $500 in damages per reported violation, 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.
H.F. _____

1 The bill applies to a person in this state that manufactures, 
2 distributes, or sells a product on or after January 1, 2019, 
3 that makes the internet accessible to a user of the product.