

# House Study Bill 523 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
PUBLIC SAFETY BILL BY  
CHAIRPERSON BAUDLER)

## A BILL FOR

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

1 Section 1. NEW SECTION. 710B.1 Definitions.

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

4 1. "*Consumer*" means an individual who purchases a product  
5 that makes the internet accessible from a person in this state  
6 that manufactures, distributes, or sells such a product.

7 2. "*Full or partial nudity*" means the same as defined in  
8 section 708.7.

9 3. "*Human trafficking*" means the same as defined in section  
10 710A.1.

11 4. "*Obscene material*" means the same as defined in section  
12 728.1.

13 5. "*Photograph or film*" means the same as defined in section  
14 708.7.

15 6. "*Prohibited sexual act*" means the same as defined in  
16 section 728.1.

17 7. "*Revenge pornography*" means a photograph or film  
18 showing another person in a state of full or partial nudity or  
19 engaged in a sex act that has been disseminated, published,  
20 distributed, or posted without the consent of the person in the  
21 photograph or film.

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

24 A person in this state that manufactures, distributes,  
25 or sells a product that makes the internet accessible  
26 to a user of the product shall not manufacture, sell, or  
27 distribute the product without an active and operating digital  
28 content-blocking capability that blocks all internet sites that  
29 contain any of the following:

30 1. Obscene material.

31 2. Revenge pornography.

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

35 4. An unlawful act promoting or facilitating prostitution

1 as described in section 725.1.

2 5. An unlawful act promoting or facilitating human  
3 trafficking.

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

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

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

12 2. Provide routine digital content blocking updates to  
13 a consumer of a product containing digital content blocking  
14 to ensure the ongoing quality and performance of the digital  
15 content blocking.

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

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

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

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

31 A person in this state that manufactures, distributes, or  
32 sells a product that makes the internet accessible to a user  
33 of the product shall not activate or make operational digital  
34 content blocking on the product to make any of the following  
35 internet sites inaccessible:

1 1. A social media internet site that has an existing process  
2 to manage a complaint by a user of the site.

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1     a. The product does not comply with section 710B.2.
- 2     b. The person that manufactures, distributes, or sells
- 3 the product provides a method, source code, or any other
- 4 instruction to deactivate the digital content blocking
- 5 capability of the product other than pursuant to a written
- 6 request by a consumer to deactivate the product.
- 7     c. The person that manufactures, distributes, or sells the
- 8 product deactivates the digital content blocking capability in
- 9 a manner that violates section 710B.5.

10     2. An affirmative defense under section 728.10 applies to

11 this section.

12     Sec. 8. NEW SECTION.   **710B.8 Civil cause of action and**

13 **injunctive relief.**

14     1. A consumer of a product containing digital content

15 blocking capabilities that makes the internet accessible may

16 bring a civil action seeking relief from a person in this

17 state that manufactures, distributes, or sells the product

18 and may recover up to five hundred dollars in damages per

19 reported violation plus reasonable attorney fees and court

20 costs if the person's violation is substantiated pursuant to an

21 investigation conducted under section 710B.3, subsection 4.

22     2. The attorney general or county attorney may seek

23 injunctive relief if a person in this state that manufactures,

24 distributes, or sells a product that makes the internet

25 accessible to a consumer of the product violates section 710B.2

26 or 710B.3.

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

28     This chapter applies to a person in this state that

29 manufactures, distributes, or sells a product on or after

30 January 1, 2019, that makes the internet accessible to a user

31 of the product.

32                                   EXPLANATION

33                   The inclusion of this explanation does not constitute agreement with

34                   the explanation's substance by the members of the general assembly.

35     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

1 blocking capability unless a consumer of a product submits a  
2 written request for deactivation, provides proof the consumer  
3 is age 18 or older, signs an acknowledgment that a written  
4 warning outlining the consequences of deactivation has been  
5 provided by the manufacturer, distributor, or seller, and pays  
6 a one-time \$20 deactivation fee.

7 The manufacturer, distributor, or seller must annually remit  
8 all deactivation fees that are collected to the treasurer of  
9 state. The treasurer of state shall deposit all fees received  
10 into the victim compensation fund to be used as provided in  
11 Code section 915.94.

12 A person in this state that manufactures, distributes, or  
13 sells a product that makes the internet accessible is guilty  
14 of an aggravated misdemeanor if the product does not contain  
15 the required digital content blocking capabilities, or the  
16 person deactivates the digital content blocking capability in a  
17 manner other than that authorized by the bill, or the person  
18 provides a consumer of a product with a method, source code,  
19 or any other instruction to deactivate the digital content  
20 blocking capability. An aggravated misdemeanor is punishable  
21 by confinement for no more than two years and a fine of at least  
22 \$625 but not more than \$6,250.

23 The bill provides for a civil cause of action if a person  
24 that manufactures, distributes, or sells a product that makes  
25 the internet accessible does not respond appropriately to  
26 a consumer's report of a violation of the digital content  
27 blocking capability requirement. A consumer of a product may  
28 bring a civil action seeking relief and recover up to \$500  
29 in damages per reported violation, plus reasonable attorney  
30 fees and court costs. The attorney general or county attorney  
31 may seek injunctive relief if products are sold without  
32 the required digital content blocking or the manufacturer,  
33 distributor, or seller fails to maintain the digital content  
34 blocking capabilities, or fails to respond as required to a  
35 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.