

House File 2199 - Introduced

HOUSE FILE 2199

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A BILL FOR

1 An Act relating to requirements for specific digital
2 content-blocking capabilities on devices manufactured,
3 distributed, leased, or sold and services distributed,
4 leased, or sold in the state that make the internet
5 accessible, the prohibition of certain restrictions on
6 specific types of speech on social media internet sites, and
7 the collection and remittance of fees for certain related
8 activities, providing for criminal and civil liability
9 for certain violations, and including applicability and
10 contingent effective date provisions.
11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 710B.1 Short title.

2 This chapter shall be known and may be cited as the
3 "*Modernization Decency Act*".

4 Sec. 2. NEW SECTION. 710B.2 Definitions.

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

7 1. "*Adult live entertainment establishment*" means a place
8 of business where commercial sexual activity, full or partial
9 nudity, sex acts, or sexually explicit performances may be
10 available for viewing by patrons of the establishment.

11 2. "*Algorithm*" means a process or set of rules to be
12 followed in calculations or other problem-solving operations,
13 especially by a computer.

14 3. "*Child pornography*" means the same as defined in 18
15 U.S.C. §2256(8).

16 4. "*Commercial sexual activity*" means the same as defined
17 in section 710A.1.

18 5. "*Computer*" means the same as defined in 18 U.S.C. §1030
19 (e)(1).

20 6. "*Consumer*" means an individual who purchases or leases a
21 device or purchases or leases a service that makes the internet
22 accessible from a person in this state that manufactures,
23 distributes, leases, or sells such a device or distributes,
24 leases, or sells such a service.

25 7. "*Digital content-blocking capability*" means hardware
26 or software that restricts or blocks internet access to
27 internet-based sites and internet-hosted content based on the
28 specific internet site or the category or type of content of
29 the internet-hosted content.

30 8. "*Disseminate*" means the same as defined in section 728.1.

31 9. "*Facilitate*" means to enable or to advance.

32 10. "*Full or partial nudity*" means the same as defined in
33 section 708.7.

34 11. "*Human trafficking*" means the same as defined in section
35 710A.1.

- 1 12. "*Knowingly*" means the same as defined in section 728.1.
2 13. "*Minor*" means the same as defined in section 728.1.
3 14. "*Nongovernmental*" means a charitable organization under
4 section 501(c)(3) of the Internal Revenue Code that has as
5 the organization's primary purpose ending sexual violence in
6 the state. The organization may be involved with programs
7 for the prevention of sexual violence, or providing technical
8 assistance and support to youth and rape crisis centers.
9 15. "*Obscene material*" means the same as defined in section
10 728.1.
11 16. "*Personal identifying information*" means an unexpired
12 student identification card, a valid social security card,
13 an unexpired driver's license, an unexpired nonoperator's
14 identification card, an unexpired passport, a certified copy
15 of a birth certificate, or other valid, unexpired proof of
16 identity.
17 17. "*Photograph or film*" means the same as defined in
18 section 708.7.
19 18. "*Place of business*" means the same as defined in section
20 728.1.
21 19. "*Political speech*" means speech relating to social
22 issues or to federal, state, or local government.
23 20. "*Prostitution*" means the same as described in section
24 725.1.
25 21. "*Religious speech*" means speech related to an
26 individual's sincerely held religious, ethical, or moral
27 beliefs.
28 22. "*Revenge pornography*" means a photograph or film
29 showing another person in a state of full or partial nudity or
30 engaged in a sex act that has been disseminated, published,
31 distributed, or posted without the consent of the person in the
32 photograph or film.
33 23. "*Sex act*" means the same as defined in section 702.17.
34 24. "*Sexually explicit performance*" means the same as
35 defined in section 710A.1.

1 25. "*Social media internet site*" means an internet site or
2 internet-based application that allows a user of the internet
3 site or of the internet-based application to communicate with
4 other users of the internet site or of the internet-based
5 application via community-based input, interaction,
6 content-sharing, or collaboration, and the internet site or
7 the internet-based application meets all of the following
8 requirements:

- 9 *a.* Is owned or operated by a person in this state.
- 10 *b.* Is available for use by the general public.
- 11 *c.* Has more than seventy-five million registered users.
- 12 *d.* Has not been specifically affiliated with any one
13 religion or any one political party since the internet site
14 or internet-based application became available to the general
15 public.
- 16 *e.* Has a policy and procedure for users to report obscene
17 material and for the removal of user reported obscene material
18 from the internet site or the internet-based application.

19 26. "*User*" means a natural person who utilizes or makes use
20 of a social media internet site.

21 Sec. 3. NEW SECTION. **710B.3 Digital content-blocking**
22 **capability requirement.**

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

- 30 1. Obscene material.
- 31 2. Revenge pornography.
- 32 3. Sexual exploitation of a minor as described in section
33 728.12.
- 34 4. Promotion or facilitation of prostitution.
- 35 5. Promotion or facilitation of human trafficking.

1 6. Child pornography.

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

4 A person in this state that manufactures, distributes,
5 leases, or sells a device or that distributes, leases, or sells
6 a service that makes the internet accessible to a consumer of
7 the device or service shall do all of the following:

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

12 2. Provide routine digital content-blocking updates to
13 a consumer who has purchased or leased a device or service
14 containing digital content-blocking to ensure the ongoing
15 quality and performance of the digital content-blocking.

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

21 4. Report any reports of child pornography received through
22 a telephone call center or internet site to the national center
23 for missing and exploited children cybertipline.

24 5. Investigate a consumer's report of a violation of
25 this chapter and provide the consumer an appropriate digital
26 content-blocking update within thirty days of the consumer's
27 initial report if a violation of section 710B.3 has occurred.

28 6. Investigate a consumer's initial report of digital
29 content-blocking of an internet site not subject to the
30 requirements of section 710B.3 and, if appropriate, enable the
31 consumer's access to the internet site within thirty days of
32 the consumer's initial report.

33 Sec. 5. NEW SECTION. 710B.5 Prohibition on digital
34 content-blocking of certain internet sites.

35 A person in this state that manufactures, distributes,

1 leases, or sells a device or that distributes, leases, or sells
2 a service that makes the internet accessible to a consumer of
3 the device or service shall not use digital content-blocking
4 on any such device or service to make any of the following
5 internet sites inaccessible:

- 6 1. A social media internet site.
- 7 2. An internet site not specified in section 710B.3.
- 8 3. An internet site that has the primary function of serving
9 as a search engine.

10 4. An internet site that makes movies available that are
11 rated restricted or below by the classification and ratings
12 administration of the motion picture association of America.

13 **Sec. 6. NEW SECTION. 710B.6 Restrictions on deactivation of**
14 **digital content-blocking capability.**

15 1. A person in this state that manufactures, distributes,
16 leases, or sells a device or that distributes, leases, or
17 sells a service that makes the internet accessible shall not
18 share, sell, or distribute a method, source code, or any
19 other instruction to deactivate the digital content-blocking
20 capability of the device or service unless all of the following
21 apply:

22 *a.* A consumer who purchased the device or service submits a
23 written request for deactivation.

24 *b.* The consumer provides personal identifying information
25 that proves the consumer is eighteen years of age or older.

26 *c.* The manufacturer, distributor, lessor, or seller of the
27 device or the distributor, lessor, or seller of the service
28 provides the consumer with a written warning that outlines the
29 dangers of deactivation. The attorney general shall adopt by
30 rule pursuant to chapter 17A a written warning which may be
31 used in substantial form by any person required to provide the
32 written warning to a consumer as provided in this paragraph.

33 *d.* The consumer signs an acknowledgment that a written
34 warning has been provided.

35 *e.* The consumer pays a one-time twenty dollar deactivation

1 fee to be deposited into the human trafficking and child
2 exploitation prevention fund established pursuant to section
3 710B.7.

4 2. A person in this state that manufactures, distributes,
5 leases, or sells a device or that distributes, leases, or sells
6 a service that makes the internet accessible to a consumer
7 may charge the consumer an additional fee in order for the
8 manufacturer, distributor, lessor, or seller to deactivate the
9 digital content-blocking capability of the device or service.
10 The fee must be reasonable and the manufacturer, distributor,
11 lessor, or seller may retain the fee.

12 Sec. 7. NEW SECTION. 710B.7 **Human trafficking and child**
13 **exploitation prevention fund.**

14 1. A manufacturer, distributor, lessor, or seller of
15 a device or a distributor, lessor, or seller of a service
16 that makes the internet accessible shall annually remit all
17 deactivation fees collected under section 710B.6, subsection
18 1, paragraph "e", to the treasurer of state in the manner
19 prescribed by the treasurer of state.

20 2. An adult live entertainment establishment shall remit
21 all adult live entertainment establishment fees collected
22 pursuant to section 710B.10 to the treasurer of state in the
23 manner prescribed by the treasurer of state.

24 3. The treasurer of state shall adopt rules pursuant to
25 chapter 17A to administer subsections 1 and 2.

26 4. A human trafficking and child exploitation prevention
27 fund is created in the state treasury as a separate fund under
28 the control of the department of justice. All moneys deposited
29 or paid into the fund pursuant to subsections 1 and 2, and
30 all gifts, grants, donations, and bequests deposited into the
31 fund, are appropriated and made available to the department
32 of justice to be used for administration of the fund and to
33 provide grants to governmental and nongovernmental entities
34 and individuals involved with upholding community standards of
35 decency, strengthening families, or developing, expanding, or

- 1 strengthening programs for child victims of human trafficking,
2 to be used for any of the following:
- 3 *a.* Rape kit testing.
 - 4 *b.* Physical and mental health services.
 - 5 *c.* Temporary and permanent housing or shelter.
 - 6 *d.* Employment, education, and job training.
 - 7 *e.* Training first responders and educational campaigns for
8 the public to increase awareness to prevent, and to protect
9 victims of, human trafficking, domestic violence, prostitution,
10 child abuse, and rape.
 - 11 *f.* Medical examination costs pursuant to section 915.41.
 - 12 *g.* The department of justice's prosecutor-based victim
13 service coordination, including the duties defined in sections
14 910.3 and 910.6.
 - 15 *h.* Awarding funds to programs that provide services and
16 support to victims of domestic abuse pursuant to chapter 236.
 - 17 *i.* Victims of sexual abuse as provided in chapter 236A.
 - 18 *j.* Reimbursement to the Iowa law enforcement academy for
19 domestic abuse and human trafficking training.
 - 20 *k.* Support of an automated victim notification system
21 pursuant to section 915.10A.
 - 22 *l.* Training for victim service providers.
 - 23 *m.* Victim service programming.
 - 24 *n.* Training concerning homicide, domestic assault, sexual
25 assault, stalking, and harassment.
 - 26 *o.* To conduct outreach, public awareness, and training on
27 human trafficking pursuant to section 710A.6.
 - 28 *p.* To support technology in rape crisis centers.
 - 29 *q.* Family counseling.
 - 30 *r.* Creative arts that do not contain or promote obscene
31 material.
 - 32 *s.* Support of the office to combat human trafficking as
33 established pursuant to section 80.45.
 - 34 *t.* State agency support programs assisting victims of human
35 trafficking.

1 u. Support of the state's initiatives on human trafficking,
2 programs upholding community standards of decency, and state
3 security.

4 v. Human trafficking enforcement programs.

5 5. Interest on the fund shall be deposited into the fund.
6 A portion of the interest in the fund, not to exceed fifteen
7 percent of the total interest accrued, shall be used for
8 administration of the fund.

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

12 7. On or before February 15, the attorney general shall
13 submit an annual report to the general assembly that includes
14 all of the following information as related to the fund:

15 a. The total amount of deactivation fees deposited into the
16 fund pursuant to subsection 1.

17 b. The total amount of adult live entertainment
18 establishment fees deposited into the fund pursuant to
19 subsection 2.

20 c. Each recipient of a grant from the fund and the purpose
21 of each grant.

22 Sec. 8. NEW SECTION. 710B.8 Criminal liability.

23 1. A person in this state that knowingly manufactures,
24 distributes, leases, or sells a device or that knowingly
25 distributes, leases, or sells a service that makes the internet
26 accessible and that is in violation of section 710B.3 or 710B.6
27 shall be subject to a scheduled violation of one thousand
28 dollars for a first offense and two thousand five hundred
29 dollars for a second offense.

30 2. A person in this state that knowingly manufactures,
31 distributes, leases, or sells a device or that knowingly
32 distributes, leases, or sells a service that makes the internet
33 accessible and that is in violation of section 710B.3 or 710B.6
34 three or more times commits a simple misdemeanor.

35 3. A person in this state that knowingly manufactures,

1 distributes, leases, or sells a device or that knowingly
2 distributes, leases, or sells a service that makes the internet
3 accessible and that violates section 710B.3 or 710B.6 commits
4 an unfair or deceptive trade practice in violation of section
5 714.16, subsection 2, paragraph "a".

6 4. The affirmative defense specified in section 728.10
7 shall apply to this section.

8 Sec. 9. NEW SECTION. 710B.9 Civil cause of action and
9 injunctive relief.

10 1. A consumer who purchases a device or service from a
11 person in this state that manufactures, distributes, leases,
12 or sells a device or that distributes, leases, or sells a
13 service that makes the internet accessible may bring a civil
14 action seeking relief and recover up to five hundred dollars in
15 damages per reported failure plus reasonable attorney fees and
16 court costs if the person's violation is substantiated pursuant
17 to an investigation conducted under section 710B.4, subsection
18 5.

19 2. The attorney general or county attorney may seek
20 injunctive relief if a person in this state that manufactures,
21 distributes, leases, or sells a device or that distributes,
22 leases, or sells a service that makes the internet accessible
23 to a consumer of the device or service violates section 710B.3
24 or 710B.4.

25 3. It shall be an affirmative defense in a civil action
26 pursuant to this section that a consumer purchased or leased
27 a device or service that makes the internet accessible from a
28 person in this state that manufactures, distributes, leases,
29 or sells such a device or that distributes, leases, or sells
30 such a service, and the device or service did not digitally
31 block content pursuant to the requirements of section 710B.3
32 because the internet site that is not blocked is the registered
33 domain of an institution or organization that has a scientific,
34 educational, artistic, literary, or similar justification for
35 making the content specified in section 710B.3 accessible.

1 Sec. 10. NEW SECTION. 710B.10 **Adult live entertainment**
2 **establishment fee.**

3 1. Each adult live entertainment establishment located in
4 the state shall collect a five dollar fee from each individual
5 allowed entry into the establishment for purposes of adult live
6 entertainment.

7 2. All fees collected pursuant to subsection 1 shall be
8 deposited into the human trafficking and child exploitation
9 prevention fund pursuant to section 710B.7, subsection 2.

10 3. The director of revenue shall adopt rules pursuant to
11 chapter 17A to administer this section.

12 Sec. 11. NEW SECTION. 710B.11 **Social media censorship —**
13 **civil cause of action.**

14 1. A user of a social media internet site who is eighteen
15 years of age or older may bring a civil cause of action seeking
16 relief and recover up to seventy-five thousand dollars in
17 damages per violation, plus reasonable attorney fees and court
18 costs, if the social media internet site is found liable in a
19 court of competent jurisdiction of knowingly doing any of the
20 following on the social media internet site:

21 a. Censoring the user's religious speech or political
22 speech.

23 b. Using an algorithm to suppress the user's religious
24 speech or political speech.

25 2. It shall be an affirmative defense in a civil action
26 pursuant to this section that the social media internet site
27 ceased censoring a user's religious speech or political speech,
28 or discontinued use of an algorithm to suppress a user's
29 religious speech or political speech, in a reasonable amount
30 of time after an allegation of censorship has been reported by
31 a user to the social media internet site.

32 3. It shall not be an affirmative defense in a civil action
33 pursuant to this section that the social media internet site
34 censored a user's religious speech or political speech because
35 of alleged hate speech by the user.

1 4. The attorney general or county attorney may seek
2 injunctive relief on behalf of a social media internet site
3 user whose religious speech or political speech has been
4 censored by a social media internet site.

5 5. This section does not apply to any of the following:

6 a. A social media internet site that censors a user's
7 religious speech or political speech or that uses an algorithm
8 to suppress a user's religious speech or political speech that
9 is any of the following:

10 (1) Calls for an act of violence.

11 (2) Obscene or pornographic in nature.

12 (3) Originates from an inauthentic source or involves false
13 impersonation.

14 (4) Incites criminal conduct.

15 (5) Involves bullying. As used in this subparagraph,
16 "*bullying*" means electronic speech directed towards an
17 individual that creates an objectively hostile social media
18 environment, and the electronic speech is severe, persistent,
19 or pervasive and threatens actions or conduct putting the
20 individual in fear of physical harm.

21 b. A social media internet site that censors a user's
22 religious speech or political speech or that uses an algorithm
23 to suppress a user's religious speech or political speech,
24 either through error or in response to a court order.

25 c. A user of a social media internet site censoring the
26 religious speech or political speech of another user of the
27 social media internet site.

28 Sec. 12. NEW SECTION. 710B.12 **Applicability.**

29 1. The sections of this Act relating to persons in this
30 state that manufacture, distribute, lease, or sell a device
31 or that distribute, lease, or sell a service that makes the
32 internet accessible to a consumer applies to a person in this
33 state that manufactures, distributes, leases, or sells the
34 device or that distributes, leases, or sells a service on or
35 after the effective date of this Act.

1 2. The sections of this Act relating to persons in this
2 state that manufacture, distribute, lease, or sell a device
3 or that distribute, lease, or sell a service that makes the
4 internet accessible to a consumer do not apply to a person in
5 this state that manufactures, distributes, leases, or sells a
6 device or that distributes, leases, or sells a service that
7 makes the internet accessible to a consumer if the device or
8 service was produced, sold, leased, or purchased prior to the
9 effective date of this Act.

10 3. The sections of this Act relating to persons in this
11 state that manufacture, distribute, lease, or sell a device
12 or that distribute, lease, or sell a service that makes the
13 internet accessible to a consumer do not apply to any of the
14 following:

15 *a.* The sale of a device or service that makes the internet
16 accessible to a consumer by a person that is not regularly
17 engaged in the business of selling devices or services that
18 make the internet accessible.

19 *b.* The owner or operator of an independent third-party
20 router that is not affiliated with an internet service
21 provider.

22 *c.* A person that is not subject to the jurisdiction of the
23 state that manufactures, distributes, leases, or sells a device
24 or that distributes, leases, or sells a service that makes the
25 internet accessible to a consumer.

26 Sec. 13. CONTINGENT EFFECTIVE DATE. This Act takes effect
27 upon enactment of substantially similar legislation by four
28 additional states. Within ten business days of enactment of
29 substantially similar legislation by the fourth state of the
30 four additional states, the attorney general shall advise the
31 governor and the Iowa Code editor of the effective date of this
32 Act.

33

EXPLANATION

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

1 This bill relates to requirements for specific digital
2 content-blocking capabilities on devices manufactured,
3 distributed, leased, or sold and services distributed, leased,
4 or sold in the state that make the internet accessible, the
5 prohibition of certain restrictions on specific types of
6 speech on social media internet sites, and the collection and
7 remittance of fees for certain activities, and provides for
8 criminal and civil liability.

9 The bill prohibits a person that manufactures, distributes,
10 leases, or sells a device or that distributes, leases, or sells
11 a service from manufacturing, distributing, leasing, or selling
12 the device or that distributes, leases, or sells the service
13 without an active and operating digital content-blocking
14 capability that blocks any internet site that contains material
15 that is obscene, constitutes sexual exploitation of a minor,
16 promotes or facilitates prostitution, promotes or facilitates
17 human trafficking, contains child pornography, or contains
18 revenge pornography.

19 The bill requires such a person to make reasonable and
20 ongoing efforts to ensure proper functioning of the digital
21 content-blocking capability, to provide routine updates for the
22 digital content-blocking to a consumer who has purchased or
23 leased a device or service containing digital content-blocking,
24 to establish a call center or internet site that allows
25 consumers to report a failure of the digital content-blocking
26 or to report digital content-blocking of an internet site that
27 is not required to be blocked. In addition, such a person
28 is required to investigate a consumer's report of a failure
29 to comply with the bill, provide the consumer an appropriate
30 update of the digital content-blocking capability within 30
31 days of the consumer's initial report, investigate any consumer
32 report of digital content-blocking of an internet site that
33 is not required to be blocked, and if appropriate, enable the
34 consumer's access to the incorrectly blocked internet site
35 within 30 days of the consumer's initial report.

1 The bill prohibits digital content-blocking of social media
2 internet sites that have existing processes to manage consumer
3 complaints or digital content-blocking of any internet site
4 that does not contain the following material: 1) obscene
5 material, 2) revenge pornography, 3) sexual exploitation
6 of a minor, 4) child pornography, or 5) the promotion or
7 facilitation of prostitution or human trafficking. The bill
8 also prohibits digital content-blocking of an internet site
9 that has the primary function of serving as a search engine or
10 an internet site that makes movies available that are rated
11 restricted or below.

12 The bill prohibits a manufacturer, distributor, lessor,
13 or seller from sharing, selling, or distributing a method,
14 source code, or any other instruction to deactivate a digital
15 content-blocking capability unless a consumer who purchases a
16 product submits a written request for deactivation, provides
17 proof the consumer is age 18 or older, signs an acknowledgment
18 that a written warning outlining the dangers of deactivation
19 has been provided by the manufacturer, distributor, lessor,
20 or seller, and pays a one-time \$20 deactivation fee. The
21 bill also allows a manufacturer, distributor, lessor, or a
22 seller to charge a consumer an additional fee in order for the
23 manufacturer, distributor, lessor, or seller to deactivate the
24 digital content-blocking capability of the product. The fee
25 must be reasonable and the manufacturer, distributor, lessor,
26 or seller may retain the fee.

27 The manufacturer, distributor, lessor, or seller must
28 annually remit all deactivation fees that are collected to
29 the treasurer of state. The treasurer of state shall deposit
30 all deactivation fees received into the human trafficking and
31 child exploitation prevention fund established in the bill.
32 All moneys deposited or paid into the fund are appropriated
33 and made available to the department of justice to be used to
34 provide grants to governmental and nongovernmental entities
35 and individuals involved with upholding community standards of

1 decency, strengthening families, or developing, expanding, or
2 strengthening programs for child victims of human trafficking
3 to be used for any of the purposes specified in the bill.

4 A person in this state that knowingly manufactures,
5 distributes, leases, or sells a device or that knowingly
6 distributes, leases, or sells a service that makes the internet
7 accessible and that violates a provision of the bill related to
8 digital content-blocking is subject to a scheduled violation
9 of \$1,000 for a first offense and \$2,500 for a second offense,
10 and commits a simple misdemeanor if the person commits three or
11 more offenses. A person also commits an unfair or deceptive
12 trade practice by violating a provision of the bill related to
13 digital content-blocking.

14 The bill provides for a civil cause of action if a person
15 that manufactures, distributes, leases, or sells a device
16 or that distributes, leases, or sells a service that makes
17 the internet accessible does not respond appropriately to a
18 consumer's report of a failure of the digital content-blocking
19 capability requirement. A consumer that purchased the product
20 may bring a civil action seeking relief and recover up to \$500
21 in damages per reported failure, plus reasonable attorney fees
22 and court costs. The attorney general or county attorney may
23 seek injunctive relief if devices or services are sold or
24 leased without the required digital content-blocking or the
25 manufacturer, distributor, or if a seller fails to maintain the
26 digital content-blocking capabilities or fails to respond as
27 required to a consumer complaint.

28 It is an affirmative defense in a civil action asserting
29 that a consumer purchased a device or service that makes
30 the internet accessible from a person in this state that
31 manufactures, distributes, leases, or sells such a device or
32 that distributes, leases, or sells such a service that the
33 device or service did not digitally block content as required
34 by the bill or that the internet site that is not blocked is
35 the registered domain of an institution or organization that

1 has a scientific, educational, artistic, literary, or similar
2 justification for making the content accessible.

3 The bill requires each adult live entertainment
4 establishment located in the state to collect a \$5 fee
5 from each individual allowed entry into the establishment
6 for purposes of adult live entertainment. "Adult live
7 entertainment establishment" is defined in the bill as a place
8 of business where commercial sexual activity, full or partial
9 nudity, sex acts, or sexually explicit performances may be
10 available for viewing by patrons of the establishment. All of
11 the collected fees must be deposited in the human trafficking
12 and child exploitation prevention fund. The director of
13 revenue is required to adopt rules to administer the collection
14 and deposit of such fees.

15 The bill allows a user of a social media internet site who
16 is 18 years of age or older to bring a civil cause of action
17 seeking relief, and to recover up to \$75,000 in damages per
18 violation, if the social media internet site is found liable in
19 a court of competent jurisdiction of knowingly censoring the
20 user's religious or political speech or of using an algorithm
21 to suppress the user's religious or political speech. "Social
22 media internet site", "religious speech", and "political
23 speech" are defined in the bill. It is an affirmative defense
24 in a civil action that the a social media internet site
25 ceased censoring a user's religious or political speech, or
26 discontinued use of an algorithm to suppress a user's religious
27 or political speech, in a reasonable amount of time after an
28 allegation of censorship has been reported by a user to the
29 social media internet site. It is not an affirmative defense
30 that the social media internet site censored a user's religious
31 or political speech because of alleged hate speech by the user.

32 The attorney general or county attorney may seek injunctive
33 relief on behalf of a social media internet site user whose
34 religious speech or political speech has been censored by a
35 social media internet site.

1 The bill allows a social media internet site to censor a
2 user's speech or to use an algorithm to suppress a user's
3 speech if the speech calls for an act of violence, is obscene
4 or pornographic in nature, originates from an inauthentic
5 source or involves false impersonation, incites criminal
6 conduct, or involves bullying. "Bullying" is defined in the
7 bill.

8 A social media internet site that censors a user's speech or
9 uses an algorithm to suppress a user's speech through error or
10 in response to a court order is not civilly liable. A social
11 media internet site is also not civilly liable if a user of the
12 social media internet site censors the political or religious
13 speech of another user of the social media internet site.

14 The sections of the bill relating to persons in this state
15 that manufacture, distribute, lease, or sell a device or that
16 distribute, lease, or sell a service that makes the internet
17 accessible to a consumer applies to a person in this state that
18 manufactures, distributes, leases, or sells such a device or
19 that distributes, leases, or sells such a service on or after
20 the effective date of the provisions in the bill.

21 The sections of the bill relating to persons in this state
22 that manufacture, distribute, lease, or sell a device or that
23 distribute, lease, or sell a service that makes the internet
24 accessible to a consumer do not apply to a person in this state
25 that manufactures, distributes, leases, or sells a device or
26 that distributes, leases, or sells a service that makes the
27 internet accessible to a consumer if the device or service was
28 produced, sold, leased, or purchased prior to the effective
29 date of the provisions in the bill.

30 The sections of the bill relating to persons in this state
31 that manufacture, distribute, lease, or sell a device or that
32 distribute, lease, or sell a service that makes the internet
33 accessible to a consumer do not apply to the sale of a device
34 or service that makes the internet accessible to a consumer
35 by a person that is not regularly engaged in the business of

1 selling devices or services that make the internet accessible,
2 the owner or operator of an independent third-party router
3 that is not affiliated with an internet service provider, or
4 a person that is not subject to the jurisdiction of the state
5 that manufactures, distributes, leases, or sells a device or
6 that distributes, leases, or sells a service that makes the
7 internet accessible to a consumer.

8 The provisions of the bill take effect upon enactment
9 of substantially similar legislation by four additional
10 states. Within 10 days of enactment of substantially similar
11 legislation by the fourth state of the four additional states,
12 the attorney general must advise the governor and the Iowa Code
13 editor of the effective date of the provisions of the bill.