

HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	House File 864 (Formerly HF 62)	House Committee:	PASSED March 4, '25 (20-0)
Committee:	Judiciary	House Floor:	PASSED March 20, '25 (88-1)
Floor Manager:	Rep. Wheeler		PASSED April 30, '26 (82-2)
Date:	May 12, 2026	Senate Floor:	PASSED April 29 '26 (46-0)
Staff:	Amanda Wille (1-5230)	Governor:	

Obscene Material- Age Verification

- HF 864 requires websites and apps that host a significant amount of pornographic content to verify that users are at least 18 years old before granting access.

Section by Section Analysis

Section 1 — Definitions, Code Section 554J.1

This section establishes the legal vocabulary for the new chapter. Key definitions include:

- **"Digital identification"**: Information on a digital network serving as proof of identity.
- **"News-gathering organization"**: Specifically protects employees of newspapers, radio, and television stations acting within their professional scope.
- **"Pornographic for minors"**: A three-part legal test (prurient interest, patently offensive depiction of sexual conduct, and lack of serious literary/artistic/scientific value).
- **"Substantial portion"**: Quantified as 33% or more of the total data on a site or application.

Section 2 — Age verification, Code Section 554J.2

This is the core mandate of the bill. It requires:

- **Verification Requirement**: Any person operating a site or social media segment with a "substantial portion" of pornographic content must use reasonable age verification.
- **Approved Methods**: Allows for digital ID, commercially reasonable methods using transactional data, or any method approved by the Attorney General.
- **Data Privacy**: Prohibits the entity (or third-party contractors) from retaining, selling, or leasing identifying information unless required by a court order. It also mandates reasonable security methods for data transmission.

Section 3 — Limitations, Code Section 554J.3

This section creates "safe harbors" to protect unintended targets:

- **News & Public Interest**: Exempts bona fide news broadcasts and news-gathering organizations.
- **Service Providers**: Exempts ISPs, search engines, and cloud providers as long as they are merely providing the "pipes" or connection and were not responsible for creating the content.
- **Interactive Computer Services**: Clarifies that individual users of such services are not held liable under this chapter.

Section 4 — Enforcement and penalties, Code Section 554J.4

Outlines how the law will be policed:

- **Authority:** Grants the Attorney General the power to enforce the chapter, seek injunctions, and bring legal actions.
- **Violation Calculation:** Every instance where an individual accesses a non-compliant site constitutes a separate violation.
- **Fines:** Civil penalties are set at up to \$1,000 per violation, with a daily cap of \$10,000. All collected penalties are deposited into the state's general fund.

Section 5 — Rules, Code Section 554J.5

Directs the Attorney General to adopt formal administrative rules under Chapter 17A to implement and administer the new requirements of Chapter 554J.

Amendment Analysis