

JAN 23 2025

A BILL FOR AN ACT

RELATING TO ADULT CONTENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Chapter 489X, Hawaii Revised Statutes, is amended as follows:

1. By amending its title to read:

"[~~{}~~ CHAPTER 489X~~{}~~]

ADULT PRODUCTS AND CONTENT"

2. By designating section 489X-1 as part I, entitled:

"PART I. PRODUCTS"

SECTION 2. Chapter 489X, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

"PART II. CONTENT

§489X-A Definitions. Whenever used in this part, unless the context otherwise requires:

"Adult content consumer" means any person within the State who consumes online adult content.



1 "Adult content provider" means any business or entity that
2 publishes online adult content that is viewable within the
3 State.

4 "Online adult content" means online content that is
5 pornographic in nature.

6 "Mandatory subscription fee" means a fee charged to an
7 adult content consumer pursuant to this part.

8 "Pornographic" shall have the same meaning as in section
9 712-1210.

10 "Registration fee" means a fee that is required from an
11 adult content provider to register with the department of
12 accounting and general services pursuant to this part.

13 "Subscriber" means an adult content consumer who pays a
14 mandatory subscription fee pursuant to this part.

15 **§489X-B Registration; fees; adult content providers;**
16 **penalties.** (a) Each adult content provider shall register with
17 the department of accounting and general services and pay an
18 registration fee in an amount equal to \$.

19 (b) An adult content provider shall not make online adult
20 content available to any adult content consumer without charging
21 a mandatory subscription fee of \$ per . This



1 mandatory subscription fee shall be paid in addition to any
2 other fees, taxes, or charges that the adult content provider
3 collects from adult content consumers.

4 (c) Each adult content provider shall record daily, in the
5 manner prescribed by the comptroller, the number of its current
6 subscribers. The adult content provider shall maintain the
7 records for the period required by the comptroller and make the
8 records available for inspection and audit on request by the
9 comptroller.

10 (d) Within ten days following the close of each quarter,
11 an adult content provider shall:

12 (1) Remit the mandatory subscription fees imposed by this
13 section to the comptroller in the manner prescribed by
14 the comptroller; and

15 (2) File a report with the comptroller in the manner and
16 containing the information required by the
17 comptroller.

18 (e) Any adult content provider that fails to fully comply
19 with this section shall be fined \$ for each day of
20 noncompliance.



1 **§489X-C Registration; fees; adult content consumers;**
2 **penalties.** (a) Each adult content consumer who is required to
3 pay a mandatory subscription fee pursuant to this part shall
4 register with the department of accounting and general services.

5 (b) Any adult content consumer who fails to register
6 pursuant to this section shall be fined \$ for each day of
7 noncompliance.

8 **§489X-D Allocation of fees to domestic violence and sexual**
9 **assault special fund.** The comptroller shall deposit the moneys
10 received from the fees and fines collected pursuant to this part
11 into the domestic violence and sexual assault special fund
12 established pursuant to section 321-1.3.

13 **§489X-E Rules.** The department of accounting and general
14 services shall adopt rules pursuant to chapter 91 necessary for
15 the purposes of this part."

16 SECTION 3. Section 321-1.3, Hawaii Revised Statutes, is
17 amended by amending subsection (c) to read as follows:

18 "(c) The following shall be deposited into the domestic
19 violence and sexual assault special fund:

20 (1) Fees remitted pursuant to section 338-14.5[~~7-income~~];



(2) Income tax remittances allocated under section 235-102.5[~~, interest~~];

(3) Fees and fines allocated pursuant to section 489X-D;

(4) Interest and investment earnings attributable to the moneys in the special fund[~~7~~]; and [~~grants~~];

(5) Grants, donations, and contributions from private or public sources for the purposes of the fund[~~, shall be deposited into the special fund~~]."

SECTION 4. In codifying the new sections added by section 2 and referenced in section 3 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect on July 1, 2025.

INTRODUCED BY:

Kurt Fella



S.B. NO. 1584

Report Title:

DAGS; Online Adult Content; Registration; Fees; Penalties

Description:

Requires adult content providers and adult content consumers to register with the Department of Accounting and General Services. Requires the collection of registration fees from adult content providers. Requires adult content providers to charge mandatory subscription fees to adult content consumers. Imposes monetary penalties for noncompliance. Deposits moneys collected into the domestic violence and sexual assault special fund.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

