

---

---

# A BILL FOR AN ACT

RELATING TO MINORS.

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

1           SECTION 1. Chapter 489X, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§489X-2 Publishing or distributing material harmful to  
5 minors on the internet. (a) For the purposes of this section:

6           (1) "Commercial entity" means corporations, limited  
7 liability companies, partnerships, limited  
8 partnerships, sole proprietorships, or other legally  
9 recognized entities.

10          (2) "Interactive computer service" includes, but is not  
11 limited to, internet, website, online or cloud  
12 computing service, online application, or mobile  
13 application. Further, such service or materials do not  
14 have to be directed to children or targeted or  
15 intended to reach an audience that is composed  
16 predominantly of children.



1       (3) "Material harmful to minors" means any description or  
2       representation of nudity, sexual conduct, sexual  
3       excitement, or sadomasochistic abuse when it:  
4       (A) Appeals to the prurient, shameful, or morbid  
5       interest of minors;  
6       (B) Is patently offensive to prevailing standards in  
7       the adult community as a whole with respect to  
8       what is suitable material for minors; and  
9       (C) Is, when taken as a whole, lacking in serious  
10       literary, artistic, political, or scientific  
11       value for minors.  
12       (b) Any commercial entity that knowingly or intentionally  
13       publishes or distributes material harmful to minors on the  
14       internet from a website that contains a substantial portion of  
15       such material shall, through the use of either a commercially  
16       available database that is regularly used by businesses or  
17       governmental entities for the purpose of age and identity  
18       verification or another commercially reasonable method of age  
19       and identity verification, verify that any person attempting to  
20       access such material harmful to minors is 18 years of age or  
21       older.



1        (c) Any commercial entity that violates the provisions of  
 2 this section shall be subject to a civil penalty of \$250 per  
 3 violation and civil liability for damages resulting from a  
 4 minor's access to such material harmful to a minor and  
 5 reasonable attorney fees and costs.

6        (d) Nothing in this section shall be construed to impose  
 7 liability on a provider or user of an interactive computer  
 8 service on the internet.

9        (e) Jurisdiction of actions under this section shall be in  
 10 district court.

11        (f) An action under this section may be brought by the  
 12 Attorney General or any person, parent, or guardian of any  
 13 person whose age was not verified."

14        SECTION 2. This Act does not affect rights and duties that  
 15 matured, penalties that were incurred, and proceedings that were  
 16 begun before its effective date.

17        SECTION 3. New statutory material is underscored.

18        SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: *James M. Shively*  
 JAN 22 2025



# H.B. NO. 1198

**Report Title:**

Internet; Minors; Safety; Adult Content; Civil Penalty

**Description:**

Establishes civil liability for any commercial entity that knowingly or intentionally publishes or distributes materially harmful to minors without following certain age verification requirements.

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

