

JAN 23 2025

A BILL FOR AN ACT

RELATING TO AGE VERIFICATION FOR APP DEVELOPERS AND APP STORES
ACT.

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

1 SECTION 1. The legislature finds that the rapid growth in
2 the use of mobile phones, tablets, and digital apps has led to
3 an increasing concern about the exposure of minors to age-
4 inappropriate or harmful content, including apps, video games,
5 social media, and other online services. While several mobile
6 platforms and app stores have age restrictions in place, there
7 is no comprehensive requirement for robust age verification
8 systems to ensure that minors cannot access content or services
9 not suitable for their age group.

10 Accordingly, the purpose of this Act is to establish age
11 verification requirements for app developers and companies
12 operating app stores in the State to prevent minors from
13 accessing age-restricted content and services, ensuring better
14 protection for young people from potential harm.



1 SECTION 2. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 AGE VERIFICATION FOR APP DEVELOPERS AND APP STORES ACT

6 § -1 Short title. This chapter shall be known and may
7 be cited as the "Hawaii Age Verification for App Developers and
8 App Stores Act".

9 § -2 Definitions. As used in this chapter:

10 "Adult" means an individual who is at least seventeen years
11 of age.

12 "Age category" means the category of an individual based on
13 the individual's age. The age categories are designated as
14 follows:

- 15 (1) Adult category for individuals who are at least
16 eighteen years of age;
- 17 (2) Teenager category for individuals who are at least
18 sixteen years of age but under the age of eighteen;
- 19 (3) Child category for individuals who are at least
20 thirteen years of age but under the age of sixteen;
- 21 and



1 (4) Young child category for individuals who are under the
2 age of thirteen.

3 "Age rating" means a public display that indicates the
4 appropriateness of an app for different age categories.

5 "App" means a software application or electronic service
6 that may be run or directed by a user on a computer, mobile
7 device, or any other general purpose computing device.

8 "App store" means a publicly available website, software
9 application, or other electronic service that distributes apps
10 from third-party developers to users of a computer, mobile
11 device, or any other general purpose computing device.

12 "Covered app store provider" means any person that owns or
13 controls an app store that is available for users in the State.

14 "Department" means the department of commerce and consumer
15 affairs.

16 "Developer" means any person that owns or controls an app
17 on the app store of a covered app provider.

18 "Know" means to have actual knowledge or knowledge fairly
19 inferred based on objective circumstances.

20 "Minor" means an individual who is under sixteen years of
21 age.



1 "Mobile device" means a smartphone or tablet computer that
2 is capable of running a mobile operating system.

3 "Mobile operating system" means a set of software that
4 manages mobile device hardware resources and provides common
5 services for mobile device programs.

6 "Parent" means, with respect to a particular minor, an
7 adult with the legal right to make decisions on behalf of that
8 minor, including:

9 (1) A natural parent;

10 (2) An adoptive parent;

11 (3) A legal guardian; and

12 (4) An individual with legal custody over the minor.

13 "Signal" means age-bracketed data sent by a real-time
14 secure application programming interface or operating system
15 that is likely to be accessed by minors.

16 "User" means an individual who uses an app store or
17 purchases and uses an app from an app store.

18 "Verifiable parental consent" means authorization that is
19 provided by a parent whom a covered app store provider has
20 verified is an adult, in response to:



1 (1) A disclosure from a covered app store provider
2 identifying what the parent is specifically consenting
3 to, including the age rating for the app or in-app
4 purchase at issue; and

5 (2) The parent being given a clear choice to consent to or
6 decline to consent to the request from the covered app
7 provider.

8 § -3 Covered app store provider requirements; age
9 verification; parental consent; age rating display; parental
10 controls. (a) Each covered app store provider shall:

11 (1) Determine the age category for each individual in the
12 State that uses the provider's app store and verify
13 the individual's age using commercially reasonable
14 methods;

15 (2) Provide a mechanism for a parent to:

16 (A) Block a minor from downloading any app unsuitable
17 for the age category of the minor; or

18 (B) Consent to the download of any app; and

19 (3) Obtain verifiable parental consent before allowing a
20 minor in the State to:

21 (A) Use its app store; or



1 (B) Download and purchase any app from its app store,
2 including making in-app purchases;
3 provided that consent shall be obtained on a download-
4 by-download or a purchase-by-purchase basis by
5 default, provided further that the verifiable parental
6 consent for the purchase of an app shall be valid for
7 no longer than seven days.

8 (b) Any covered app store provider that owns or controls a
9 mobile device's mobile operating system shall, to the extent
10 practicable, provide to parents a clear and easy mechanism to
11 set:

- 12 (1) Filters that prevent a minor from accessing any adult
13 website on the web browser of the mobile device; and
- 14 (2) Usage limits, including daily limits and limitations
15 during school and evening hours.

16 (c) To the extent a covered app store provider displays
17 age ratings or descriptions of content, the covered app store
18 provider shall display the age rating and description of content
19 for each app available in the provider's app store in a clear
20 and prominent manner, including information regarding the
21 minimum age category suitable for usage of an app.



1 (d) A covered app store provider shall provide developers
2 the ability to determine, in real time, the age category of any
3 user and, with respect to any user that is a minor, whether the
4 covered app store provider has obtained verifiable parental
5 consent pursuant to this section.

6 (e) Nothing in this section shall be construed to:

7 (1) Prevent a covered app store provider from taking
8 reasonable measures to block, detect, or prevent the
9 distribution of unlawful, obscene, or other harmful
10 material to minors; block or filter spam; prevent
11 criminal activity; or protect the security of an app
12 store or app;

13 (2) Require a covered app store provider to disclose any
14 information about a user to a developer other than the
15 user's age category and, with respect to any user that
16 is a minor, whether the covered app store provider has
17 obtained verifiable parental consent pursuant to this
18 section;

19 (3) Allow a covered app store provider to use any measures
20 required by this section in a way that is arbitrary,
21 capricious, anti-competitive, or unlawful; or



1 (4) Affect or restrict the expression of political,
2 religious, or other viewpoints.

3 § -4 **Developer obligations; age rating; content**
4 **description; verification of age category and parental consent;**
5 **time restrictions.** (a) Any developer that offers users with a
6 description of content or age rating of the developer's app
7 shall clearly provide to users and each app store available in
8 the State the:

9 (1) Description of the app's content; and

10 (2) Identification of the age category eligible to use the
11 app, consistent with the rating system developed in
12 accordance with the rules adopted by the department.

13 (b) Each developer shall:

14 (1) To the extent technically feasible, use the
15 application programming interface of a covered app
16 store provider to verify:

17 (A) The age category of its users; and

18 (B) In the case of a minor, whether verifiable
19 parental consent has been obtained before
20 allowing the use of the developer's app or in-app
21 purchases;



1 (2) Provide readily available features for a parent to
2 implement time restrictions for the developer's app,
3 including the ability to view metrics reflecting the
4 amount of time that a minor is using the app and set
5 daily time limits on a minor's use of the app; and

6 (3) Use a covered app store provider's signal to determine
7 the age category of a user.

8 § -5 **Violations.** Any violation of this chapter shall
9 constitute an unfair or deceptive act or practice under section
10 480-2. All remedies, penalties, and authority granted to the
11 attorney general by chapter 480 shall be available to the
12 attorney general in the enforcement of this chapter."

13 SECTION 3. No later than July 1, 2026, the department of
14 commerce and consumer affairs shall adopt rules in accordance
15 with chapter 91 to implement this Act.

16 SECTION 4. If any provision of this Act, or the
17 application thereof to any person or circumstance, is held
18 invalid, the invalidity does not affect other provisions or
19 applications of the Act that can be given effect without the
20 invalid provision or application, and to this end the provisions
21 of this Act are severable.



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

4 SECTION 6. This Act shall take effect upon its approval;
5 provided that section 2 shall take effect on July 1, 2027.

6

INTRODUCED BY: *Anne Mercado*



S.B. NO. 1542

Report Title:

DCCA; Age Verification for App Developers and App Stores Act; Mobile Devices; Age Ratings; Age Categories; Minors; Parental Consent; Filters; Usage Limits; Penalty; Rules

Description:

Beginning 7/1/2027, requires app store providers to determine the age category for each of their users in the State and verify their age; provide a mechanism for parents to block minors from downloading unsuitable apps; and obtain parental consent before allowing a minor to use their app store or download and purchase apps. Requires certain app store providers to provide parents with a mechanism to set filters and usage limits for minors. Requires certain app store providers to display age ratings and content description for each app available in their app store. Establishes age verification and parental consent requirements for certain app developers. Establishes violations as unfair or deceptive act or practice. Requires the Department of Commerce and Consumer Affairs to adopt rules no later than 7/1/2026.

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