
A BILL FOR AN ACT

RELATING TO MINORS.

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

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

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

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

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

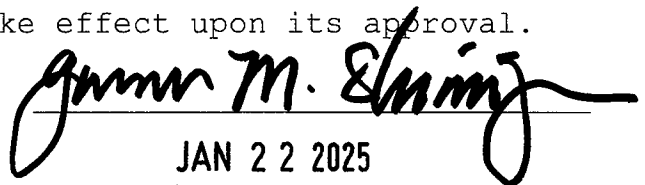
11 (f) An action under this section may be brought by the
12 Attorney General or any person, parent, or guardian of any
13 person whose age was not verified."

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:


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.

