
A BILL FOR AN ACT

RELATING TO SOCIAL MEDIA.

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

1 SECTION 1. The legislature finds that social media
2 companies function by compelling their users to spend as much
3 time as possible on their platforms. By generating revenue from
4 advertising on their platforms, social media companies operate
5 under a model that encourages optimization for users' time spent
6 on the platform and resist any platform changes, including
7 safety changes, that could decrease stay time because every
8 minute spent on the platform increases profitability and the
9 company's bottom line.

10 The legislature further finds that social media companies
11 employ a variety of features described as "coercive design
12 tactics", which foster psychological dependence and take
13 advantage of the same dopamine-inducing strategies employed by
14 the gambling industry to make the platform as addictive as
15 possible and keep users returning and spending as much time as
16 possible on the social media platform. These tactics are
17 particularly harmful to children because children have minimal



1 ability to self-regulate effectively and lack executive function
2 to control their screen time.

3 The legislature further finds that the United States
4 Surgeon General's Advisory of 2023 states that the nation is
5 experiencing a "youth mental health crisis". The United States
6 Surgeon General advises that despite some social benefits,
7 numerous studies suggest that social media use presents a
8 profound risk of harm to the mental health and well-being of
9 children and adolescents. Factors such as the amount of time
10 children and adolescents spend on social media platforms, the
11 type of content and interactions they experience, and
12 disruptions to other activities essential for health, such as
13 sleep and exercise, can play a complex role in the impact of
14 social media on an individual child's or adolescent's mental
15 health. The United States Surgeon General also expresses
16 serious concern with the way social media is designed, deployed,
17 and utilized while the outcomes for today's generations of
18 children and adolescents remain unknown.

19 The legislature also finds that some social media companies
20 have implemented age verification systems and made other efforts
21 to protect minor users. However, the legislature believes these



1 actions to be inadequate. Reporters and nonprofits have been
2 able to create fake accounts that allow them to pass as children
3 and children have no problem creating fake accounts that allow
4 them to pass as adults.

5 The legislature further finds that other countries have
6 taken action to address the shortfall of social media companies'
7 self-regulation. For example, in 2024, Australia passed a law
8 banning social media for children under the age of sixteen,
9 which has resulted in the deletion of nearly five million
10 accounts in the first month since the law went into effect. The
11 legislature believes that similar legislation is necessary to
12 protect the State's children from the dangers posed by social
13 media use.

14 Accordingly, the purpose of this Act is to:

- 15 (1) Prohibit social media platforms from allowing
16 individuals under sixteen years of age from creating
17 or maintaining an account or profile if the social
18 media platform knows that the individual is under
19 sixteen years of age; and
- 20 (2) Require social media platforms to take certain actions
21 to prevent individuals under sixteen years of age from



1 creating or maintaining an account or profile on the
2 social media platform.

3 SECTION 2. Chapter 481B, Hawaii Revised Statutes, is
4 amended by adding a new section to part I to be appropriately
5 designated and to read as follows:

6 "§481B- Social media platforms; use by individuals under
7 sixteen years of age prohibited. (a) A social media platform
8 shall not allow an individual to create or maintain an account
9 or profile if the social media platform knows that the
10 individual is under sixteen years of age.

11 (b) A social media platform shall take reasonable steps to
12 prevent individuals under sixteen years of age from creating or
13 maintaining an account or profile on the social media platform,
14 including but not limited to:

15 (1) Requiring individuals to input the individual's age
16 when creating an account; and

17 (2) Terminating any account or profile of a user who the
18 social media platform knows is under sixteen years of
19 age.



1 (c) Any violation of this section shall constitute an
2 unfair or deceptive act or practice in the conduct of trade or
3 commerce within the meaning of section 480-2.

4 (d) For the purposes of this section, "social media
5 platform" means a public or semi-public internet-based service
6 or application that allows users to view content generated by
7 other users or create content viewable by other users of the
8 platform's applications, in any format, including but not
9 limited to text, pictures, and videos, through a landing page,
10 main feed, or other surface; provided that no service or
11 application that exclusively provides email or direct messaging
12 services shall be considered to meet this criterion on the basis
13 of that function alone."

14 SECTION 3. 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 4. New statutory material is underscored.

18 SECTION 5. This Act shall take effect on January 1, 2077.



S.B. NO. 2761
S.D. 2

Report Title:

Social Media Platforms; Individuals Under Sixteen Years of Age;
Prohibition; Unfair or Deceptive Practices

Description:

Prohibits social media platforms from allowing individuals under sixteen years of age from creating or maintaining an account or profile if the social media platform knows that the individual is under sixteen years of age. Requires social media platforms to take certain actions to prevent individuals under sixteen years of age from creating or maintaining an account or profile on the social media platform. Effective 1/1/2077. (SD2)

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