



**WRITTEN TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2026**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 2761, S.D. 1, RELATING TO SOCIAL MEDIA.

**BEFORE THE:**

SENATE COMMITTEES ON COMMERCE AND CONSUMER PROTECTION AND ON JUDICIARY

**DATE:** Thursday, February 26, 2026      **TIME:** 9:30 a.m.

**LOCATION:** State Capitol, Room 229

**TESTIFIER(S):**      **WRITTEN TESTIMONY ONLY.**  
(For more information, contact Ashley M. Tanaka,  
Deputy Attorney General, at (808)586-1180)

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Chairs Keohokalole and Rhoads and Members of the Committees:

The Department of the Attorney General (Department) provides the following comments.

Section 2 of this bill adds a new section to part I of chapter 481B, Hawaii Revised Statutes (HRS), to prohibit social media platforms from allowing individuals under sixteen years of age from creating or maintaining an account or profile if the platform knows that the individual is under sixteen years of age, and require 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 platform.

The Department appreciates the purpose of this bill. We are deeply concerned about the association between social media use and negative impacts on the mental health and development of Hawaii's youth, and believe there is a very strong government interest in protecting Hawaii's youth from coercive design practices in social media platforms.

However, this bill may be subject to legal challenge under the First Amendment of the United States Constitution, as it broadly seeks to prohibit all minors under the age of sixteen from having a social media account or profile, with no exceptions. The U.S. Supreme Court has recognized social media as one of the most important places for all persons to engage in protected First Amendment activity. *See Packingham v. North*

*Carolina*, 582 U.S. 98 (2017) (holding that a North Carolina statute prohibiting sex offenders from accessing social networking websites violated the First Amendment). Although the state's authority over younger children's activities is generally broader than its authority over adults, if a state forecloses access to social media by individuals under the age of sixteen entirely, it may prevent users from engaging in the legitimate exercise of First Amendment rights. *See Id.* at 99.

Courts have recognized that a state does have a compelling interest in protecting the physical and psychological well-being of minors. *See Sable Commc'ns of California, Inc. v. F.C.C.*, 492 U.S. 115 (1989) (upholding the prohibition of obscene telephone messages as constitutional). While the state does possess a legitimate power to protect children from harm, in *Brown v. Entertainment Merchants Ass'n*, 564 U.S. 786 (2011), the U.S. Supreme Court clarified that the state's power is not a "free-floating" power to restrict ideas to which children may be exposed. *Id.* at 794.

While the State does have a compelling interest in protecting individuals under the age of sixteen who reside in Hawaii, those same individuals also likely have a First Amendment protected right to use social media. A total ban on individuals under the age of sixteen from having a social media profile may be subject to challenge on the grounds that it is not narrowly tailored to the State's interest in protecting minors from potential harms that social media poses. Section 1 of this bill contains a preamble, yet the preamble does not offer evidence of how social media use negatively affects the psychological well-being of minors in Hawaii. The preamble only generally states that social media's impact on children in the State has been devastating (page 2, lines 4-5), to the point of the United States Surgeon General declaring that the United States as a whole is experiencing a "youth mental health crisis" (page 2, lines 5-7), but does not explain how such a crisis is attributable to social media use. The preamble also cites to studies that have found that social media use is associated with an increase in inattentiveness but does not specify whether that increase in inattentiveness applies to minors, adults, or both. We strongly recommend, if this bill is to be passed, that section 1 of the bill be significantly bolstered with legislative findings that establish a direct

causal link between social media use and harm to minors under the age of sixteen residing in Hawaii.

Although we note that there would still be a risk of challenge under the First Amendment, there is a reasonable argument that limiting the restriction to account-holder status is a regulation of a commercial transaction only and that, with an exception for parental consent, there would not be a disproportionate burden on speech. To make the bill more defensible, we therefore suggest deleting subsections (a) and (b) on page 3, line 21, through page 4, line 12, of the new section to be added to chapter 481B, HRS, by section 2 of this bill and replacing them with new subsections that require social media platforms to: (a) take reasonable steps to verify an individual's age before allowing an individual to create an account; (b) take reasonable steps to verify the age of existing account holders; and (c) not permit any individual the social media platform knows to be under the age of sixteen to be an account holder unless the individual has the express consent of a parent or legal guardian.

In subsection (c) of the new section in section 2 of this bill, "[a]ny violation of this section shall be deemed an unfair or deceptive act in trade or commerce in violation of chapter 480" (page 4, lines 13-15). To make this new section consistent with other existing sections in chapter 481B, such as sections 481B-4 and 481B-13(e), we suggest changing the wording of subsection (c) to read, "[a]ny violation of this section shall constitute an unfair or deceptive act or practice in the conduct of trade or commerce within the meaning of section 480-2."

In subsection (d) of the new section in section 2 of this bill, the current definition of "social media platform" is potentially overly broad as it could encompass email providers. On the other hand, excluding [v]ideo games and gaming as paragraph (3) (page 5, line 5), from the definition of "social media platform" is potentially problematic as there are situations where it could be difficult to determine where a "game" platform becomes a "social media" platform. To mitigate these issues, we suggest removing "Video games and gaming;" and replacing it with "Providing email services;" instead as paragraph (3) to expressly exclude email providers.

Thank you for the opportunity to testify.



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## Testimony of the Department of Commerce and Consumer Affairs

Before the  
Senate Committee on Commerce and Consumer Protection  
and  
Senate Committee on Judiciary  
Thursday, February 26, 2026  
9:30 a.m.  
Via Videoconference  
Conference Room 229

### WRITTEN TESTIMONY ONLY

On the following measure:  
**S.B. 2761, S.D. 1, RELATING TO SOCIAL MEDIA**

Chair Keohokalole, Chair Rhoads, and Members of the Committees:

My name is Radji Tolentino, and I am an Enforcement Attorney at the Department of Commerce and Consumer Affairs' (Department) Office of Consumer Protection (OCP). The Department offers comments.

The purposes of this measure are to prohibit 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 and to require 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

We share the Legislature's concern about the harm caused by social media companies that use curation algorithms. Many social media platforms employ curation algorithms to maximize user engagement and offer addictive, slot-machine-like features designed to keep children online longer because increased screen time drives profit. These coercive design practices place children at risk even more so than adults, and voluntary industry action has been insufficient to address these harms.

At the same time, we recognize that regulating social media access for minors presents significant legal and practical challenges. Several states, including Utah and Arkansas, enacted similar laws in 2023 that were subsequently blocked or challenged in court. Those efforts raised constitutional questions related to free speech and highlighted enforcement difficulties, particularly around age verification and the risk of infringing on user privacy.

Thank you for the opportunity to testify on this bill.



February 24, 2026

Senate Commerce and Consumer Protection Committee  
Senate Judiciary Committee  
Hawaii State Capitol  
415 South Beretania St.  
Honolulu, HI 96813

## Re: SB 2761 – "Regarding Social Media Platforms; Use By Individuals Under Sixteen Years of Age Prohibited" (Oppose)

Dear Chairs Keohokalole and Rhoads and Members of the Senate Commerce and Consumer Protection and Judiciary Committees:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose SB 2761. CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.<sup>1</sup> Proposed regulations on the interstate provision of digital services therefore can have a significant impact on CCIA members.

CCIA firmly believes that children are entitled to greater security and privacy online. Our members have designed and developed settings and parental tools to individually tailor younger users' online use to their developmental needs. For example, various services allow parents to set time limits, provide enhanced privacy protections by default for known child users, and other tools allow parents to block specific sites entirely.<sup>2</sup> This is also why CCIA supports implementing digital citizenship curricula in schools, to not only educate children on proper social media use but also help teach parents how they can use existing mechanisms and tools to protect their children as they see fit.<sup>3</sup>

However, protecting children from harm online does not include a generalized power to restrict ideas to which one may be exposed. Lawful speech cannot be suppressed solely to protect young online users from ideas or images that a legislative body disfavors.<sup>4</sup> While CCIA shares the goal of increasing online safety, this bill presents the following concerns.

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<sup>1</sup> For more than 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. A list of CCIA members is available at <https://www.ccianet.org/members>.

<sup>2</sup> Competitive Enterprise Institute, *Children Online Safety Tools*, <https://cei.org/children-online-safety-tools/> (last updated June 10, 2025).

<sup>3</sup> Jordan Rodell, *Why Implementing Education is a Logical Starting Point for Children's Safety Online*, Disruptive Competition Project (Feb. 7, 2023), <https://project-disco.org/privacy/020723-why-implementing-education-is-a-logical-starting-point-for-childrens-safety-online/>.

<sup>4</sup> *Erznoznik v. City of Jacksonville*, 422 U.S. 205, 212–14 (1975). See also *FCC v. Pacifica Found.* 438 U.S. 726, 749–50 (1978); *Pinkus v. United States*, 436 U.S. 293, 296–98 (1978).



## The U.S. Supreme Court has repeatedly struck down laws containing speech restrictions intended to prevent harm to minors.

The Supreme Court has repeatedly ruled that the First Amendment applies to teens as well as adults, holding that “[M]inors are entitled to a significant measure of First Amendment protection, and only in relatively narrow and well-defined circumstances may government bar public dissemination of protected materials to them.”<sup>5</sup> The Court has further held that “to foreclose access to social media altogether is to prevent the user from engaging in the legitimate exercise of First Amendment rights.”<sup>6</sup> Yet SB 2761 effectively does just this, foreclosing access to a wide range of protected speech for a population clearly entitled to access it.

Because the proposed bill singles out online content and broadly forecloses access to protected speech, it effectively serves as a prior restraint and is subject to strict scrutiny. The Supreme Court has held that strict scrutiny applies to “governmental regulation of content that has an expressive element” or that “impose[s] a disproportionate burden upon those engaged in First Amendment activities.”<sup>7</sup> Laws triggering strict scrutiny “are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests.”<sup>8</sup> “If a less restrictive alternative would serve the Government’s purpose, the legislature must use that alternative.”<sup>9</sup> Yet rather than rely on the narrowly targeted tools described above, the proposed bill “with one broad stroke bars access to what for many are the principal sources for knowing current events, checking ads for employment, speaking and listening in the modern public square, and otherwise exploring the vast realms of human thought and knowledge,”<sup>10</sup> in clear violation of the First Amendment.

## Restricting access to the internet for younger users limits their access to information and supportive communities.

Requiring businesses to deny access to social networking sites or other online resources may also unintentionally restrict children’s ability to access and connect with like-minded individuals and communities. For example, since children of certain minority groups may not live in areas where they can easily connect with others who relate to their unique experiences, an online meeting place to share such experiences and find support can have positive impacts.<sup>11</sup>

Empirical findings regarding social media’s impact on young users are much more nuanced than SB 2761’s introductory legislative findings suggest. When the U.S. Surgeon General released the advisory entitled *Social Media and Youth Mental Health* referenced in these findings, many were quick to highlight only the harms and risks it detailed. However, the advisory is much more complex and also discusses many potential benefits of social media use

<sup>5</sup> See, e.g., *Erznoznik*, 422 U.S. at 212-13; *Brown v. Ent. Merchs. Ass’n*, 564 U.S. 786, 794 (2011).

<sup>6</sup> *Packingham v. North Carolina*, 582 U.S. 98, 108 (2017).

<sup>7</sup> *TikTok Inc. v. Garland*, 604 U.S. 56, 67-68 (2025).

<sup>8</sup> *Nat’l Inst. of Family & Life Advocates v. Becerra*, 585 U.S. 755, 766 (2018) (citation omitted).

<sup>9</sup> *United States v. Playboy Ent. Grp.*, 529 U.S. 803, 813 (2000).

<sup>10</sup> *Packingham*, 582 U.S. at 107.

<sup>11</sup> *The Importance of Belonging: Developmental Context of Adolescence*, Boston Children’s Hospital Digital Wellness Lab (Oct. 2024), <https://digitalwellnesslab.org/research-briefs/young-peoples-sense-of-belonging-online/>.



among children and adolescents. It concludes, for instance, that social media provides young people with communities and connections with others who share identities, abilities, and interests.<sup>12</sup> It can also provide access to important information and create spaces for self-expression. Research further details that social media can especially benefit marginalized youth, including racial, ethnic, sexual, and gender minorities, as online peer support can mitigate the stresses they face.<sup>13</sup> Indeed, as an Ohio court noted when striking down a law age-gating social media services last year, “nearly all of the research showing any harmful effects” for minors on social media “is based on correlation, not evidence of causation.”<sup>14</sup>

As explained above, CCIA believes that an alternative to solving these complex issues is to work with businesses to continue their ongoing private efforts to implement mechanisms such as daily time limits or child-safe searching so that parents can have control over their own child’s social media use.

**To avoid restricting teens’ access to information, SB 2761 should regulate users under 13 rather than 16 in accordance with established practices.**

Due to the nuanced ways in which children under the age of 18 use the internet, it is imperative to appropriately tailor such treatments to respective age groups. For example, if a 15-year-old is conducting research for a school project, it is expected that they would come across, learn from, and discern from a wider array of materials than a 7-year-old on the internet playing video games. We would suggest changing the scope of covered users to be minors under the age of 13 to align with the federal Children’s Online Privacy Protection Act (COPPA) standard.<sup>15</sup> This would also allow for those over 13, who use the internet much differently than their younger peers, to continue to benefit from its resources.

\* \* \* \* \*

We appreciate the Committee’s consideration of these comments and stand ready to provide additional information as the Legislature considers proposals related to technology policy.

Sincerely,

Aodhan Downey  
State Policy Manager, West Region  
Computer & Communications Industry Association

<sup>12</sup> Off. of the Surgeon Gen., U.S. Department of Health & Human Services, *Social Media and Youth Mental Health: The U.S. Surgeon General’s Advisory, Social Media Has Both Positive and Negative Impacts on Children and Adolescents* (2023), <https://www.ncbi.nlm.nih.gov/books/NBK594763/>.

<sup>13</sup> *Id.*; see also Jennifer Marino et al., *Social Media Use and Health and Well-being of Lesbian, Gay, Bisexual, Transgender, and Queer Youth: Systematic Review*, J. Med. Internet Rsch. (Sept. 22, 2021), <https://www.jmir.org/2022/9/e38449>.

<sup>14</sup> *NetChoice v. Yost*, 778 F. Supp. 3d 923, 955 (S.D. Ohio 2025).

<sup>15</sup> See 15 U.S.C. § 6501(1).

February 24, 2026

Senator Jarrett Keohokalole  
Chair, Committee on Commerce and Consumer Protection  
Hawaii State Capitol  
415 South Beretania Street, Room 229  
Honolulu, HI 96813

Senator Karl Rhoads  
Chair, Committee on Judiciary  
Hawaii State Capitol  
415 South Beretania Street, Room 229  
Honolulu, HI 96813

**RE: SB 2761\_SD1 (Keohokalole) – Relating to Social Media - Oppose**

Dear Chair Keohokalole, Chair Rhoads, and members of the committees,

On behalf of TechNet, we respectfully oppose SB 2761\_SD1, which would prohibit social media platforms from providing accounts to individuals under the age of sixteen and impose affirmative obligations on platforms to prevent access by minors.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of American innovation by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes 100 dynamic American businesses ranging from startups to the most iconic companies on the planet and represents five million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance.

We share the Legislature's concern for youth mental health and support thoughtful, evidence-based approaches to protecting young people online. However, as drafted, SB 2761\_SD1 would impose unworkable obligations, undermine privacy, and expose platforms to expansive liability without delivering clear or measurable benefits for minors.

Ambiguous Knowledge Standard and Broad Access Ban

While the Legislature's findings discuss concerns about algorithmic design and youth mental health, the operative provisions of SB 2761\_SD1 do not regulate specific design features. Instead, the bill imposes a categorical prohibition on social

media platforms from allowing individuals under sixteen to create or maintain accounts if the platform “knows” the individual is under sixteen years of age

This knowledge-based standard creates significant ambiguity. The bill does not clarify whether “knows” requires actual knowledge, constructive knowledge, or inferred knowledge based on user behavior. Nor does it define what constitutes sufficient evidence of age awareness. At the same time, platforms are required to take “reasonable steps” to prevent minors under sixteen from maintaining accounts, without defining what those steps entail or what age verification level would be deemed sufficient.

As with similar proposals in other states, SB 2761\_SD1 places platforms in an untenable position: either collect significantly more personal information from all users, thereby raising privacy and security risks, or face enforcement exposure for failing to prevent access. This approach undermines longstanding privacy principles by incentivizing over-collection of sensitive data in the name of child protection.

A broad access ban tied to ambiguous knowledge standards does not provide clear, prospective compliance guidance and risks creating litigation-driven policy rather than predictable rules that protect young users.

#### Restricted Access to Lawful Speech and UDAP-Style Enforcement

When combined with the bill’s UDAP-style enforcement mechanism, this structure exposes platforms to substantial liability based on subjective determinations of knowledge and reasonableness.

Because the bill conditions liability on a platform’s knowledge of a user’s age, it creates strong incentives for platforms to err on the side of denial—restricting access to lawful speech and information for both minors and adults. This is particularly concerning given that social media platforms are increasingly used for education, civic engagement, creative expression, and access to support resources. Broadly preventing minors under 16 from accessing social media platforms risks cutting minors off from beneficial content and online communities without tailoring protections to specific harms or high-risk behaviors. And, importantly, the bill’s prohibition on access for minors under 16 takes away the rights of parents to decide what is best for their teens online.

Furthermore, SB 2761\_SD1 heightens these concerns by deeming violations to constitute unfair or deceptive acts or practices. This UDAP-style enforcement mechanism significantly lowers the threshold for liability and introduces substantial uncertainty around compliance.

When combined with ambiguous standards—such as what it means for a platform to “know” a user’s age or to take “reasonable steps” to prevent access—UDAP enforcement risks turning routine operational judgments into enforcement actions.

This structure invites inconsistent application, retroactive second-guessing, and litigation-driven policy rather than clear, prospective rules.

Unintended Consequences for Privacy and Safety

By incentivizing aggressive age verification and account restriction, SB 2761\_SD1 could paradoxically make online environments less safe. Young people may migrate to less-regulated platforms, use shared or fake credentials, or seek out unmoderated spaces without safeguards. At the same time, platforms may have fewer tools to provide age-appropriate content, safety features, or reporting mechanisms if minors are pushed off mainstream services.

Protecting young people online is a critical and shared priority. However, SB 2761\_SD1 adopts a blunt and impractical access ban, imposes infeasible compliance obligations, and exposes platforms to expansive UDAP liability without clear standards.

We respectfully urge the Legislature to consider more targeted, evidence-based alternatives that focus on specific high-risk behaviors, strengthen parental and user controls, and preserve privacy while supporting youth well-being.

For these reasons, we respectfully oppose SB 2761\_SD1.

If you have any questions regarding our position, please contact Robert Boykin at [rboykin@technet.org](mailto:rboykin@technet.org) or 408.898.7145.

Sincerely,



Robert Boykin  
Executive Director for California and the Southwest  
TechNet



## **HAWAII SB 2761 // WRITTEN TESTIMONY IN STRONG OPPOSITION**

Dear Chair Keohokalole, Vice Chair Fukunaga, Chair Rhoads, Vice Chair Gabbard, and Honorable Members of the Committees:

LGBT Tech, a national organization advancing technology policy and programs that promote access, inclusion, and empowerment for LGBTQ+ people, respectfully submits this written testimony **in strong opposition to Hawaii SB 2761**, a proposed ban on social media access for users under the age of 16.

We share the Legislature's goal of protecting young people online. However, SB 2761 is a blunt and overbroad response. In practice, it would sever access to support networks and critical resources for youth who rely on them, while also incentivizing broad age-gating and data collection that increases privacy and safety risks for minors and adults alike.

### **Online Access Directly Impacts LGBTQ+ Youth Health & Safety**

For many LGBTQ+ youth, especially those who are not out at home or who live in unsupportive environments, online platforms are where they find identity-affirming information, peer support, and crisis resources. LGBT Tech's [polling](#) shows LGBTQ+ people often begin using platforms while they are still minors: 64% of LGBTQ+ adults report joining digital or social platforms before age 18, including 83% of transgender adults, and a majority joined to find LGBTQ+ community and resources. Online spaces play a measurable role in identity discovery and formation: 76% of LGBTQ+ adults report online spaces helped them discover or learn more about their identity, rising to 94% among transgender respondents.

SB 2761's categorical ban disregards how many youth actually use online spaces as a source of connection and support that can be difficult or impossible to access safely offline.

Hawaii-specific data highlights the severe risks that could result from SB 2761. The Trevor Project's 2024 [state report](#) finds that 32% of LGBTQ+ young people in Hawaii have seriously considered suicide, with three-fourths reporting symptoms of anxiety. These figures reflect a substantial portion of young people navigating daily distress, where connection can be protective and isolation can be destabilizing.



At the same time, safe in-person environments are not reliably available. Only 26% of Hawaii's LGBTQ+ youth [report](#) their home is LGBTQ+-affirming (17% of transgender and nonbinary young people). Schools are only slightly better: 36% of LGBTQ+ young people (33% of transgender and nonbinary young people) identify their school as affirming. When home and school are not welcoming, online communities are often the most accessible path to peer support and identity-affirming information. SB 2761 would limit or make impossible participation in many of the digital spaces where that support actually occurs.

This bill is also moving in a worsening political environment already affecting youth well-being. In Hawaii, 82% of LGBTQ+ young people [report](#) that recent politics have negatively impacted their well-being. This legislation would compound that stress, by cutting off a key support channel precisely when young people report that politics is deeply harming their well-being and sense of safety.

Taken together, the evidence points in one direction: in Hawaii, where many LGBTQ+ youth report significant distress, limited affirming spaces at home and school, and direct political impacts on well-being, access to affirming online spaces must be protected as a matter of youth safety.

### **The Bill Would Drive Aggressive Age-Gating Practices for All Users**

Hawaii's Department of Commerce and Consumer Affairs' Office of Consumer Protection has already [acknowledged](#) the legal and practical challenges of regulating social media access for minors, including enforcement difficulties around age verification and risks to user privacy, while noting that similar laws have been blocked or challenged in other states.

A critical implementation reality is that meaningful enforcement rarely remains neatly contained to users under 16. To reduce liability, platforms are incentivized to adopt broader age-assurance practices that create friction for many users, including:

**People who cannot easily produce age documentation.** LGBTQ+ people, and transgender people in particular, face documented barriers to maintaining identity documents that match their lived name or gender marker. Williams Institute [research](#) has documented that inaccurate identity documents create obstacles across public life, and that transgender people face unique barriers to obtaining IDs that reflect their identity. This creates digital access barriers when participation depends on producing documentation.



**People who do not feel safe providing documentation.** Age-gating can require users to share sensitive identifying information with platforms or third parties. For LGBTQ+ people, that data collection raises real safety concerns in an environment where many already worry about privacy and potential exposure. LGBT Tech [polling](#) finds that 72% of LGBTQ+ adults report concern about data privacy related to their LGBTQ+ identity or activity including even higher concern among transgender respondents (86%). When access requires identity-linked verification, users face a coercive choice between disclosure or exclusion.

**People who are misclassified by automated systems.** If platforms use age estimation or identity verification tools, errors are not evenly distributed. For example, University of Colorado Boulder [research](#) found facial analysis systems misclassified transgender people at high rates, including misidentifying transgender men as women 38% of the time, and failing to classify nonbinary identities. [Research](#) also shows that nearly all “gender recognition” systems are built on binary and immutable assumptions that do not reflect lived reality, increasing error and exclusion risk.

Together, these implementation dynamics make SB 2761 a digital equity problem, not only a youth policy. Age-gating infrastructure intended to restrict minors can become a practical access barrier for broader groups, with foreseeable safety consequences for people who depend on privacy, anonymity, and accurate classification.

### **Better Approaches Exist to Protect Youth without Severing Access**

Youth online safety concerns are real. But SB 2761 does not focus on specific high-risk behaviors, targeted harassment, predatory conduct, or particular product design patterns. Instead, it broadly restricts account-based access to our modern spaces, limiting beneficial and protective use cases in equal measure to harmful ones.

This approach is likely to make the platform environment worse, not simply less accessible. When youth are pushed off mainstream services, research [shows](#) they often shift to less moderated spaces with fewer guardrails. That displacement undermines the bill’s stated safety. SB 2761 is also likely to reduce reporting and help-seeking. A regime that tells youth they “should not be there” creates a predictable chilling effect: young people who experience harassment or exploitation may be less likely to report abuse or seek help if doing so requires admitting they were using a prohibited account in the first place. In practice, SB 2761



risks decreasing visibility into real harms and weakening the very feedback loops that make platforms safer over time.

LGBT Tech urges the Legislature to reject SB 2761 and instead pursue approaches that strengthen youth well-being without building overbroad age-gating infrastructure or cutting off access to affirming resources, including:

**Privacy-preserving youth protections** such as strong default safety settings for youth accounts, robust reporting and anti-harassment tools, and limitations on data collection and retention that do not require invasive verification.

**Targeted platform accountability for specific risks**, including harassment and inadequate abuse response pathways, rather than categorical bans.

**Digital literacy and safety education** that helps youth and families navigate online spaces safely and equips young people to identify harms and seek help.

SB 2761 is a sweeping response to a complex problem. In practice, it risks isolating LGBTQ+ youth from critical support and information, incentivizing more invasive age-gating infrastructure, and creating broader exclusion for users unable or unwilling to prove age. For these reasons, LGBT Tech respectfully urges the Committees **to hold SB 2761 and decline to advance the measure.**

Thank you for the opportunity to provide testimony. LGBT Tech remains available as a resource to the Legislature on youth online safety approaches that protect young people while preserving privacy, access, and equity.

Sincerely,

A handwritten signature in black ink, appearing to read "Shae Gardner".

**Shae Gardner**

Director of Policy & Research

[sgardner@lgbttech.org](mailto:sgardner@lgbttech.org)



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February 24, 2026

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Jarrett Keohokalole, Chair  
Senator Carol Fukunaga, Vice Chair

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

Re: TESTIMONY ON BEHALF OF META OPPOSING  
SENATE BILL NO. 2761, SD1

Dear Chair Keohokalole, Chair Rhoads, Vice Chair Fukunaga, Vice Chair Gabbard, and  
Members of the Commerce and Consumer Protection and Judiciary committees:

Thank you for the opportunity to testify today. My name is David Louie and I am here on behalf of Meta. At Meta, we want the same thing as lawmakers: safe, positive online experiences for young people but I am here in strong opposition to SB 2761, the proposed legislation to ban social media access for teens under 16. Among the many problematic requirements of this bill, the current proposal has numerous carveouts that cover only a narrow subset of apps, creating a regulatory gap that fails to reflect where teens actually spend time online. This may allow companies providing major services that are ubiquitous among teens to avoid compliance.

Early evidence from Australia shows that a blanket ban does not reduce harm or keep teens safe, it simply pushes them to more unregulated spaces online. We strongly believe in the importance of responsibly empowering young people to enjoy the many benefits our platforms provide while equipping parents with the tools and insights they need to support them on their journey. That's why we launched Teen Accounts for Instagram, Facebook, and Messenger. A fundamentally reimagined experience that gives parents peace of mind.

With Teen Accounts, teens are automatically defaulted into protective settings limiting who can contact them, the content they see, and making sure their time is well spent. Any teen under 16 will need a parent to make these settings less strict. And we continue to build on these

Senator Jarrett Keohokalole, Chair  
Senator Carol Fukunaga, Vice Chair  
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February 24, 2026  
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protections. Most recently, we revamped our content policies so that content teens see is inspired by movie ratings for ages 13+ by default. This means teens under 18 are automatically placed into a 13+ content setting and will see content similar to what they'd see in an age-appropriate movie. We've also introduced a stricter "Limited Content" setting for parents who prefer more restrictive content experiences for their teens. These settings apply across all Instagram experiences - Feed, Reels, Stories, Search, and Explore. Instead of cutting off access entirely, we think there is a better way to accomplish the goals of this bill.

It is critical to remember that in order to place teens into age-appropriate experiences online, like Teen Accounts, apps must know who is and is not a teen. Period.

As you're aware, understanding someone's age online is a complex, industry-wide challenge because many people, including young people, may misrepresent how old they are online. SB 2761 risks encouraging teens to misrepresent their age to get around the ban and also ignores the benefits teens can get from social media.

Under SB 2761 teens won't be able to use our services the way they love - from staying connected with family and friends, to discovering their interests, and expressing themselves. This bill would restrict teens from these benefits, and in a manner that will provide inconsistent protections across the many apps that teens use.

While we share your goal of protecting young people online, it's important to note that, on average, teens use around 40 apps per week, so targeting a handful of companies won't keep teens safe. A selective ban risks creating confusion for families, teens, and platforms alike and encouraging teens to move to unsafe and unregulated spaces. As drafted, teens may still be able to access some platforms but not others. SB 2761 bans teens under 16 from only a limited set of the many apps that they use, and should not move forward in the legislative process until this issue is fully addressed. After the loophole is addressed, there are additional remaining areas of concern that we would like to continue to bring to your attention.

As drafted, some of the most popular social media sites may consider themselves out of scope if their "primary purpose" is not socialization with direct communication and many companies may argue that their primary purpose is "educational material." The bill scopes out gaming and video games despite the many similar features among gaming and social media apps and also has additional carveouts for platforms that may have the same features but consider their "primary purpose" to fall into the enumerated categories exempted from the bill. These carveouts may also result in inconsistent application of the law and raise First Amendment concerns about speaker-based and content-based restrictions.

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Where some platforms allow it, teens may still be able to access social media sites without an account and without safeguards that are intended for registered users and may put them into more age-appropriate experiences. The scoping of this ban will drive teens to less safe, unregulated platforms or encourage them to misrepresent their age.

Bans, especially selectively administered ones, put teens at greater risk when it comes to online safety, access to information, awareness of their social and political environment, economic opportunity, and access to supportive services. Bans also remove the important role of parents in the online lives of their teens.

We do think that there is a legislative solution that will accomplish your goals, without a full ban that carves out many apps and removes the choice from parents. Instead, we support legislation that requires parental approval and age verification at the app store/OS level to ensure all teens are placed into age-appropriate experiences. That approach has been introduced in nearly 30 states across the United States, and Hawaii considered it last year, and versions have already been signed into law in 5 states. Under an app store approach, parents are empowered to decide what apps their teen is or is not ready to use, not the government. Parents need clear, efficient ways to oversee the many apps their children use, and they expect all apps to offer the same standard of protection. This bill fails to afford parents that opportunity and leaves out many of the apps teens are using.

We respectfully oppose SB 2761 and encourage the Committee to instead consider an approach that applies equally across all of the many apps that teens use and empowers parents to make the decision whether or not they want to restrict their child from using certain apps. Parents may decide on a higher or lower age range than this ban proposes or even different allowances among their children, because they know their family best.

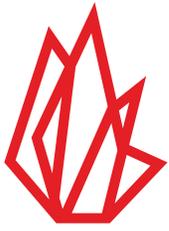
Very truly yours,

A handwritten signature in black ink, appearing to read "David M. Louie", written in a cursive style.

DAVID M. LOUIE

for

KOBAYASHI SUGITA & GODA, LLP



# FIRE

Foundation for Individual  
Rights and Expression

February 24, 2026

Committee on Commerce and Consumer Protection  
Committee on Judiciary  
Hawaii Senate  
State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

Dear Chair Keohokalole, Chair Rhoads, and Members of the Committees:

My name is Ari Cohn and I serve as Lead Counsel for Tech Policy at the Foundation for Individual Rights and Expression (FIRE)—a nonpartisan, nonprofit organization that defends the rights of all Americans to free speech and free thought.

I write to express FIRE’s strong opposition to SB 2761. This bill would unquestionably violate the First Amendment rights of all social media users, minors and adults alike. **We urge these committees NOT to advance SB 2761.**

I. Minors have a First Amendment right to access social media

The Supreme Court has established that government regulation of access to social media receives First Amendment scrutiny.<sup>1</sup>

Minors generally possess significant First Amendment rights, “and only in relatively narrow and well-defined circumstances” can the government intrude on them.<sup>2</sup> Those narrow and well-defined circumstances almost exclusively concern sexually explicit content and speech occurring within the K-12 school environment (even within which students retain substantial expressive

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<sup>1</sup> *Packingham v. North Carolina*, 582 U.S. 98 (2017) (striking down law prohibiting registered sex offenders from accessing social media).

<sup>2</sup> *Brown v. Entertainment Merchants Ass’n*, 564 U.S. 786, 794 (2011).

rights<sup>3</sup>)—neither of which are at issue here. Outside of these limited circumstances, speech “cannot be suppressed solely to protect the young from . . . that [which] a legislative body thinks is unsuitable for them.”<sup>4</sup>

Nothing about SB 2761’s wholesale ban on minors’ access to social media is “narrow.” Neither the Supreme Court nor any other court has ratified the notion that minors may be categorically excluded from an entire forum for general, non-prohibitable expression. To the contrary, the Court has made clear that such laws will be struck down.

In *Packingham v. North Carolina*, the Supreme Court struck down a law prohibiting registered sex offenders from using social networking sites. The court found this restriction “unprecedented in the scope of First Amendment speech it burdens,” noting that the law “bar[red] access to what for many are the principal sources for knowing current events, checking ads for employment, speaking and listening in the modern public square, and otherwise exploring the vast realms of human thought and knowledge.”<sup>5</sup> Because “to foreclose access to social media altogether is to prevent the user from engaging in the legitimate exercise of First Amendment rights,”<sup>6</sup> the Court ruled North Carolina’s law unconstitutional.

Similarly broad restrictions on minors have met the same fate. In *Brown v. Entertainment Merchants Association*, the Court ruled that a California law banning the sale of violent video games to minors violated the First Amendment.<sup>7</sup> The Court reached this conclusion despite the fact that minors could still access violent video games if purchased by an adult, holding that a law conditioning a minor’s expressive rights on the prior consent of a parent “must be unconstitutional.”<sup>8</sup>

SB 2761 is even more broad than the California video game law, prohibiting any individual younger than 16 from using social media—even if a parent wanted to allow them to do so. In recent years, courts across the country have enjoined—

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<sup>3</sup> See *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503, 596 (1969) (“It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”).

<sup>4</sup> *Erznoznik v. Jacksonville*, 422 U.S. 205, 213–14 (1975).

<sup>5</sup> *Packingham*, 582 U.S. at 107.

<sup>6</sup> *Id.* at 108.

<sup>7</sup> *Brown*, 564 U.S. 786.

<sup>8</sup> *Id.* at 795 n.3.

on First Amendment grounds—at least six laws that only required parental consent for a minor’s social media use, rather than a complete ban.<sup>9</sup>

**If laws requiring parental consent before a minor is allowed to access protected expression is unconstitutional, there can be no doubt that categorically banning them from accessing that expression entirely is even more obviously so.**

II. SB 2761 also violates the First Amendment rights of adults.

To prevent anyone under the age of 16 from creating accounts, social media platforms necessarily have to know which users are over or under the age limit. Platforms will therefore be forced to perform intrusive age verification, requiring users to provide sensitive personally identifying information, eroding the anonymity that allows Americans to read and share information without risk of personal or government reprisal.

**The bill’s legislative findings make clear that rigorous age verification is the intended outcome.** While SB 2761 only explicitly mentions requiring users to input their own age, such an easily-defeated process runs afoul of the legislative finding that existing social media platform age verification efforts are “inadequate” because “[r]eporters and non-profits have been able to create fake accounts that allow them to pass as children and children have no problem creating fake accounts that allow them to pass as adults.”

**For decades, courts have routinely invalidated laws requiring adults to identify themselves before accessing lawful content,** because they would “likely deter many adults from accessing restricted content . . . especially where

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<sup>9</sup> See *NetChoice v. Murrill*, Civ. A. No. 25-231-JWD-RLB, 2025 WL 3634112; *NetChoice v. Carr*, 789 F. Supp. 3d 1200 (N.D. Ga. 1015); *NetChoice v. Fitch*, 787 F. Supp. 3d 262 (S.D. Miss. 2025); *NetChoice v. Yost*, 778 F. Supp. 3d 923 (S.D. Ohio 2025); *NetChoice, LLC v. Griffin*, No. 5:23-CV-5105, 2025 WL 978607 (W.D. Ark. Mar. 31, 2025); *NetChoice, LLC v. Reyes*, 748 F. Supp. 3d 1105 (D. Utah 2024).

the information they wish to access is sensitive or controversial”<sup>10</sup> and therefore “would chill protected speech.”<sup>11</sup>

Applied to social media platforms, age verification creates an even greater chilling effect. Users will have to sacrifice their anonymity not just to access the unlimited array of socially valuable topics discussed on social media, but also to speak in a forum described by the Supreme Court as “one of the most important places to exchange views.”<sup>12</sup>

The right to speak anonymously is baked into our nation’s founding. Anonymity allows users to discuss personal, sensitive, and controversial topics—including political dissent and criticism of powerful figures—safely and candidly, without fear of reprisal or harm. As the Supreme Court noted when striking down a ban on anonymous pamphleteering:

Anonymity is a shield from the tyranny of the majority . . . [and] thus exemplifies the purpose behind the Bill of Rights, and of the First Amendment in particular: to protect unpopular individuals from retaliation—and their ideas from suppression—at the hand of an intolerant society.<sup>13</sup>

**SB 2761 would curtail this essential liberty in the largest, most important, and perhaps most democratized forum for expression ever devised.**

The concerns underlying age verification’s chilling effect are more prevalent than ever. Even two decades ago, courts recognized that sensitive personal information, once collected, is at risk of being stolen, exposed, or misused: “Fear

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<sup>10</sup> *American Civil Liberties Union v. Ashcroft*, 322 F.3d 240, 259 (3d Cir. 2003). *See also Psinet, Inc. v. Chapman*, 362 F.3d 227, 236–37 (4th Cir. 2004) (“The District Court explained that the stigma associated with the content of these Internet sites may deter adults from visiting them if they cannot do so without the assurance of anonymity.”); *Southeast Booksellers Ass’n v. McMaster*, 371 F. Supp. 2d 773, 782 (D.S.C. 2005) (age verification creates a “First Amendment problem” because “age verification deters lawful users from accessing speech they are entitled to receive.”); *American Civil Liberties Union v. Johnson*, 4 F. Supp. 2d 1029, 1033 (D.N.M. 1998) (mandatory age verification “violates the First and Fourteenth Amendments of the United States Constitution because it prevents people from communicating and accessing information anonymously.”).

<sup>11</sup> *American Civil Liberties Union v. Ashcroft*, 534 F.3d 181, 197 (3d Cir. 2008).

<sup>12</sup> *Packingham*, 582 U.S. at 98.

<sup>13</sup> *McIntyre v. Ohio Elections Comm’n*, 514 U.S. 334, 357 (1995).

that cyber-criminals may access their [identifying information] . . . may chill the willingness of some adults to participate in the ‘marketplace of ideas.’”<sup>14</sup>

Today, user data is collected, stored, sold—and stolen—at levels unimaginable 20 years ago. Social media and age verification companies are already rich targets for malicious actors; increasing the amount of sensitive information they collect about users will only increase the risks involved in data collection and exploitation. And users—who are inundated with reports of data breaches and leaks of sensitive personal information—will undoubtedly think twice about engaging in any sensitive or controversial speech on social media, knowing their identifying information may end up in the hands of the criminal or powerful.

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To the extent they were intended to, the Committee on Labor and Technology’s amendments, reflected in its report, do not resolve these constitutional infirmities.

Whether violations are deemed unfair or deceptive acts pursuant to fair trade regulations or regulations pertaining to monopolies and restraint of trade is immaterial—the First Amendment applies with equal force to both.

And delaying the statute’s effective date is more dangerous than helpful. The time to ensure that legislation comports with the First Amendment is *before* enacting it—not after it has been turned into a constitutional time bomb, ticking away unheard beneath the clatter of whatever urgent state business will inevitably arise in the interim.

Courts have had little trouble striking down substantially similar, even *less* restrictive laws. SB 2761 will not fare differently, and this legislature need not incur the enormous cost and time expenditure of litigation to learn the lessons that the experiences of other states teach.

**These committees should determine NOT to advance SB 2761,**

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<sup>14</sup> *Psinet, Inc. v. Chapman*, 167 F. Supp. 2d 878, 889 (W.D. Va. 2001); *see also American Civil Liberties Union v. Gonzales*, 478 F. Supp. 2d 775, 806 (E.D. Pa. 2007) (“Requiring Internet users to provide . . . personally identifiable information to access a Web site would significantly deter many users from entering the site, because Internet users are concerned about security on the Internet and because Internet users are afraid of fraud and identity theft on the Internet.”).

I would be happy to answer any questions and discuss these important issues further. I can be reached at any time by email at [ari.cohn@fire.org](mailto:ari.cohn@fire.org), or by telephone at (215) 717-3473 ext. 330.

Sincerely,

A handwritten signature in blue ink that reads "Ari Cohn". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ari Cohn  
Lead Counsel, Tech Policy  
Foundation for Individual Rights and Expression

**SB-2761-SD-1**

Submitted on: 2/23/2026 10:55:34 AM

Testimony for CPN on 2/26/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Chachie	Individual	Support	Written Testimony Only

Comments:

To: The Honorable Senator Brandon J.C. Elefante, Chair

The Honorable Senator Angus L.K. McKelvey, Vice Chair

And Members of the Senate Committee on Judiciary (JDC)

Re: **Testimony in OPPOSITION to SB 2761** – Relating to Social Media

Hearing Date: February 26, 2026

Time: 9:30 AM

Location: Conference Room 229 & Videoconference

Aloha mai, My name is Chachie , and I am a resident of Waipahu, HI. I am writing to express my strong **opposition** to SB 2761. While I share the legislature's deep concern for the well-being of our Keiki, this bill's approach—a total ban on social media for individuals under sixteen—is a legally flawed and impractical solution that may inadvertently cause more harm than good.

**1. Legal Precedents and Constitutional Risks**

Hawaii risks entering a costly and losing legal battle. As documented by MultiState in their report, [\*Eight States Enact Minor Social Media Bans Despite Court Fights\*](#), similar laws in states like Arkansas, Ohio, and Utah have been blocked by federal courts. These courts have consistently found that such bans violate the **First Amendment** by overstepping the government's authority to restrict access to speech and information.

**2. The Mental Health "Double-Edged Sword"**

There is no doubt that social media has a significant negative impact on youth mental health. Research indicates that:

- **Addictive Algorithms:** Features like "infinite scroll" are designed to trigger dopamine responses similar to gambling, leading to increased rates of anxiety and sleep deprivation.

- **Social Comparison:** The constant exposure to idealized lives contributes to body dysmorphia and depression among teens.

However, a total ban is a "one-size-fits-all" tool for a complex problem. For many youth—especially those in marginalized communities or rural areas of our islands—social media is a vital lifeline for finding supportive communities and educational resources.

### 3. Privacy and Parental Rights Concerns

To enforce this ban, platforms would be forced to implement invasive **age verification**. This requires all users (including adults) to provide government IDs or biometric data to private corporations, creating massive privacy risks. Furthermore, SB 2761 removes the decision-making power from Hawaii's parents, who are best positioned to judge their own child's maturity and digital needs.

Rather than a ban that will likely be struck down, I urge the Committee to pivot toward **Safety by Design** standards. A more effective and legally sound alternative would be to:

- **Disable Addictive Features:** Prohibit the use of engagement-based algorithms and "infinite scroll" for users under 18.
- **Privacy by Default:** Require all minor accounts to be private by default with no data-tracking permitted.
- **Digital Literacy Education:** Invest in K-12 curriculum that teaches children how to navigate the digital world safely and critically.

### Conclusion

We must protect our youth, but we must do so through methods that respect the Constitution and the privacy of Hawaii's families. SB 2761 is a well-intentioned but fundamentally flawed measure. I respectfully urge the Committee to **defer** this bill and consider the "Safety by Design" alternatives mentioned above.

Thank you for the opportunity to testify.

**Respectfully submitted,**

Chachie A.

**SB-2761-SD-1**

Submitted on: 2/24/2026 11:36:38 AM

Testimony for CPN on 2/26/2026 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nalani-Tearsjah Aipoalani-Tuaoi-To'oto'o	Individual	Oppose	Written Testimony Only

Comments:

Aloha Members,

I am writing to urge you to oppose Senate Bill 2761, which would prohibit individuals under 16 from creating or maintaining social media accounts. I commend the legislature for addressing the issue of teen safety online, but unfortunately, this is the wrong approach.

For many teens, social media is how they stay connected with friends and family members on other islands or the mainland. It's also how they keep up with younger cousins they don't get to see every day. These are important relationships that social media helps young people maintain in ways that weren't possible before. Yess, cutting that off that access limits screen time, but more pressingly, it cuts teenagers off from their families and communities.

The bill also doesn't target the right platforms. SB 2761 carves out gaming platforms and other services, meaning places like Roblox (where child predators have been documented targeting young users) are completely untouched. We've seen in Australia that sweeping bans like this don't get kids off the internet. They push them toward less regulated, harder-to-monitor platforms. That makes kids less safe.

There is a better approach. Requiring age verification and parental consent at the app store level would give parents a single, streamlined point of control without cutting young people off from the connections they rely on. It empowers parents to make decisions for their own families rather than leaving that judgment entirely to the government.

I urge you to oppose SB 2761 and support solutions that actually work for Hawai'i's families.



**SB-2761-SD-1**

Submitted on: 2/24/2026 12:02:07 PM

Testimony for CPN on 2/26/2026 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Eveni-Elijah Aipoalani-Tuaoi-Tootoo	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair and Committee Members,

I am writing in opposition to Senate Bill 2761. Although protecting young people online is a goal we all share, prohibiting anyone under 16 from using social media is not the right solution.

In Hawai‘i, distance is a reality for many families. Teens often rely on social media to maintain close relationships with relatives living on different islands or across the continent. These platforms allow them to participate in family life, share milestones, and maintain daily communication in ways that phone calls or occasional visits cannot fully replace. Eliminating access does not just reduce exposure to risk — it also limits connection, belonging, and community.

Furthermore, SB 2761 excludes certain online spaces, including gaming platforms, where safety concerns have already been documented. A partial ban that leaves these environments untouched may simply shift youth activity to platforms with fewer safeguards and less transparency. International examples have demonstrated that sweeping age bans rarely remove teens from the digital world; instead, they push activity underground, making supervision more difficult.

A more balanced approach would focus on giving parents clear authority and practical tools. Implementing age verification and parental consent requirements through app stores would create a single checkpoint for families while preserving the ability to stay connected. This respects parental responsibility and allows families to make decisions based on their own children’s maturity and needs.

I respectfully ask you to oppose SB 2761 and consider alternatives that prioritize both safety and family connection.

Mahalo for your time and service.

**SB-2761-SD-1**

Submitted on: 2/24/2026 12:20:41 PM

Testimony for CPN on 2/26/2026 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Leinaala Keohuhu-Paaluhi	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair and Members of the Committee,

I respectfully ask you to vote no on Senate Bill 2761, which would bar youth under the age of 16 from having social media accounts. While I appreciate the concern driving this proposal and agree that online safety is an important issue, this bill takes an overly broad approach that may do more harm than good.

For many young people in Hawai‘i, social media is not simply entertainment. It is a primary way they maintain relationships with friends and family who live on neighbor islands or on the mainland. Teens use these platforms to stay in touch with grandparents, siblings, and cousins they may only see occasionally. Removing access may reduce screen time, but it also severs meaningful connections that help young people feel supported and engaged in their communities.

Additionally, the bill does not consistently address the areas of greatest concern. By exempting gaming and other online platforms, it leaves open spaces where documented risks to children already exist. Experiences in other countries show that broad prohibitions often drive youth toward less regulated or more anonymous corners of the internet, where oversight is weaker and risks may be higher.

Rather than an outright ban, a more effective solution would be to require age verification and parental approval at the app store level. This would provide parents with a centralized, practical tool to guide their children’s online access without cutting off communication entirely. Families differ in their values and circumstances, and parents should be empowered to make decisions that reflect those differences.

For these reasons, I urge you to oppose SB 2761 and pursue policies that strengthen parental involvement and genuinely enhance youth safety.

Thank you for your consideration.