
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 noted 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 children and adolescents
12 experience, and disruptions to other activities essential for
13 health, such as sleep and exercise, can play a complex role in
14 the impact of social media on an individual child's or
15 adolescent's mental health. The United States Surgeon General
16 also expresses serious concern with the way social media is
17 designed, deployed, and utilized while the outcomes for today's
18 generations of 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 the State has a
6 compelling interest in protecting the physical and psychological
7 well-being of minors. However, minors also have a First
8 Amendment right to free speech. A narrowly-tailored approach
9 that protects minors from the harms proposed by social media,
10 while still enabling minors to engage in constitutionally
11 protected speech, is therefore needed.

12 Accordingly, the purpose of this Act is to:

- 13 (1) Require a social media platform to take reasonable
14 steps to verify the age of new and existing account
15 holders on the social media platform; and
- 16 (2) Prohibit a social media platform from allowing
17 individuals under sixteen years of age to be an
18 account holder, absent the express consent of a parent
19 or legal guardian.



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

4 "§481B- Social media platforms; users of sixteen years
5 and under; parental consent. (a) A social media platform

6 shall:

7 (1) Take reasonable steps to verify an individual's age
8 before allowing the individual to create an account;

9 (2) Take reasonable steps to verify the age of existing
10 account holders; and

11 (3) Not permit any individual the social media platform
12 knows to be under the age of sixteen to be an account
13 holder unless the individual has the express consent
14 of a parent or legal guardian.

15 (b) Any violation of this section shall constitute an
16 unfair or deceptive act or practice in the conduct of trade or
17 commerce within the meaning of section 480-2.

18 (c) For the purposes of this section, "social media
19 platform" means a public or semi-public internet-based service
20 or application that allows users to view content generated by
21 other users or create content viewable by other users of the



1 platform's applications, in any format, including but not
2 limited to text, pictures, and videos, through a landing page,
3 main feed, or other surface, and that primarily serves as a
4 medium for users to interact with content generated by other
5 users of the platform; provided that no service or application
6 that exclusively provides email or direct messaging services
7 shall be considered to meet this criterion on the basis of that
8 function alone."

9 SECTION 3. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 4. New statutory material is underscored.

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



Report Title:

Social Media Platforms; Individuals Under Sixteen Years of Age; Age Verification; Parental Consent; Unfair or Deceptive Acts or Practices

Description:

Requires a social media platform to take reasonable steps to verify the age of new and existing account holders on the social media platform. Prohibits a social media platform from allowing individuals under sixteen years of age from creating or maintaining an account or profile, absent the express consent from a parent or legal guardian. Makes violations an unfair or deceptive act or practice in the conduct of trade or commerce. Effective 1/1/2077. (HD1)

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