

---

---

# 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 digital application  
6 stores may be better positioned to verify the age of an account  
7 holder. By requiring age verification at the level of the  
8 digital application stores, there will be a single point of  
9 verification rather than several fragmented, less effective  
10 checks by multiple social media platforms, will operate as a  
11 preventive measure by preventing minors from accessing social  
12 media platforms, rather than trying to restrict a minor's access  
13 after the fact.

14 The legislature further finds that the State has a  
15 compelling interest in protecting the physical and psychological  
16 well-being of minors. However, minors also have a First  
17 Amendment right to free speech. A narrowly-tailored approach  
18 that protects minors from the harms proposed by social media,  
19 while still enabling minors to engage in constitutionally  
20 protected speech, is therefore needed.



1           Accordingly, the purpose of this Act is to, under the laws  
2 regarding unfair or deceptive acts or practices:

3           (1) Require a digital application store provider to verify  
4 the age of users, require parental consent for users  
5 under sixteen years of age to download or purchase, or  
6 make a purchase on, a social media platform, and  
7 distribute that information to social media platforms;  
8 and

9           (2) Require social media platforms to obtain the age  
10 information from digital application store providers,  
11 determine whether parental consent has been provided  
12 for young persons, and take reasonable steps to  
13 identify young person users through their algorithms.

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

17           "§481B-           Digital application stores; social media  
18 platforms; users under sixteen years of age; parental consent.

19           (a) A digital application store provider shall:



- 1        (1) At the time an individual who is located in the State  
2        creates an account with the digital application store  
3        provider:
- 4        (A) Request age information from the individual; and  
5        (B) Verify the individual's age category using  
6        methods that are reasonably designed to ensure  
7        accuracy;
- 8        (2) If the age verification method determines the  
9        individual is a young person, obtain verifiable  
10       parental consent before allowing the young person to:
- 11       (A) Download a social media platform;  
12       (B) Purchase a social media platform; or  
13       (C) Make a purchase on a social media platform;
- 14       (3) Provide to a social media platform, in response to a  
15       request authorized under subsection (b):
- 16       (A) Age category data for a user located in the  
17       State; and
- 18       (B) The status of verified parental consent for a  
19       young person located in the State; and
- 20       (4) Notify a social media platform when a parent revokes  
21       parental consent.



- 1        (b) A social media platform shall:
- 2        (1) Verify through the digital application store
- 3        provider's data sharing methods:
- 4        (A) The age category of users located in the State;
- 5        and
- 6        (B) For a young person account, whether verifiable
- 7        parental consent has been obtained;
- 8        (2) Request personal age category data or parental
- 9        consent:
- 10       (A) At the time a user:
- 11       (i) Downloads a social media platform; or
- 12       (ii) Purchases a social media platform; or
- 13       (B) To comply with applicable laws or regulations.
- 14       (3) Take reasonable steps to identify young person users
- 15       through the social media platform's algorithms and
- 16       verify the user's age to determine whether the user is
- 17       subject to paragraph (4); and
- 18       (4) Not permit any individual the social media platform
- 19       knows to be a young person to be an account holder
- 20       unless the individual has verifiable parental consent.



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:

5        "Age category" means one of the following categories of  
6 individuals based on age:

7        (1) "Young person", which means an individual who is less  
8 than sixteen years of age;

9        (2) "Older teenager", which means an individual who is at  
10 least sixteen years of age and under eighteen years of  
11 age; or

12        (3) "Adult", which means an individual who is at least  
13 eighteen years of age.

14        "Age category data" means information about a user's age  
15 category that is collected by a digital application store  
16 provider and shared with a social media platform.

17        "Application" means a software application or electronic  
18 service that a user may run or direct on a mobile device.

19        "Digital application store" means a publicly available  
20 website, software application, or electronic service that



1 distributes applications from third-party social media platforms  
2 to users.

3 "Digital application store provider" means a person that  
4 owns, operates, or controls a digital application store that  
5 distributes applications to users in the State.

6 "Social media platform" means a public or semi-public  
7 internet-based service or application that allows users to view  
8 content generated by other users or create content viewable by  
9 other users of the platform's applications, in any format,  
10 including but not limited to text, pictures, and videos, through  
11 a landing page, main feed, or other surface, and that primarily  
12 serves as a medium for users to interact with content generated  
13 by other users of the platform; provided that no service or  
14 application that exclusively provides email or direct messaging  
15 services shall be considered to meet this criterion on the basis  
16 of that function alone.

17 "Verifiable parental consent" means authorization that:

18 (1) Is provided by an individual who the digital  
19 application store provider has verified is an adult;



1        (2) Is given after the digital application store provider  
2        has clearly and conspicuously provided the parental  
3        consent disclosure to the individual; and

4        (3) Requires the parent to make an affirmative choice to:

5            (A) Grant consent; or

6            (B) Decline consent.

7        "Young person account" means an account with a digital  
8        application store provider that is established by an individual  
9        who the digital application store provider has determined is  
10       under sixteen years old through the digital application store  
11       provider's age verification methods."

12       SECTION 3. This Act does not affect rights and duties that  
13       matured, penalties that were incurred, and proceedings that were  
14       begun before its effective date.

15       SECTION 4. New statutory material is underscored.

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



**Report Title:**

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

**Description:**

Requires a digital application store provider to verify the age of users, require parental consent for users under sixteen years of age to download or purchase, or make a purchase on, a social media platform, and distribute that information to social media platforms. Requires social media platforms to obtain the age information from digital application store providers, determine whether parental consent has been provided for young persons, and take reasonable steps to identify young person users through their algorithms. Effective 1/1/2077. (HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

