
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 notes that while profits and social media
4 bases have soared, the impact on children in the State has been
5 devastating, with the United States as a whole experiencing what
6 the United States Surgeon General has called a "youth mental
7 health crisis". Studies have found that social media use is
8 associated with an increase in inattentiveness, one of the core
9 symptoms of attention deficit hyperactivity disorder, even after
10 accounting for other factors such as genetic risk for the
11 disorder or family income.

12 The legislature also finds that some social media companies
13 have implemented age verification systems and made other efforts
14 to protect minor users. However, the legislature believes these
15 actions to be inadequate. Reporters and non-profits have been
16 able to create fake accounts that allow them to pass as children
17 and children have no problem creating fake accounts that allow
18 them to pass as adults.

19 The legislature further finds that other countries have
20 taken action to address the shortfall of social media companies'
21 self-regulation. For example, in 2024, Australia passed a law



1 banning social media for children under the age of sixteen,
2 which has resulted in the deletion of nearly five million
3 accounts in the first month since the law went into effect. The
4 legislature believes that similar legislation is necessary to
5 protect the State's children from the dangers posed by social
6 media use.

7 Accordingly, the purpose of this Act is to:

- 8 (1) Prohibit social media platforms from allowing
9 individuals under sixteen years of age from creating
10 or maintaining an account or profile if the social
11 media platform knows that the individual is under
12 sixteen years of age; and
- 13 (2) Require social media platforms to take certain actions
14 to prevent individuals under sixteen years of age from
15 creating or maintaining an account or profile on the
16 social media platform.

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

20 **"§481B- Social media platforms; use by individuals under**
21 **sixteen years of age prohibited.** (a) A social media platform



1 shall not allow an individual to create or maintain an account
2 or profile if the social media platform knows that the
3 individual is under sixteen years of age.

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

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

10 (2) Terminating any account or profile of a user who the
11 social media platform knows is under sixteen years of
12 age.

13 (c) Any violation of this section shall be deemed an
14 unfair or deceptive act or practice in trade or commerce in
15 violation of chapter 480.

16 (d) As used in this section, "social media platform" means
17 a public website, online service, online application, or mobile
18 application with the primary purpose of socialization where
19 users can directly communicate with each other, share images or
20 videos with the public, and that may use algorithms to steer
21 certain content toward certain audiences. "Social media



1 platform" does not include a platform with the primary purpose
2 of:

- 3 (1) Business transactions;
- 4 (2) Selling merchandise;
- 5 (3) Video games and gaming;
- 6 (4) Videoconferencing services;
- 7 (5) Crowd-sourced reference guides;
- 8 (6) Cloud-storage or file storage; or
- 9 (7) Educational material."

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

13 SECTION 4. New statutory material is underscored.

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

15



S.B. NO. 2761
S.D. 1

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. (SD1)

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