

Honolulu, Hawaii

MAR 19, 2026

RE: S.B. No. 2761
S.D. 2
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Madame:

Your Committee on Human Services & Homelessness, to which was referred S.B. No. 2761, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO SOCIAL MEDIA,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Prohibit a social media platform from allowing an individual to create or maintain an account or profile if the social media platform knows that the individual is under the age of sixteen; and
- (2) Require a social media platform to take reasonable steps to prevent individuals under the age of sixteen from creating or maintaining an account or profile on the social media platform.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from TechNet; NetChoice; Meta; The Trevor Project; Computer & Communications Industry Association; and eight individuals. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs; Department of the Attorney General; and one individual.



Your Committee finds that social media companies can employ a variety of coercive design tactics that foster psychological dependence and take advantage of the same dopamine-inducing strategies employed by the gaming industry to make social media platforms as addictive as possible. These tactics are particularly harmful to children, who have less ability to effectively self-regulate compared to adults and who lack executive function to control their screen time.

Your Committee further finds that the State has a compelling interest in protecting the physical and psychological well-being of children in the State. However, your Committee understands that the blanket ban proposed by this measure may be subject to legal challenge under the First Amendment. Amendments are therefore necessary to more narrowly tailor this measure's language in a manner that does not place a disproportionate burden on protected speech.

Your Committee has amended this measure by:

- (1) Removing the blanket prohibition against individuals under the age of sixteen having a social media profile and instead requiring a social media platform to:
 - (A) Take reasonable steps to verify an individual's age prior to account creation;
 - (B) Take reasonable steps to verify the age of existing account holders; and
 - (C) Prohibit individuals who the social media platform knows are under sixteen from creating an account without the express consent of a parent or legal guardian;
- (2) Narrowing the scope of the definition of "social media platform" to those that are primarily used as a medium for users who interact with other user's content; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.



Your Committee notes that it is unclear whether gaming apps that feature social interaction features would fall under the definition of "social media platform". Your Committee also notes that other states have required parental consent at the app store level. Your Committee respectfully requests your Committees on Consumer Protection & Commerce and Judiciary & Hawaiian Affairs, should they deliberate on this measure, to consider whether gaming apps would be included in the limitations proposed by this measure and if requiring parental consent before a minor can download or purchase an app would be a viable option to protect minors.

Finally, your Committee notes that the Department of Commerce and Consumer Affairs will require resources for enforcement if this measure passes, and therefore requests that an appropriation for this purpose be considered as this measure moves through the legislative process.

As affirmed by the record of votes of the members of your Committee on Human Services & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2761, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2761, S.D. 2, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.

Respectfully submitted on
behalf of the members of the
Committee on Human Services &
Homelessness,



LISA MARTEN, Chair



