

STAND. COM. REP. NO. 2172

Honolulu, Hawaii .

**FEB 11 2026**

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

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Third State Legislature  
Regular Session of 2026  
State of Hawaii

Sir:

Your Committee on Labor and Technology, to which was referred  
S.B. No. 2761 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) 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
- (2) 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.

Your Committee received testimony in support of this measure from one individual.

Your Committee received testimony in opposition to this measure from NetChoice, TechNet, Computer & Communications Industry Association, and Meta.



Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs and Community Advocacy Research Education Services.

Your Committee finds that many social media platforms employ certain 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 than adults, and voluntary industry action has been insufficient to address these harms. This measure protects children under the age of sixteen from being exposed to addictive algorithms used by social media platforms to mitigate potential adverse impact on attention spans and cognitive and social development.

Your Committee acknowledges and notes that several states, including Utah and Arkansas, enacted laws in 2023 that were subsequently blocked or challenged in court because it raised constitutional questions related to free speech and highlighted enforcement difficulties, particularly around the age verification and the risk of infringing on user privacy.

Your Committee has amended this measure by:

- (1) Replacing language that would have required violations of the prohibitions and requirements pertaining to social media platforms established by this measure to be considered an unfair or deceptive act or practice under chapter 481B, Hawaii Revised Statutes, which governs fair trade regulations, with language that requires the violations to be deemed an unfair or deceptive act or practice in trade and commerce in violation of Chapter 480, Hawaii Revised Statutes, which governs monopolies and restraint of trade; and
- (2) Inserting an effective date of January 1, 2077, to encourage further discussion.

Your Committee notes the concerns expressed in testimony that this measure may infringe upon rights protected under the First Amendment to the United States Constitution, as social media platforms host protected speech, minors are entitled to a significant measure of First Amendment protection, and a blanket



ban on their access to social media without consideration of content, context, or parental involvement may violate those protections. Your Committee finds that this issue merits further consideration and respectfully requests that subsequent Committees to which this measure is referred examine the issues and concerns raised by the testimony.

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

Respectfully submitted on  
behalf of the members of the  
Committee on Labor and  
Technology,



BRANDON J.C. ELEFANTE, Chair



