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Testimony of the Department of Commerce and Consumer Affairs

Before the
House Committee on Human Services & Homelessness
Tuesday, March 17, 2026
10:00 a.m.
Via Videoconference
Conference Room 329

On the following measure:
S.B. 2761, S.D. 2, RELATING TO SOCIAL MEDIA

Chair Marten, and Members of the Committee:

My name is Radji Tolentino, and I am an Enforcement Attorney at the Department of Commerce and Consumer Affairs' (Department) Office of Consumer Protection (OCP). The Department offers comments.

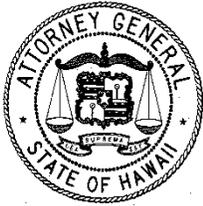
The purposes of this measure are to prohibit social media platforms from allowing individuals under sixteen years of age from creating or maintaining an account or profile if the social media platform knows that the individual is under sixteen years of age and to require social media platforms to take certain actions to prevent individuals under sixteen years of age from creating or maintaining an account or profile on the social media platform

We share the Legislature's concern about the harm caused by social media companies that use curation algorithms. Many social media platforms employ curation 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 so than adults, and voluntary industry action has been insufficient to address these harms.

At the same time, we recognize that regulating social media access for minors presents significant legal and practical challenges. Several states, including Utah and Arkansas, enacted similar laws in 2023 that were subsequently blocked or challenged in court. Those efforts raised constitutional questions related to free speech and highlighted enforcement difficulties, particularly around age verification and the risk of infringing on user privacy. Utah has since enacted a different law requiring age verification at the app store level. No state that we are aware of has enacted a ban on minors under the age of sixteen creating an account on a social media platform.

Thank you for the opportunity to testify on this bill.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:

S.B. NO. 2761, S.D. 2, RELATING TO SOCIAL MEDIA.

BEFORE THE:

HOUSE COMMITTEE ON HUMAN SERVICES & HOMELESSNESS

DATE: Tuesday, March 17, 2026 **TIME:** 10:00 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Ashley M. Tanaka, or Christopher J.I. Leong,
Deputy Attorneys General

Chair Marten and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

Section 2 of this bill adds to part I of chapter 481B, Hawaii Revised Statutes (HRS), a new section to prohibit social media platforms from allowing individuals under sixteen years of age from creating or maintaining an account or profile if the platform knows that the individual is under sixteen years of age, and 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 platform.

The Department appreciates the purpose of this bill. We are deeply concerned about the association between social media use and negative impacts on the mental health and development of Hawaii's youth, and believe there is a very strong government interest in protecting Hawaii's youth from coercive design practices in social media platforms.

However, this bill may be subject to legal challenge under the First Amendment of the United States Constitution, as it broadly seeks to prohibit all minors under the age of sixteen from having a social media account or profile, with no exceptions. The U.S. Supreme Court has recognized social media as one of the most important places for all persons to engage in protected First Amendment activity. *See Packingham v. North*

Carolina, 582 U.S. 98 (2017) (holding that a North Carolina statute prohibiting sex offenders from accessing social networking websites violated the First Amendment). Although a state's authority over younger children's activities is generally broader than its authority over adults, if a state forecloses access to social media by individuals under the age of sixteen entirely, it may prevent users from engaging in the legitimate exercise of First Amendment rights. *See id.* at 99.

Courts have recognized that a state does have a compelling interest in protecting the physical and psychological well-being of minors. *See Sable Commc'ns of California, Inc. v. F.C.C.*, 492 U.S. 115 (1989) (upholding the prohibition of obscene telephone messages as constitutional). While the state does possess a legitimate power to protect children from harm, in *Brown v. Entertainment Merchants Ass'n*, 564 U.S. 786 (2011), the U.S. Supreme Court clarified that the state's power is not a "free-floating" power to restrict ideas to which children may be exposed. *Id.* at 794.

While the State does have a compelling interest in protecting individuals under the age of sixteen who reside in Hawaii, those same individuals also likely have a First Amendment protected right to use social media. A total ban on individuals under the age of sixteen from having a social media profile may be subject to challenge on the grounds that it is not narrowly tailored to the State's interest in protecting minors from potential harms that social media poses.

Although we note that there would still be a risk of challenge under the First Amendment, there is a reasonable argument that limiting the restriction to account-holder status is a regulation of a commercial transaction only and that, with an exception for parental consent, there would not be a disproportionate burden on speech. We therefore suggest deleting subsections (a) and (b) on page 4, lines 7-19, and replacing them with new subsections that require social media platforms to: (a) take reasonable steps to verify an individual's age before allowing them to create an account; (b) take reasonable steps to verify the age of existing account holders; and (c) not permit any individual the social media platform knows to be under the age of sixteen to be an account holder unless the individual has the express consent of a parent or legal guardian.

In subsection (d) of the new section in section 2 of this bill, at page 5, lines 4 through 13, the current definition of "social media platform" is potentially overly broad as it could unintentionally encompass platforms that are not typically recognized as "social media," such as cloud-storage platforms and e-commercial platforms or websites that allow users to post reviews and comments. To mitigate this issue, we suggest limiting the scope of the service or application to those that are primarily a medium for users who interact with other users' content, by amending subsection (d) to read:

(d) For the purposes of this section, "social media platform" means a public or semi-public internet-based service or application that allows users to view content generated by other users or create content viewable by other users of the platform's applications, in any format, including but not limited to text, pictures, and videos, through a landing page, main feed, or other surface, **and that primarily serves as a medium for users to interact with content generated by other users of the platform;** provided that no service or application that exclusively provides email or direct messaging services shall be considered to meet this criterion on the basis of that function alone.

(Suggested changes highlighted in bold, with the bill's underscoring removed to emphasize the changes.)

Thank you for the opportunity to testify.

March 16, 2026

Representative Lisa Marten
Chair, Committee on Human Services & Homelessness
Hawaii State Capitol
415 South Beretania Street, Room 329
Honolulu, HI 96813

Representative Ikaika Olds
Vice Chair, Committee on Human Services & Homelessness
Hawaii State Capitol
415 South Beretania Street, Room 329
Honolulu, HI 96813

RE: SB 2761_SD2 (Keohokalole) – Relating to Social Media - Oppose

Dear Chair Marten, Vice Chair Olds, and members of the committees,

On behalf of TechNet, we respectfully oppose SB 2761 SD2, which would prohibit social media platforms from providing accounts to individuals under the age of sixteen and impose affirmative obligations on platforms to prevent access by minors.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of American innovation by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes 100 dynamic American businesses ranging from startups to the most iconic companies on the planet and represents five million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance.

We share the Legislature's concern for youth mental health and support thoughtful, evidence-based approaches to protecting young people online. However, as drafted, SB 2761 SD2 would impose unworkable obligations, undermine privacy, and expose platforms to expansive liability without delivering clear or measurable benefits for minors.

Knowledge Standard and Broad Access Ban

While the Legislature's findings discuss concerns about algorithmic design and youth mental health, the operative provisions of SB 2761 SD2 do not regulate specific design features. Instead, the bill imposes a categorical prohibition on social

media platforms from allowing individuals under sixteen to create or maintain accounts if the platform “knows” the individual is under sixteen years of age

The bill combines a knowledge-based prohibition with an undefined obligation to take “reasonable steps” to prevent minors from accessing accounts. This creates uncertainty about what level of age verification or monitoring would be required for compliance.

As with similar proposals in other states, SB 2761 SD2 places platforms in an untenable position: either collect significantly more personal information from all users, thereby raising privacy and security risks, or face enforcement exposure for failing to prevent access. This approach undermines longstanding privacy principles by incentivizing over-collection of sensitive data in the name of child protection.

A broad access ban tied to undefined “reasonable steps” does not provide clear, prospective compliance guidance and risks creating litigation-driven policy rather than predictable rules that protect young users.

Restricted Access to Lawful Speech and UDAP-Style Enforcement

When combined with the bill’s UDAP-style enforcement mechanism, this structure exposes platforms to substantial liability based on subjective determinations of knowledge and reasonableness.

Because the bill conditions liability on a platform’s knowledge of a user’s age, it creates strong incentives for platforms to err on the side of denial—restricting access to lawful speech and information for both minors and adults. This is particularly concerning given that social media platforms are increasingly used for education, civic engagement, creative expression, and access to support resources. Broadly preventing minors under 16 from accessing social media platforms risks cutting minors off from beneficial content and online communities without tailoring protections to specific harms or high-risk behaviors. And, importantly, the bill’s prohibition on access for minors under 16 takes away the rights of parents to decide what is best for their teens online.

Furthermore, SB 2761 SD2 heightens these concerns by deeming violations to constitute unfair or deceptive acts or practices. This UDAP-style enforcement mechanism significantly lowers the threshold for liability and introduces substantial uncertainty around compliance.

When combined with ambiguous standards—such as what it means for a platform to “know” a user’s age or to take “reasonable steps” to prevent access—UDAP enforcement risks turning routine operational judgments into enforcement actions. This structure invites inconsistent application, retroactive second-guessing, and litigation-driven policy rather than clear, prospective rules.

Unintended Consequences for Privacy and Safety

By incentivizing aggressive age verification and account restriction, SB 2761 SD2 could paradoxically make online environments less safe. Young people may migrate to less-regulated platforms, use shared or fake credentials, or seek out unmoderated spaces without safeguards. At the same time, platforms may have fewer tools to provide age-appropriate content, safety features, or reporting mechanisms if minors are pushed off mainstream services.

Protecting young people online is a critical and shared priority. However, SB 2761 SD2 adopts a blunt and impractical access ban, imposes infeasible compliance obligations, and exposes platforms to expansive UDAP liability without clear standards.

We respectfully urge the Legislature to consider more targeted, evidence-based alternatives that focus on specific high-risk behaviors, strengthen parental and user controls, and preserve privacy while supporting youth well-being.

For these reasons, we respectfully oppose SB 2761 SD2.

If you have any questions regarding our position, please contact Robert Boykin at rboykin@technet.org or 408.898.7145.

Sincerely,



Robert Boykin
Executive Director for California and the Southwest
TechNet

Hawaii SB 2761

TESTIMONY IN OPPOSITION

March 17, 2026

Hawaii State Legislature

House Human Services and Homelessness Committee

Dear Chair Chun, Vice-Chair Kusch and Members of the Committee:

NetChoice respectfully submits this testimony in **strong opposition to Hawaii SB 2761**, which would ban social media use for individuals under sixteen years of age. NetChoice is a trade association of leading internet businesses that promotes the value, convenience, and choice that internet business models provide to American consumers. Our mission is to make the internet safe for free enterprise and free expression. As introduced, SB 2761 suffers from significant constitutional flaws:

1. SB 2761 is unconstitutional under the First Amendment and
2. SB 2761 would put Hawaii residents' privacy and data at risk, leaving them vulnerable to breaches and crime.

We share the sponsor's goal to better protect minors from harmful content online, but an unconstitutional law helps no one. NetChoice members have taken issues of teen safety seriously and in recent years have rolled out numerous new features, settings, parental tools, and protections to better empower parents and assist in monitoring their children's use of social media. We ask that you oppose SB 2761 and instead use this bill to jumpstart a larger conversation about how best to protect minors online by constitutionally sound legislation.

SB 2761 Violates the First Amendment

This legislation is facially unconstitutional. Social media platforms are forums for protected speech, and minors—including those under sixteen—have First Amendment rights that are well-established in Supreme Court precedent. In *Brown v. Entertainment Merchants Association*, the Court affirmed that "minors are entitled to a significant measure of First Amendment protection," and government efforts to restrict their access to constitutionally protected speech face strict scrutiny.¹

A blanket ban on minors' access to social media, with no consideration of content, context, or parental involvement, cannot survive constitutional review. The government cannot categorically prohibit an

¹ *Brown v. Entertainment Merchants' Ass'n*, 564 U.S. 786, 799 (2011) (invalidating California's attempt to ban minors from accessing "violent" video games because violent video games are protected speech)

entire class of citizens from accessing platforms that facilitate speech, association, and access to information simply because of their age. This is true even when the stated purpose is protecting children—indeed, *Brown* involved exactly such a justification for restricting minors' access to violent video games, and the Court rejected it.

The bill's reliance on Australia's 2024 law as precedent is fundamentally flawed. Australia does not have a First Amendment or equivalent constitutional protection for freedom of speech. What may be legally permissible under Australia's constitutional framework bears no relevance to what is constitutionally permissible in the United States. American courts have consistently struck down content-based restrictions and access limitations that would be unthinkable in countries without our robust speech protections. The legislature cannot simply import a foreign model without regard to our nation's foundational commitment to free expression.

The Bill Violates Parental Rights

This legislation represents an unprecedented intrusion into parental authority. Parents—not the government—have the fundamental right to direct the upbringing and education of their children.

By implementing an absolute ban with no exception for parental consent, this bill removes all parental discretion. Parents who believe their children would benefit from supervised social media use—whether for educational purposes, maintaining family connections, participating in support communities, or developing digital literacy skills—are prohibited from making that choice. A parent cannot authorize their fifteen-year-old to maintain contact with distant relatives, participate in educational groups, or engage with age-appropriate content even under close supervision.

The legislature's judgment cannot substitute for that of individual parents who understand their own children's maturity, needs, and circumstances. Many families thoughtfully incorporate social media into their children's lives with appropriate supervision and boundaries. This bill treats all families as incapable of making these decisions and all minors as uniformly unable to benefit from these platforms—a one-size-fits-all approach that disrespects parental rights and family autonomy.

Age Verification Requirements Create Serious Privacy and Security Risks

While the bill requires platforms to take "reasonable steps" to prevent minors from accessing services, effective enforcement would necessarily require invasive age verification systems that threaten the privacy of all users—not just minors. To verify that users are over sixteen, platforms would need to collect sensitive personal information such as government-issued IDs, biometric data, or credit card information from every user, including adults.

This creates a massive honeypot of sensitive personal data vulnerable to breaches, hacking, and misuse. It also enables unprecedented surveillance and tracking of individuals' online activities. Users who value their privacy—including victims of domestic violence, political dissidents, or simply privacy-conscious individuals—would be forced to choose between anonymity and access to speech platforms.

Moreover, the reference to Australia's law is misleading. Australia's implementation has been widely criticized for its technical difficulties, privacy invasions, and potential to push young people toward less regulated and potentially more dangerous online spaces. Nearly five million accounts deleted represents not a success story but evidence of the law's broad sweep affecting countless legitimate users.

An Approach that Actually Works

Rather than enact clearly unconstitutional laws banning the free speech of Hawaii residents, the state would be better served enacting laws that help the citizens and are legal. NetChoice is working with lawmakers from across the country to achieve such ends.

Requiring Digital Education in Schools

Empowering students with digital literacy skills and knowledge about online safety through curriculum developed by education experts represents a constitutional and effective approach. Such requirements effectively address crucial issues facing young people online. This approach will not only reach children where they are, but will help arm them to become better digital citizens.

Updating Child Abuse Laws for AI

Today, child abusers are able to use artificial intelligence to create images and escape justice under existing Child Sexual Abuse Material (CSAM) laws. This is because existing CSAM laws require real images of the abuse, rather than AI generated ones. NetChoice is working with lawmakers to create laws that fill the gaps in existing CSAM laws to protect children from such abuses.

Empowering law enforcement to arrest child abusers

Today less than 1% of all reports of child abuse are even investigated. That means that 99% of reports of child abuse go unheard. This is because law enforcement doesn't have the resources it needs to investigate and prosecute child abusers. NetChoice supports giving law enforcement the resources it needs to put child abusers behind bars.

Again, we respectfully **ask you to oppose SB 2761**. As always, we offer ourselves as a resource to discuss any of these issues with you in further detail, and we appreciate the opportunity to provide the committee with our thoughts on this important matter.²

Sincerely,

Amy Bos
Vice President of Government Affairs, NetChoice

NetChoice is a trade association that works to protect free expression and promote free enterprise online.

² The views of NetChoice expressed here do not necessarily represent the views of NetChoice members.



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March 16, 2026

COMMITTEE ON HUMAN RESOURCES AND HOMELESSNESS

Rep. Lisa Marten, Chair
Rep. Ikaika Olds, Vice Chair

COMMITTEE ON HEALTH

Rep. Gregg Takayama, Chair
Rep. Sue L. Keohokapu-Lee Loy, Vice Chair

HEARING DATE: March 17, 2026

TIME: 10:00 a.m.

PLACE: Conference Room 329

Re: TESTIMONY ON BEHALF OF META OPPOSING
SENATE BILL NO. 2761 SD 2

Dear Chair Marten, Chair Takayama, Vice Chair Olds, Vice Chair Keohokapu-Lee Loy, and Members of the Human Services & Homelessness and Health Committees:

Thank you for the opportunity to testify today. My name is David Louie and I am here on behalf of Meta. At Meta, we want the same thing as lawmakers: safe, positive online experiences for young people. But I am here in strong opposition to SB 2761 SD 2, the proposed legislation to ban social media access for teens under 16. Bans take control out of the hands of parents, who play the most important role in the online lives of their teens. That's why Meta launched Teen Accounts for Instagram, Facebook, and Messenger. A fundamentally reimagined experience that gives parents peace of mind.

Bans, especially when inconsistently applied, put teens at greater risk when it comes to online safety, access to information, awareness of their social and political environment, economic opportunity, and access to mental health services.

This is especially true here in Hawaii where many teens use social media for critical connections for their future. Whether it is finding and connecting with people who share common

COMMITTEE ON HUMAN RESOURCES AND HOMELESSNESS

Rep. Lisa Marten, Chair

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March 16, 2026

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interests so they don't feel alone or isolated, or teens who use social media to promote their athletic ability, musical talent, and small business idea, social media is often a positive tool for teens in Hawaii.

While the ban bill now addresses some of the potential loopholes included in earlier versions, as currently drafted, the bill is not clear as to whether gaming apps with social features are included in the scope of the ban. It is critical to ensure these social gaming apps are covered because gaming platforms today serve as major hubs for social interaction and content sharing among minors. Excluding them would create a loophole, allowing companies to evade regulation simply by labeling their platforms as games. To effectively protect minors, the law must cover all digital environments where users interact and share content - not just traditional social media feeds.

There are also other remaining areas of concern that we would like to bring to your attention.

Early evidence from Australia shows that a blanket ban does not reduce harm. Where some platforms allow it, teens will still be able to access social media sites without an account, bypassing platform safeguards that put them into more age-appropriate experiences. This proposed ban will also drive teens to less safe platforms not covered by the legislation or encourage them to misrepresent their age. To avoid this outcome, the bill must make clear that services that allow logged out users to access them are also covered by the ban.

Rather than a blanket ban that takes control out of the hands of parents and implicates teens' constitutional rights to expression and to have access to others' expression, there is a legislative solution that is more narrowly tailored that will accomplish your goals.

We believe the legislature should support legislation that requires parental approval and age verification at the app store/OS level to ensure all teens are placed into age-appropriate experiences. That approach has been introduced in nearly 30 states across the United States, and Hawaii considered it last year, and versions have already been signed into law in 5 states. Under an app store approach, parents are empowered to decide what apps their teen is or is not ready to use, not the government. The app store approach allows a parent to decide whether to ban certain apps for their family. Parents need clear, efficient ways to oversee the many apps their children use, and they expect all apps to offer the same standard of protection. This bill fails to afford parents that opportunity and leaves out many of the apps teens are using.

COMMITTEE ON HUMAN RESOURCES AND HOMELESSNESS

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March 16, 2026

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We respectfully oppose SB 2761 SD 2 and encourage the Committee to instead consider an approach that applies equally across all of the many apps that teens use and empowers parents to make the decision whether or not they want to restrict their child from using certain apps. That way, parents could decide on the right age for their individual teens, because ultimately it is the parents who know their family best.

Very truly yours,



DAVID M. LOUIE

for

KOBAYASHI SUGITA & GODA, LLP



For Young LGBTQ+ Lives

March 16, 2026

RE: Opposition to SB 2761 and impacts on LGBTQ+ young people

Dear Members of the House Human Services & Homelessness Committee,

The Trevor Project writes to express our opposition to SB 2761, which would prohibit young people under 16 from creating or maintaining a social media account, regardless of the nature or design of the platform. We urge you to oppose SB 2761 in its current form, which will prevent LGBTQ+ young people from accessing life-saving online support systems.

The Trevor Project is the leading suicide prevention and crisis intervention organization for LGBTQ+ young people. Trevor offers 24/7 crisis services, connecting highly trained counselors with LGBTQ+ young people whenever they need support. To drive prevention efforts, The Trevor Project also operates robust research, advocacy, education, and peer support programs. Finally, to support our mission of ending LGBTQ+ youth suicide, we have created TrevorSpace, the world's largest safe space social networking site designed specifically for LGBTQ+ young people ages 13-24. TrevorSpace is a moderated online community that provides a welcoming environment for young people to explore their identities, find peer support, and make friends.

We know from research – and from what LGBTQ+ young people tell our trained counselors at Trevor – that social media has the potential to cause harm. Social media can contribute to negative outcomes such as bullying, anxiety, depression, and eating disorders, and it's important that these issues are addressed through proactive measures. We applaud the intent behind SB 2761 to protect young people from the harms of social media.

However, we cannot ignore the reality that many LGBTQ+ young people – especially those who do not live in supportive homes or communities – turn to the internet to better understand themselves, and to find support and belonging. These online spaces can be life-saving; **LGBTQ+ young people with access to affirming online spaces report significantly lower odds of attempting suicide.** Properly designed and moderated, platforms like TrevorSpace have demonstrated the ability to bring youth together, connect them to the support they need, and even positively impact their mental health and well-being.

While SB 2761 aims to protect the mental health of young people, the blunt requirement to bar all young people under 16 from creating or maintaining social media accounts, regardless of the nature of the platform or safety of its design, does not take into account that different young people have different needs, and will especially cause unintended harm for LGBTQ+ young people who are at the highest risk.

As the legislature considers legislation intended to make social media safer for young people, we hope you will take these unique experiences of LGBTQ+ young people into account and reject provisions that would strip them of life-saving online support systems. The relationship between social media and youth mental health is nuanced, and the solutions should be too, leaning into empowering social media users and their families to make their own decisions and to control their experiences online.

Given our hands' on experience with these topics, we are more than happy to help explore solutions that achieve our shared goal of a safer, more accepting online environment for all youth. Please do not hesitate to reach me at casey.pick@thetrevorproject.org to discuss this topic further.

Sincerely,



Casey Pick
Senior Director of Law & Policy
The Trevor Project

March 17, 2026

House Committee on Health and House Committee on Human Services and Homelessness
Hawaii State Capitol
415 South Beretania St.
Honolulu, HI 96813

Re: SB 2761 – "Regarding Social Media Platforms; Use By Individuals Under Sixteen Years of Age Prohibited" (Oppose)

Dear Chairs Marten, Chair Takayama, and Members of the Joint House Committee on Health and House Committee on Human Services and Homelessness:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose SB 2761. CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.¹ Proposed regulations on the interstate provision of digital services therefore can have a significant impact on CCIA members.

CCIA firmly believes that children are entitled to greater security and privacy online. Our members have designed and developed settings and parental tools to individually tailor younger users' online use to their developmental needs. For example, various services allow parents to set time limits, provide enhanced privacy protections by default for known child users, and other tools allow parents to block specific sites entirely.² This is also why CCIA supports implementing digital citizenship curricula in schools, to not only educate children on proper social media use but also help teach parents how they can use existing mechanisms and tools to protect their children as they see fit.³

However, protecting children from harm online does not include a generalized power to restrict ideas to which one may be exposed. Lawful speech cannot be suppressed solely to protect young online users from ideas or images that a legislative body disfavors.⁴ While CCIA shares the goal of increasing online safety, this bill presents the following concerns.

¹ For more than 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. A list of CCIA members is available at <https://www.cclanet.org/members>.

² Competitive Enterprise Institute, *Children Online Safety Tools*, <https://cei.org/children-online-safety-tools/> (last updated June 10, 2025).

³ Jordan Rodell, *Why Implementing Education is a Logical Starting Point for Children's Safety Online*, Disruptive Competition Project (Feb. 7, 2023), <https://project-disco.org/privacy/020723-why-implementing-education-is-a-logical-starting-point-for-childrens-safety-online/>.

⁴ *Erznoznik v. City of Jacksonville*, 422 U.S. 205, 212–14 (1975). See also *FCC v. Pacifica Found.* 438 U.S. 726, 749–50 (1978); *Pinkus v. United States*, 436 U.S. 293, 296–98 (1978).



The U.S. Supreme Court has repeatedly struck down laws containing speech restrictions intended to prevent harm to minors.

The Supreme Court has repeatedly ruled that the First Amendment applies to teens as well as adults, holding that “[M]inors are entitled to a significant measure of First Amendment protection, and only in relatively narrow and well-defined circumstances may government bar public dissemination of protected materials to them.”⁵ The Court has further held that “to foreclose access to social media altogether is to prevent the user from engaging in the legitimate exercise of First Amendment rights.”⁶ Yet SB 2761 effectively does just this, foreclosing access to a wide range of protected speech for a population clearly entitled to access it.

Because the proposed bill singles out online content and broadly forecloses access to protected speech, it effectively serves as a prior restraint and is subject to strict scrutiny. The Supreme Court has held that strict scrutiny applies to “governmental regulation of content that has an expressive element” or that “impose[s] a disproportionate burden upon those engaged in First Amendment activities.”⁷ Laws triggering strict scrutiny “are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests.”⁸ “If a less restrictive alternative would serve the Government’s purpose, the legislature must use that alternative.”⁹ Yet rather than rely on the narrowly targeted tools described above, the proposed bill “with one broad stroke bars access to what for many are the principal sources for knowing current events, checking ads for employment, speaking and listening in the modern public square, and otherwise exploring the vast realms of human thought and knowledge,”¹⁰ in clear violation of the First Amendment.

Restricting access to the internet for younger users limits their access to information and supportive communities.

Requiring businesses to deny access to social networking sites or other online resources may also unintentionally restrict children’s ability to access and connect with like-minded individuals and communities. For example, since children of certain minority groups may not live in areas where they can easily connect with others who relate to their unique experiences, an online meeting place to share such experiences and find support can have positive impacts.¹¹

Empirical findings regarding social media’s impact on young users are much more nuanced than SB 2761’s introductory legislative findings suggest. When the U.S. Surgeon General released the advisory entitled *Social Media and Youth Mental Health* referenced in these findings, many were quick to highlight only the harms and risks it detailed. However, the

⁵ See, e.g., *Erznoznik*, 422 U.S. at 212-13; *Brown v. Ent. Merchs. Ass’n*, 564 U.S. 786, 794 (2011).

⁶ *Packingham v. North Carolina*, 582 U.S. 98, 108 (2017).

⁷ *TikTok Inc. v. Garland*, 604 U.S. 56, 67-68 (2025).

⁸ *Nat’l Inst. of Family & Life Advocates v. Becerra*, 585 U.S. 755, 766 (2018) (citation omitted).

⁹ *United States v. Playboy Ent. Grp.*, 529 U.S. 803, 813 (2000).

¹⁰ *Packingham*, 582 U.S. at 107.

¹¹ *The Importance of Belonging: Developmental Context of Adolescence*, Boston Children’s Hospital Digital Wellness Lab (Oct. 2024), <https://digitalwellnesslab.org/research-briefs/young-peoples-sense-of-belonging-online/>.



advisory is much more complex and also discusses many potential benefits of social media use among children and adolescents. It concludes, for instance, that social media provides young people with communities and connections with others who share identities, abilities, and interests.¹² It can also provide access to important information and create spaces for self-expression. Research further details that social media can especially benefit marginalized youth, including racial, ethnic, sexual, and gender minorities, as online peer support can mitigate the stresses they face.¹³ Indeed, as an Ohio court noted when striking down a law age-gating social media services last year, “nearly all of the research showing any harmful effects” for minors on social media “is based on correlation, not evidence of causation.”¹⁴

As explained above, CCIA believes that an alternative to solving these complex issues is to work with businesses to continue their ongoing private efforts to implement mechanisms such as daily time limits or child-safe searching so that parents can have control over their own child’s social media use.

To avoid restricting teens’ access to information, SB 2761 should regulate users under 13 rather than 16 in accordance with established practices.

Due to the nuanced ways in which children under the age of 18 use the internet, it is imperative to appropriately tailor such treatments to respective age groups. For example, if a 15-year-old is conducting research for a school project, it is expected that they would come across, learn from, and discern from a wider array of materials than a 7-year-old on the internet playing video games. We would suggest changing the scope of covered users to be minors under the age of 13 to align with the federal Children’s Online Privacy Protection Act (COPPA) standard.¹⁵ This would also allow for those over 13, who use the internet much differently than their younger peers, to continue to benefit from its resources.

* * * * *

We appreciate the Committee’s consideration of these comments and stand ready to provide additional information as the Legislature considers proposals related to technology policy.

Sincerely,

Aodhan Downey
State Policy Manager, West Region
Computer & Communications Industry Association

¹² Off. of the Surgeon Gen., U.S. Department of Health & Human Services, *Social Media and Youth Mental Health: The U.S. Surgeon General’s Advisory, Social Media Has Both Positive and Negative Impacts on Children and Adolescents* (2023), <https://www.ncbi.nlm.nih.gov/books/NBK594763/>.

¹³ *Id.*; see also Jennifer Marino et al., *Social Media Use and Health and Well-being of Lesbian, Gay, Bisexual, Transgender, and Queer Youth: Systematic Review*, J. Med. Internet Rsch. (Sept. 22, 2021), <https://www.imir.org/2022/9/e38449>.

¹⁴ *NetChoice v. Yost*, 778 F. Supp. 3d 923, 955 (S.D. Ohio 2025).

¹⁵ See 15 U.S.C. § 6501(1).

SB-2761-SD-2

Submitted on: 3/12/2026 9:25:46 PM

Testimony for HSH on 3/17/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
D. C.	Individual	Comments	Written Testimony Only

Comments:

To paraphrase George R. R. Martin, “The internet is dark and full of terrors.” While it is clear that social media platforms such as those maintained by Meta and xAI are quite harmful to mostly everyone and we all should stop using them for our collective mental health, there are much more squalid, darker, seedy corners of the internet.

Gatekeeping youth from the arguably toxic grip of Zuckerberg and Musk is an honorable endeavor no doubt, the unintended consequences suggest SB 2761 SD2 would incentivize these youth to find alternatives. Dark alternatives that have little to no regulation or oversight. The legislature may be solving one problem but creating a vastly bigger one in the process. The legislature (and every sane human) would certainly prefer youth to be on Facebook or Instagram rather than on 4chan and 8kun, which do not require an account to post.

It is also unclear how violations of chapter 480, HRS, would be prosecuted for out of state and foreign operations. Are unenforceable laws truly laws?

Ideally, a better solution would be to mandate a social media education course in the Department of Education about the dangers and proper usage of social media.

Dear chairpersons and members of the committee,

Thank you for reading my testimony. I am a Hawaii resident and I am here to voice my opposition to SB2761. My biggest concern with the bill is, due to its vague language, social media platforms and many other websites may be forced to impose invasive and dangerous age-verification (AV) requiring users to upload photo ID, financial documents, and/or going through biometric face scans in order to comply or, especially for websites that cannot afford AV, block Hawaii residents completely. Similarly, nearly every website would be affected by this bill as nearly every website would be considered as social media as they are, as defined in the bill: “[...]public or semi-public internet-based service or application that allows users to view content generated by other users or create content viewable by other users of the platform's applications, in any format, including but not limited to text, pictures, and videos, through a landing page, main feed, or other surface[...].” The entire internet is social media. Everything from major websites Hawaii residents rely on like Amazon (allows customer reviews with user-generated images and videos) and Wikipedia (all articles are user-generated) to important local websites like the Honolulu Star-Advertiser and Honolulu Civil Beat (both allow user comments on articles) could all be locked behind invasive AV or, if they cannot implement AV, block access. Imagine what would happen if the social media pages for many local businesses all became restricted from their own local customers. Also, would not the state legislature’s own website that this testimony (which is user-generated content) is uploaded to as well as the YouTube video of this hearing (YouTube is completely comprised of user-generated videos and comments) be subjected to AV or even become blocked?

I am an amateur artist who shares art online and is part of an online art community. My freedom to express myself and to connect with my community is threatened by AV that SB2761 could impose. I rely on small niche art posting websites to share my art and to connect with my community which would be classified as social media as it allows user-generated content; should SB2761 be interpreted as an AV law, I would likely be locked out from using those sites as these sites do not have the funds to implement AV. Online art communities are threatened by AV because it aims to restrict mature and provocative art which is an inherent part of art and these communities; bans and restriction on mature and provocative art by platforms that try to remain compliant with AV and other online safety laws usually degenerate into overreaching censorship of most art in general. Related to this, as AV and other online safety laws leads to the censorship of more and more art, financial institutions are taking notice and have begun to cut payment services for artists which is absolutely ruinous for the many artists who make a living off of their work.

Online art communities are also comprised of vulnerable groups who are disenfranchised by AV. Many artists are poor; the poor are disenfranchised by AV because they cannot afford to obtain and keep updated the ID documentation needed for AV. Many artists are from the LGBTQ+ community; AV disenfranchises them because it cuts them off from adult-friendly online communities that are one of the few places that openly welcome them, it restricts access for life-saving LGBTQ+ resources, and, especially for those who are transgender and non-binary, AV discriminates against them as it is difficult for them to get or update ID documents that accurately reflects their new gender and name. Many artists are disabled and art is their only option to make a living; AV discriminates against the disabled as those with facial differences cannot pass AV face scans, most are ineligible for a driver’s license, and it is very difficult for them to get other ID documents as, again, many are too poor to afford it and many are physically unable to get it (i.e. their disability makes it difficult to reach government offices that process ID applications).

Beyond the poor, the LGBTQ+ community, and the disabled, AV also disenfranchises people of color. As AV face scans are primarily designed to judge the ages of white people, adult people of color are disproportionately misidentified as minors and they are also disproportionately among the poor who cannot afford ID documents. This concern is especially troubling for Hawaii due to our incredibly diverse population; many Hawaii residents could end up shut out of much of the internet for simply not being white. Immigrants too are discriminated against by AV as many are ineligible for certain ID documents and, as many are also poor, cannot afford the ID they are eligible for. AV is anti-poor, anti-LGBTQ+, transphobic, ableist, racist, and xenophobic.

Then there are the kids and teens AV is supposed to protect. Soon after Australia imposed its social media ban for those under 16 via AV, there has been anecdotal reports of a significant increase in kids seeking mental health services. In addition, disabled Australian teens either already have been or fear losing access to social media as not only does it allow them to maintain access to friends and support communities, the loss of social media is the loss of one of the last bits of freedom afforded to them from their physical/mental limitations. AV cuts off kids from their friends and communities as well as increasingly infringes on their already limited free speech rights. LGBTQ+ youths completely lose access to life-saving resources and support as there is an increasing push to condemn anything regarding the LGBTQ+ community as inherently “harmful to minors.” Teens in general lose access to sexual health resources that not only can save their lives, it can also prevent lifelong mistakes. Homeschooling for kids could become next to impossible as AV could end up restricting their ability to do research, take online courses, and take remote exams. Students from any academic settings could be locked out of wealth of information important to their education from history and politics to literature and other media.

There are the already well-known privacy concerns surrounding AV which have been realized in the high-profile mass data breaches/leaks involving ID verification like that of the women’s dating safety app Tea, the chat service Discord, and the ID verification service AU10TIX. AV services and social media platforms cannot protect the sensitive private data they are required to collect. A new related concern emerging in the aftermath of the increasingly violent anti-immigration raids in states like Minnesota is that government agencies will force AV services to share the ID data they have collected in order to help facilitate those anti-immigration raids. This is becoming realized as well as Homeland Security demanded popular social media platforms and other internet services to reveal the true identities of accounts who criticized the anti-immigration raids. AV service Persona, who performed verification for the likes of OpenAI, video game platform Roblox, and briefly for Discord, was caught mass surveilling and profiling its users which included comparing their ID data with government databases and watchlists.

As government functions increasingly relies on social media, I believe there are some relevant concerns for committee members, the rest of the state legislature, and the entire state government over AV and a social media ban. First, many state representatives use social media for outreach to their constituency and send out important messages. If social media should be restricted by AV, would one’s constituency be willing to upload their ID and/or go through a face scan to reach out to you on social media? If your constituency cannot easily reach you, will they still vote for you?

Another concern for government functions has to do with the emergency broadcast system. In recollecting over what happened during last summer’s tsunami emergency and the largely successful

evacuation, unrestricted social media played a critical life-saving role as official emergency messages were posted on and government press conferences were streamed through them. The reach of this critical messaging was significantly amplified by people on social media reposting those official government messages. I myself was keeping up with the quickly developing news about the tsunami through Reddit and YouTube. The quick and far reaching dispersal of emergency messaging over social media played a role in helping a great many Hawaii residents and visitors heed the warnings in a timely manner and allowed for the largely successful evacuation. To further emphasize the importance of unrestricted access to social media in emergencies, during the just recently passed heavy storms which caused power outages to my home and many others, checking social media through cell service allowed members of my family to check in on their friends and co-workers as well as to see when power would be restored. Should social media become heavily restricted by AV, will emergency messaging be able to reach Hawaii residents and visitors in a timely manner? Are people willing and able to upload ID and/or go through a face scan to see those messages? This could be a case in which restricting social media may cost lives.

A great folly of SB2761 is that the state is vastly overestimating its authority. Hawaii is quite small and because of that, social media platforms and much of the rest of the internet will never make special considerations for Hawaii. Instead, the state will be put under the same restrictions that other states and countries who have passed far more restrictive internet laws have been put under, which is invasive AV, heavy censorship, or become completely blocked. SB2761 degenerates into a unilateral declaration that Hawaii chooses to be disconnected from the internet.

I understand there is a powerful undercurrent right now going through governments across the US and around the world to punish Big Tech and reign in their excesses. However, bills and laws like SB2761, ironically, empower Big Tech more than ever. Should SB2761 necessitate AV, smaller websites are simply shut out of Hawaii completely while large social media platforms become the only options left as they can afford AV and weather the inevitable lawsuits and fines. It is the normal everyday people of Hawaii who will be punished by AV and the laws that enable it. Everyone's free speech rights and right to privacy are violated, artists lose their livelihoods, vulnerable minorities become locked out of much of the internet, kids and teens lose access to their friends and support communities, increasingly rogue federal agencies are given a powerful tool to target the people of Hawaii, many of you here may become disconnected your constituencies and stand to lose future elections, and more people may die in future emergencies and natural disasters. Again, I am urging you here to oppose SB2761. Thank you for your time, consideration, and hard work.

Sincerely,
Cary

The Electronic Frontier Foundation's (EFF) overview of the dangers of AV, which includes the various groups disenfranchised by AV:

<https://www.eff.org/deeplinks/2025/12/10-not-so-hidden-dangers-age-verification>

A BlueSky post from University of New South Wales Professor Deborah Lupton, PhD MPH revealing that there has been an increase in kids seeking mental health services following Australia's social media ban:

<https://bsky.app/profile/dalupton.bsky.social/post/3mcv3gudi2s2h>

An article from The Guardian about the worries of Australian disabled teens in the aftermath of the social media ban:

https://www.theguardian.com/australia-news/2026/feb/06/ive-lost-my-friends-advocacy-groups-warn-australias-social-media-ban-risks-isolating-kids-with-disabilities?CMP=Share_iOSApp_Other

A New York Times article about Homeland Security subpoenaing social media platforms to reveal the identities of those criticizing their anti-immigration actions:

https://www.nytimes.com/2026/02/13/technology/dhs-anti-ice-social-media.html?unlocked_article_code=1.MFA.84qB.K9Z-Z1EJdyGt

The Rage's article about the AV service Persona's mass surveillance of its users:

<https://www.therage.co/persona-age-verification/>

Testimony in Opposition to SB2761

Dear Members of the Committee:

I am writing to raise serious issues with SB2761. As an operator of an independent, nonprofit social-media forum that focuses on critiquing the excesses and evils of the tech industry, I am concerned that this bill addresses an important issue in a misguided and counterproductive way.

The bill defines a “social media platform” as any “public or semi-public internet-based service or application that allows users to view content generated by other users or create content viewable by other users of the platform’s applications”. This definition is fantastically overbroad. It encompasses not just those few companies implicated by the legislature’s stated intent, but also the following:

- Any newspaper whose website has a comment section.
- Any blog or online newsletter written by an individual that features a comment section.
- The websites of many state legislatures, which display testimony on bills uploaded by concerned citizens who create user accounts on those websites.
- Discussion forums for niche interests (crochet, identifying local plants, discussing a favorite obscure TV show, etc.), that are run by volunteers, take no measures to monopolize attention or prolong the time users spend there, and could not by any stretch of the imagination be considered harmful to teenagers.
- Wikipedia, the free online encyclopedia made entirely of user-generated content, which has emerged as one of the Internet’s great success stories, providing both reliable information and a valuable starting point for in-depth research.

Plainly, a law that aims at Facebook and TikTok but hits Wikipedia instead is making a grave mistake.

The bill requires all websites in its fantastically broad remit to “take reasonable steps to prevent individuals under sixteen years of age” from using them. The bill does not specify what the limits of “reasonable steps” are, nor how the government of Hawaii will be making the determination of what counts as “reasonable”. Websites ranging from recipe blogs to Wikipedia will be forced into a state of uncertainty: How much must they do in order to comply? How far must they go to avoid liability? The bill’s language strongly implies that self-attested ages will not be enough; will hobbyist discussion forums that run on a shoestring budget then be forced to line the pockets of the age-verification industry and compromise the privacy of their users in the process? This is not a theoretical concern: Last October, hackers broke into the service that the Discord platform used for age verification and stole the government-issued IDs of 70,000 people.¹ SB2761 would not protect minors. On the contrary: It would put all citizens of Hawaii at risk for identity theft.²

¹ A. Belanger, “Discord faces backlash over age checks after data breach exposed 70,000 IDs,” *Ars Technica*, 9 February 2026.

² Rep. Alexandria Ocasio-Cortez recently put the issue in appropriately stark terms: Politicians “are using kids as a smokescreen for what Big Tech lobbyists want: a national surveillance program to harvest our data with zero protections for people and their privacy.” @ocasio-cortez.house.gov on Bluesky, 5 March 2026.

Forbidding young people from creating accounts on social-media platforms has another downside. Some platforms, such as YouTube, can be used passively without creating an account: One can watch videos on YouTube without logging in, but not comment upon them or upload one’s own. Pushing young people in the direction of being passive content consumers rather than active participators in open conversation cannot be a good move for their development. Moreover, platforms may provide specialized environments or versions meant to be age-appropriate, like YouTube Kids. Perversely, preventing young people from creating accounts will throw them into the deep end of the pool, ensuring that their only experience of a site like YouTube will be one with far less moderation.

There are serious Constitutional issues with this bill. It would impede young people’s access to Constitutionally protected speech. The extent of this burden is as yet unclear, because the bill’s text is unspecific, but it evidently bars young people from websites that offer nothing obscene. And obscenity is the dividing line for where age verification can pass Constitutional muster.³ Likewise, the bill runs directly into the Commerce Clause of the United States Constitution. It imposes requirements on the activity of persons entirely outside the state of Hawaii. Any platform outside of the state must still build the reporting and monitoring infrastructure to detect whether a user is covered. A resident of New York, accessing a platform hosted in Massachusetts, must sacrifice their anonymity to comply with a law that none of their elected representatives could have voted for. Because the law would have “the impermissible practical effect of controlling commercial activity wholly outside” Hawaii, it goes beyond what the Commerce Clause can allow.⁴ In addition, the concerns about what constitute “reasonable steps” open the law to being ruled void for vagueness.⁵

Moreover, the bill regulates how platforms must interact with users aged 13 to 15. This is contrary to the intent of Congress as codified into federal law, namely to regulate interactions with users younger than 13. The provisions of this bill could only become consistent with federal law if the Children’s Online Privacy Protection Act were amended.

The bill’s description of the legislature’s intent does not make a case for regulating all user-generated content, and the rationale it does provide is based on a slanted presentation of the facts. For example, research more recent than 2023 suggests that among young people, *moderate* social-media use is associated with better mental health than either heavy use or

³ See *Free Speech Coalition, Inc. v. Paxton*, 606 U.S. 461 (2025), where the majority and minority opinions agreed that “for fully protected speech, the distinction between bans and burdens makes no difference to the level of scrutiny” (internal quotation marks omitted). See also *Moody v. NetChoice, LLC*, 603 U. S. 707 (2024); *Brown v. Entertainment Merchants Assn.*, 564 U. S. 786 (2011); and *NetChoice v. Fitch*, 606 U.S. __ (2025), J. Kavanaugh concurring in denial of certiorari.

⁴ *Healy v. Beer Institute, Inc.*, 491 U.S. 324 (1989).

⁵ Per *Connally v. General Constr. Co.*, 269 U. S. 385, 391 (1926): “[A] statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application, violates the first essential of due process of law”. And per *FCC v. Fox Television Stations, Inc.*, 567 U.S. 239 (2011): “Even when speech is not at issue, the void for vagueness doctrine addresses at least two connected but discrete due process concerns: first, that regulated parties should know what is required of them so they may act accordingly; second, precision and guidance are necessary so that those enforcing the law do not act in an arbitrary or discriminatory way. [...] When speech is involved, rigorous adherence to those requirements is necessary to ensure that ambiguity does not chill protected speech.”

no use at all.⁶ Correlation is not causation; heavy social-media use can be a consequence of poor mental health (e.g., seeking distraction) rather than a cause. The world has gotten worse for teens in many ways, and pointing the finger at social media alone is burying one’s head in the sand.⁷ The social and psychological factors at work are interrelated, complicated, and difficult to study:

Despite a wealth of research on this topic, the evidence base is currently limited in several important respects. These include primarily cross-sectional work that does not warrant causal conclusions; use of small and homogeneous samples;⁸ failure to control for confounding factors (e.g., gender); and, in the case of social media research, a predominant focus on total time spent as opposed to *how* that time is used. Finally, with a handful of exceptions, research to date has also not distinguished between-person (i.e., stable differences between individuals) from within-person (i.e., situational changes within individuals) effects. This is critical because failure to do so can lead to erroneous conclusions regarding the presence, predominance, and sign of causal influences.⁸

This is not a good area in which to make blunt legal interventions. Complicated problems call for careful, flexible solutions.

The legislative intent refers to Australia’s recent social-media ban for persons under 16. Pointing to this for support before its costs and benefits can be judged is putting the cart before the horse. We should note that Australian teenagers have sued over it,⁹ and that many British teens are opposed to their country following in Australia’s path.¹⁰ And we should not forget the rushed, shady process that led to the ban in the first place, with backing from the Murdoch family and makers of gambling ads.¹¹

I do not want to downplay the seriousness of young persons’ use of social media. I have grave objections to the ways in which all of the largest social-media corporations behave, and I personally avoid all interactions with commercial social media to the fullest extent possible. I am writing to underline that, to address the issue, we must first diagnose it properly, and then we must go about solving it in a targeted and principled way. For example, talk of “social-media addiction” is well nigh ubiquitous, yet research suggests that portraying bad social-media habits as “addiction” makes those habits harder to break.¹²

⁶ B. Singh et al., “Social Media Use and Well-Being Across Adolescent Development,” *JAMA Pediatrics* 180 (2026), 288–97.

⁷ J. Severs, “Is Jonathan Haidt right about smartphones?” *Times Educational Supplement*, 3 September 2025.

⁸ Q. Cheng et al., “How do social media use, gaming frequency, and internalizing symptoms predict each other over time in early-to-middle adolescence?” *Journal of Public Health* 48 (2026), 59–69.

⁹ S. Sharma, “Teenagers sue government over nationwide social media ban for ‘violating their right to communicate’,” *The Independent*, 26 November 2025; “Australian teenagers ask High Court to block social media ban,” Reuters, 26 November 2025.

¹⁰ P. Sandle and M. Davison, “British teens resist Australian-style social media ban,” Reuters, 16 March 2026.

¹¹ B. Kaye, “Australian social media ban started with call to act by politician’s wife,” Reuters, 29 November 2024; M. Masnick, “Australia’s Social Media Ban Was Pushed By Ad Agency Focused On Gambling Ads It Didn’t Want Banned,” *Techdirt*, 15 December 2025.

¹² I. A. Anderson and W. Wood, “Overestimates of social media addiction are common but costly,” *Scientific Reports* 15 (2025), 39388. <https://www.nature.com/articles/s41598-025-27053-2>.

There are better alternatives than the approach taken here. We can put a tax on targeted advertising. We can pass a strong privacy law that protects people of all ages, short-circuiting the toxic business models of giant corporations without “destroying the village in order to save it” by forcing platforms to gather data before deciding what amount of privacy they can offer. Consider a “youth center” model of reform, where we address the harms of the worst social-media platforms by giving teens better things to do on their phones. We can encourage independent and nonprofit social media by directing young people to platforms like Dreamwidth, Bluesky and Mastodon, platforms that aren’t out to exploit them. As lawmakers, you can take a stand yourselves and cease using X and Meta. Show these companies that we can live without them!

Let’s tackle the problem, but let’s do it right.

Yours,
Blake C. Stacey, PhD
Co-moderator, TechTakes
Boston, MA
bstacey@mit.edu

MICHAEL J. GOLOJUCH, JR. (he/him)

Civil Rights Activist

March 16, 2026

House's Committee on Human Services and Homelessness
Hawai'i State Capitol
415 South Beretania Street
Honolulu, HI 96813

Hearing: Tuesday, March 17, 2026 at 10:00 AM

RE: **SUPPORT for Senate Bill 2761 – Relating to SOCIAL MEDIA**

Aloha Chair Marten, Vice Chairs Olds, and fellow committee members,

My name is Michael Golojuch, Jr., and I submit this testimony in my personal capacity in **support with concerns** of SB 2761.

For the past **26 years, I have been engaged in advocacy on behalf of the LGBTQIA+ community, women, and working families**, and through that work I have seen firsthand how public policy must evolve to respond to new technologies that shape our communities and the wellbeing of our keiki. Social media platforms have become a dominant force in the lives of young people, yet they have largely been allowed to operate without the kinds of safeguards that would be expected in almost any other environment where keiki spend so much time.

A growing body of research has demonstrated the **serious mental health impacts that unregulated social media use can have on young people**, including increased rates of anxiety, depression, harassment, and exposure to harmful or manipulative content. The algorithms that drive these platforms often prioritize engagement over wellbeing, and keiki are particularly vulnerable to these design choices.

For these reasons, I believe **guard rails are necessary**. SB 2761 is attempting to address a very real and pressing problem by limiting access for minors under the age of sixteen when platforms know that the user is a keiki. Policymakers have a responsibility to act when powerful industries fail to adequately protect our young people.

However, my support comes with concerns about the broader context that has led us to this point. If social media companies had taken meaningful steps years ago to protect the mental health and safety of their users, legislation such as this might not be necessary today. Platforms could have implemented stronger **content moderation, meaningful parental tools, and design standards that prioritize user wellbeing** rather than engagement metrics. In particular, one of the most persistent harms on social media has been the proliferation of **bots and automated accounts**, which are frequently used to spread harassment, misinformation, and targeted abuse.

As someone who has spent decades advocating for marginalized communities, especially the LGBTQIA+ community, I have seen how bot networks and anonymous harassment campaigns can be weaponized to target vulnerable individuals, especially minors who may already be navigating identity, bullying, or isolation. Eliminating bots and implementing strong safeguards for all users would have gone a long way toward making social media safer without requiring such sweeping restrictions on minor's access.

Michael Golojuch, Jr.'s (he/him) Testimony for SB 2761: RELATING TO SOCIAL MEDIA

My concern is that the responsibility for safety should not fall solely on families or on restricting young people themselves. **Technology companies must also be held accountable for the environments they have created and monetized.**

While SB 2761 may be a step toward addressing the harms we are seeing, I encourage the Legislature to continue examining broader regulatory approaches that require social media companies to:

- Build safer platforms by design,
- Enforce transparency around algorithms, and
- Eliminate the bot-driven manipulation that has become pervasive across these platforms.

Our goal should be to ensure that the digital spaces where young people learn, connect, and express themselves are **healthy, authentic, and safe environments**, not systems that amplify harm for profit.

Mahalo nui for the opportunity to provide testimony and for your commitment to protecting the wellbeing of Hawai'i's keiki.

I Mua,

Michael Golojuch, Jr. (he/him)
Civil Rights Activist

LATE

SB-2761-SD-2

Submitted on: 3/16/2026 7:10:24 PM

Testimony for HSH on 3/17/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Simon Matthew David	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair and Committee Members,

I am writing to oppose Senate Bill 2761.

I understand the concerns that motivate this proposal. Many parents are worried about how social media affects young people, and protecting kids online is an important goal. However, a blanket ban on social media accounts for everyone under the age of 16 is an overly broad response.

In Hawai‘i, families are often spread across different islands or across the mainland. Because of that distance, many teenagers rely on social media to stay connected with relatives they do not see regularly. Messaging and sharing updates online allow them to remain part of everyday family life even when they are physically far apart. Removing access does not just reduce screen time — it can also cut off an important way young people maintain relationships with family members.

Rather than prohibiting access altogether, a more practical solution would be to give parents stronger tools to guide their children’s online activity. Requiring age verification and parental approval through app stores could provide a single, straightforward checkpoint for families while still allowing teens to communicate with the people who matter most to them.

For these reasons, I respectfully ask the committee to reject SB 2761 and consider alternatives that support both youth safety and family connection.

Thank you for your time and consideration.

LATE

SB-2761-SD-2

Submitted on: 3/16/2026 7:54:25 PM

Testimony for HSH on 3/17/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nalani-Tearsjah Aipoalani-Tuaoi-To'oto'o	Individual	Oppose	Written Testimony Only

Comments:

Aloha Members,

I am writing to urge you to oppose Senate Bill 2761, which would prohibit individuals under 16 from creating or maintaining social media accounts. I commend the legislature for addressing the issue of teen safety online, but unfortunately, this is the wrong approach.

For many teens, social media is how they stay connected with friends and family members on other islands or the mainland. It's also how they keep up with younger cousins they don't get to see every day. These are important relationships that social media helps young people maintain in ways that weren't possible before. Yess, cutting that off that access limits screen time, but more pressingly, it cuts teenagers off from their families and communities.

The bill also doesn't target the right platforms. SB 2761 carves out gaming platforms and other services, meaning places like Roblox (where child predators have been documented targeting young users) are completely untouched. We've seen in Australia that sweeping bans like this don't get kids off the internet. They push them toward less regulated, harder-to-monitor platforms. That makes kids less safe.

There is a better approach. Requiring age verification and parental consent at the app store level would give parents a single, streamlined point of control without cutting young people off from the connections they rely on. It empowers parents to make decisions for their own families rather than leaving that judgment entirely to the government.

I urge you to oppose SB 2761 and support solutions that actually work for Hawai'i's families.

SB-2761-SD-2

Submitted on: 3/16/2026 8:12:39 PM

Testimony for HSH on 3/17/2026 10:00:00 AM



Submitted By	Organization	Testifier Position	Testify
Taumalatou Vaesau	Individual	Oppose	Written Testimony Only

Comments:

Aloha Committee Members,

Please oppose SB 2761.

While the bill is intended to protect young people online, banning social media accounts for everyone under 16 may not accomplish that goal and could have unintended consequences.

For many teenagers in Hawai‘i, social media is a key way they stay in touch with family members who live far away. It allows them to talk with grandparents, cousins, and friends on other islands or on the mainland. Those daily conversations help maintain relationships that would otherwise be difficult to keep up with.

The proposal also leaves out some of the online environments where safety concerns involving minors have already been documented. Gaming platforms and similar services are exempted from the restriction, which means the bill does not fully address all of the places where risks may exist. In other countries that have tried broad social media bans, young people often simply move to other platforms rather than leaving the internet altogether.

A more effective solution would be to give parents clearer tools to manage their children’s online activity. Requiring age verification and parental approval at the app store level could provide that oversight while still allowing young people to remain connected with their families.

For these reasons, I respectfully ask you to vote no on SB 2761.

Mahalo for your time.

LATE

SB-2761-SD-2

Submitted on: 3/16/2026 8:28:00 PM

Testimony for HSH on 3/17/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Yvonne Tootoo-Vaesau	Individual	Oppose	Written Testimony Only

Comments: Aloha Chair and Members of the Committee, I respectfully submit testimony in opposition to SB 2761. The goal of protecting young people online is widely shared. However, a statewide prohibition on social media accounts for anyone under 16 may not address the issue in a balanced or effective way. For many families in Hawai‘i, social media plays an important role in maintaining relationships across distance. Teenagers frequently use these platforms to communicate with relatives who live on neighbor islands or on the mainland. These everyday interactions help young people remain connected to family and community even when travel or geography makes regular visits difficult. A better approach would focus on strengthening parental involvement rather than removing access entirely. Families vary widely in their circumstances, and parents should be able to decide what level of online participation is appropriate for their own children. Implementing age verification and parental consent requirements through app stores could create a clear and manageable system for families while preserving the communication tools many rely on. For these reasons, I urge the committee to oppose SB 2761 and pursue solutions that prioritize both safety and family connection. Mahalo for the opportunity to provide my testimony.

LATE

SB-2761-SD-2

Submitted on: 3/16/2026 8:43:03 PM

Testimony for HSH on 3/17/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Leinaala Keohuhu-Paaluhi	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair and Members of the Committee,

I respectfully ask you to vote no on Senate Bill 2761, which would bar youth under the age of 16 from having social media accounts. While I appreciate the concern driving this proposal and agree that online safety is an important issue, this bill takes an overly broad approach that may do more harm than good.

For many young people in Hawai‘i, social media is not simply entertainment. It is a primary way they maintain relationships with friends and family who live on neighbor islands or on the mainland. Teens use these platforms to stay in touch with grandparents, siblings, and cousins they may only see occasionally. Removing access may reduce screen time, but it also severs meaningful connections that help young people feel supported and engaged in their communities.

Additionally, the bill does not consistently address the areas of greatest concern. By exempting gaming and other online platforms, it leaves open spaces where documented risks to children already exist. Experiences in other countries show that broad prohibitions often drive youth toward less regulated or more anonymous corners of the internet, where oversight is weaker and risks may be higher.

Rather than an outright ban, a more effective solution would be to require age verification and parental approval at the app store level. This would provide parents with a centralized, practical tool to guide their children’s online access without cutting off communication entirely. Families differ in their values and circumstances, and parents should be empowered to make decisions that reflect those differences.

For these reasons, I urge you to oppose SB 2761 and pursue policies that strengthen parental involvement and genuinely enhance youth safety.

Thank you for your consideration.

LATE

SB-2761-SD-2

Submitted on: 3/16/2026 8:51:14 PM

Testimony for HSH on 3/17/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Eveni-Elijah Aipoalani-Tuaoi-Tootoo	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair and Committee Members,

I am writing in opposition to Senate Bill 2761. Although protecting young people online is a goal we all share, prohibiting anyone under 16 from using social media is not the right solution.

In Hawai‘i, distance is a reality for many families. Teens often rely on social media to maintain close relationships with relatives living on different islands or across the continent. These platforms allow them to participate in family life, share milestones, and maintain daily communication in ways that phone calls or occasional visits cannot fully replace. Eliminating access does not just reduce exposure to risk — it also limits connection, belonging, and community.

Furthermore, SB 2761 excludes certain online spaces, including gaming platforms, where safety concerns have already been documented. A partial ban that leaves these environments untouched may simply shift youth activity to platforms with fewer safeguards and less transparency. International examples have demonstrated that sweeping age bans rarely remove teens from the digital world; instead, they push activity underground, making supervision more difficult.

A more balanced approach would focus on giving parents clear authority and practical tools. Implementing age verification and parental consent requirements through app stores would create a single checkpoint for families while preserving the ability to stay connected. This respects parental responsibility and allows families to make decisions based on their own children’s maturity and needs.

I respectfully ask you to oppose SB 2761 and consider alternatives that prioritize both safety and family connection.

Mahalo for your time and service.