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**SUBSTITUTE SENATE BILL 5708**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Frame, Wagoner, Alvarado, Hasegawa, Nobles, Salomon, Trudeau, and Valdez; by request of Attorney General)

AN ACT Relating to protecting Washington children online; and adding a new chapter to Title 19 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Addictive feed" means an internet website, online service, online application, or mobile application, or a portion thereof, in which multiple pieces of media generated or shared by users are, either concurrently or sequentially, recommended, selected, or prioritized for display to a user based, in whole or in part, on information provided by the user, or otherwise associated with the user or the user's device, unless any of the following conditions are met, alone or in combination with one another:

(a) The information is not persistently associated with the user or user's device, and does not concern the user's previous interactions with media generated or shared by others;

(b) The information consists of search terms that are not persistently associated with the user or user's device;

(c) The information consists of user-selected privacy or accessibility settings, technical information concerning the user's device, or device communications or signals concerning whether the user is a minor;

(d) The user expressly and unambiguously requested the specific media or media by the author, creator, or poster of the media, or the blocking, prioritization, or deprioritization of such media, provided that the media is not recommended, selected, or prioritized for display based, in whole or in part, on other information associated with the user or the user's device, except as otherwise permitted by this chapter and, in the case of audio or video content, is not automatically played;

(e) The media consists of direct, private communications between users;

(f) The media recommended, selected, or prioritized for display is exclusively the next media in a preexisting sequence from the same author, creator, poster, or source and, in the case of audio or video content, is not automatically played;

(g) The recommendation, selection, or prioritization of the media is necessary to comply with this chapter.

(2)(a) "Addictive internet-based service or application" means an internet website, online service, online application, or mobile application including, but not limited to, a social media platform, that offers users or provides users with an addictive feed as a significant part of the service provided by that internet website, online service, online application, or mobile application.

(b) "Addictive internet-based service or application" does not apply to:

(i) An internet website, online service, online application, or mobile application for which interactions between users are limited to commercial transactions or to consumer reviews of products, sellers, services, events, or places, or any combination thereof; or

(ii) An internet website, online service, online application, or mobile application that operates a feed for the primary purpose of cloud storage.

(3)(a) "Business" means any legal entity that conducts business in Washington or produces or provides products and services that are targeted to consumers in Washington.

(b) "Business" does not include government agencies, federally recognized Indian tribes, or contracted service providers when providing services on behalf of a government agency.

(4) "Dark pattern" means a user interface designed or manipulated with the substantial effect of subverting or impairing user autonomy, decision making, or choice.

(5) "Likely to be accessed by minors" means it is reasonable to expect, based on the following indicators, that the online service, product, or feature would be accessed by minors:

(a) The online service, product, or feature is directed to children as defined by the children's online privacy protection act (15 U.S.C. Sec. 6501 et seq.);

(b) The online service, product, or feature is determined, based on competent and reliable evidence regarding audience composition, to be routinely accessed by a significant number of minors;

(c) An online service, product, or feature that displays, provides, contains, or sells advertisements marketed to minors;

(d) An online service, product, or feature that is substantially similar or the same as an online service, product, or feature subject to (b) of this subsection;

(e) An online service, product, or feature that has design elements that are known to be of interest to minors including, but not limited to, games, cartoons, music, and celebrities who appeal to minors;

(f) A significant amount of the audience of the online service, product, or feature is determined, based on internal company research, to be minors.

(6) "Media" means text, audio, an image, or a video.

(7) "Minor," unless otherwise specified, means an individual under 18 years of age who is located in Washington state.

(8) "Online service, product, or feature" does not mean any of the following:

(a) A broadband internet access service, as defined in RCW 19.385.020;

(b) A telecommunications service, as defined in 47 U.S.C. Sec. 153;

(c) The delivery or use of a physical product.

(9) "Operator" means a person who operates or provides an internet website, an online service, an online application, or a mobile application.

(10) "Parent" means a parent or guardian.

(11)(a) "Personal information" means information that identifies or is reasonably capable of being associated or linked, directly or indirectly, with a particular individual or individual's household. "Personal information" includes, but is not limited to, data associated with a persistent unique identifier, such as a cookie ID, an IP address, a device identifier, or any other form of persistent unique identifier.

(b) "Personal information" does not include publicly available information.

(12) "Precise location information" has the same meaning as defined in RCW 19.373.010.

(13) "Profiling" means any form of automated processing of personal information that uses personal information to evaluate certain aspects relating to an individual, including analyzing or predicting aspects concerning an individual's performance at work, economic situation, health, personal preferences, interests, reliability, behavior, location, or movements.

NEW SECTION. **Sec.**  (1) A business that provides an online service, product, or feature likely to be accessed by minors shall estimate the age of minor users with a reasonable level of certainty appropriate to the risks that arise from the data management practices of the business or apply the privacy and data protections afforded to minors, including as required under this chapter, to all consumers or users of the online, service, product, or feature.

(2) A business that provides an online service, product, or feature likely to be accessed by minors shall not use any personal information collected to estimate age or age range for any other purpose or retain that personal information, other than the estimated age or age range, longer than necessary to estimate age. Age assurance shall be proportionate to the risks and data practice of an online service, product, or feature.

NEW SECTION. **Sec.**  A business that provides an online service, product, or feature likely to be accessed by minors shall not collect, sell, share, or retain personal information from minors under the age of 13, except for purposes of compliance with the age assurance provisions of section 2 of this act.

NEW SECTION. **Sec.**  (1) A business that provides an online service, product, or feature likely to be accessed by minors shall take all of the following actions:

(a) Configure all default privacy settings provided to minors by the online service, product, or feature to settings that offer a high level of privacy, unless the business can demonstrate a compelling reason that a different setting is in the best interests of minors;

(b) Provide any privacy information, terms of service, policies, and community standards concisely, prominently, and using clear language suited to the age of minors likely to access that online service, product, or feature;

(c) Enforce published terms, policies, and community standards established by the business including, but not limited to, privacy policies and those concerning minors;

(d) Provide prominent, accessible, and responsive tools to help minors, or if applicable their parents or guardians, exercise their privacy rights and report concerns.

(2) A business that provides an online service, product, or feature likely to be accessed by minors shall not take any of the following actions:

(a) Use the personal information of any minor in a way that the business knows, or has reason to know, is materially detrimental to the physical health, mental health, or well-being of a minor;

(b) Profile a minor by default unless both of the following criteria are met:

(i) The business can demonstrate it has appropriate safeguards in place to protect minors; and

(ii) One of the following is true:

(A) Profiling is necessary to provide the online service, product, or feature requested and only with respect to the aspects of the online service, product, or feature with which the minor is actively and knowingly engaged;

(B) The business can demonstrate a compelling reason that profiling is in the best interests of minors;

(c) Collect, sell, share, or retain any personal information that is not necessary to provide an online service, product, or feature with which a minor is actively and knowingly engaged;

(d) If the end user is a minor, use personal information for any reason other than a reason for which that personal information was collected, unless the business can demonstrate a compelling reason that use of the personal information is in the best interests of minors;

(e) Collect, sell, or share any precise location information of minors by default unless the collection of that precise location information is strictly necessary for the business to provide the service, product, or feature requested and then only for the limited time that the collection of precise location information is necessary to provide the service, product, or feature;

(f) Collect any precise location information of a minor without providing an obvious sign to the minor for the duration of that collection that precise location information is being collected;

(g) Use dark patterns to lead or encourage minors to provide personal information beyond what is reasonably expected to provide that online service, product, or feature to forego privacy protections, or to take any action that the business knows, or has reason to know, is materially detrimental to the minor's physical health, mental health, or well-being.

NEW SECTION. **Sec.**  Nothing in this chapter shall restrict the ability of a business that provides an online service, product, or feature to:

(1) Comply with Washington state or federal law; or

(2) Comply with a subpoena, warrant, court order, or other civil or criminal legal process, unless such compliance is otherwise prohibited by Washington state or federal law.

NEW SECTION. **Sec.**  It shall be unlawful for the operator of an addictive internet-based service or application to provide an addictive feed to a user unless:

(1) Prior to January 1, 2026, the operator does not have actual knowledge that the user is a minor; or

(2) Commencing January 1, 2026, the operator has reasonably determined that the user is not a minor.

NEW SECTION. **Sec.**  (1) Prior to January 1, 2026, it shall be unlawful for a business that provides an online service, product, or feature likely to be accessed by minors, between the hours of 12:00 a.m. and 6:00 a.m., in the user's local time zone, and between the hours of 8:00 a.m. and 3:00 p.m., from Monday through Friday from September through May in the user's local time zone, to send notifications to a user if the business has actual knowledge that the user is a minor unless the operator has obtained verifiable parental consent to send those notifications.

(2) Commencing January 1, 2026, it shall be unlawful for a business that provides an online service, product, or feature likely to be accessed by minors, between the hours of 12:00 a.m. and 6:00 a.m., in the user's local time zone, and between the hours of 8:00 a.m. and 3:00 p.m., from Monday through Friday from September through May in the user's local time zone, to send notifications to a user whom the business has not reasonably determined is not a minor unless the operator has obtained verifiable parental consent to send those notifications.

NEW SECTION. **Sec.**  The operator of an addictive internet-based service or application shall provide a mechanism through which any user, whether or not they are a minor, may do any of the following:

(1) Limit their access to any addictive feed from the addictive internet-based service or application to a length of time per day specified by the user;

(2) Limit their ability to view the number of likes or other forms of feedback to pieces of media within an addictive feed;

(3) Require that the default feed provided to the user when entering the internet-based service or application be one in which pieces of media are not recommended, selected, or prioritized for display based on information provided by the user, or otherwise associated with the user or the user's device, other than the user's age or status as a minor;

(4) Set their account to private mode, in a manner in which only users to whom the user is connected on the addictive internet-based service or application may view or respond to content posted by the user.

NEW SECTION. **Sec.**  This chapter shall not be construed as requiring the operator of an addictive internet-based service or application to give a parent any additional or special access to, or control over, the data or accounts of their minor child.

NEW SECTION. **Sec.**  Compliance with this chapter by the operator of an addictive internet-based service or application does not serve as a defense to any claim that a minor, or an individual who was a minor at the time of using the internet-based service or application, might have against the operator of an addictive internet-based service or application regarding any harm to the mental health or well-being of the minor.

NEW SECTION. **Sec.**  The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business, and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. **Sec.**  It is the intent of the legislature that if any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec.**  Sections 1 through 12 of this act constitute a new chapter in Title 19 RCW.

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