
SUBSTITUTE SENATE BILL 5708

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)

READ FIRST TIME 02/28/25.

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

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

4 NEW SECTION. **Sec. 1.** The definitions in this section apply
5 throughout this chapter unless the context clearly requires
6 otherwise.

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

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

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

20 (c) The information consists of user-selected privacy or
21 accessibility settings, technical information concerning the user's

1 device, or device communications or signals concerning whether the
2 user is a minor;

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

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

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

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

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

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

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

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

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

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

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

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

7 (a) The online service, product, or feature is directed to
8 children as defined by the children's online privacy protection act
9 (15 U.S.C. Sec. 6501 et seq.);

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

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

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

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

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

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

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

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

30 (a) A broadband internet access service, as defined in RCW
31 19.385.020;

32 (b) A telecommunications service, as defined in 47 U.S.C. Sec.
33 153;

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

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

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

39 (11)(a) "Personal information" means information that identifies
40 or is reasonably capable of being associated or linked, directly or

1 indirectly, with a particular individual or individual's household.
2 "Personal information" includes, but is not limited to, data
3 associated with a persistent unique identifier, such as a cookie ID,
4 an IP address, a device identifier, or any other form of persistent
5 unique identifier.

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

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

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

16 NEW SECTION. **Sec. 2.** (1) A business that provides an online
17 service, product, or feature likely to be accessed by minors shall
18 estimate the age of minor users with a reasonable level of certainty
19 appropriate to the risks that arise from the data management
20 practices of the business or apply the privacy and data protections
21 afforded to minors, including as required under this chapter, to all
22 consumers or users of the online, service, product, or feature.

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

30 NEW SECTION. **Sec. 3.** A business that provides an online
31 service, product, or feature likely to be accessed by minors shall
32 not collect, sell, share, or retain personal information from minors
33 under the age of 13, except for purposes of compliance with the age
34 assurance provisions of section 2 of this act.

35 NEW SECTION. **Sec. 4.** (1) A business that provides an online
36 service, product, or feature likely to be accessed by minors shall
37 take all of the following actions:

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

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

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

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

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

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

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

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

25 (ii) One of the following is true:

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

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

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

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

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

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

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

16 NEW SECTION. **Sec. 5.** Nothing in this chapter shall restrict the
17 ability of a business that provides an online service, product, or
18 feature to:

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

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

23 NEW SECTION. **Sec. 6.** It shall be unlawful for the operator of
24 an addictive internet-based service or application to provide an
25 addictive feed to a user unless:

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

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

30 NEW SECTION. **Sec. 7.** (1) Prior to January 1, 2026, it shall be
31 unlawful for a business that provides an online service, product, or
32 feature likely to be accessed by minors, between the hours of 12:00
33 a.m. and 6:00 a.m., in the user's local time zone, and between the
34 hours of 8:00 a.m. and 3:00 p.m., from Monday through Friday from
35 September through May in the user's local time zone, to send
36 notifications to a user if the business has actual knowledge that the

1 user is a minor unless the operator has obtained verifiable parental
2 consent to send those notifications.

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

12 NEW SECTION. **Sec. 8.** The operator of an addictive internet-
13 based service or application shall provide a mechanism through which
14 any user, whether or not they are a minor, may do any of the
15 following:

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

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

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

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

31 NEW SECTION. **Sec. 9.** This chapter shall not be construed as
32 requiring the operator of an addictive internet-based service or
33 application to give a parent any additional or special access to, or
34 control over, the data or accounts of their minor child.

35 NEW SECTION. **Sec. 10.** Compliance with this chapter by the
36 operator of an addictive internet-based service or application does
37 not serve as a defense to any claim that a minor, or an individual

1 who was a minor at the time of using the internet-based service or
2 application, might have against the operator of an addictive
3 internet-based service or application regarding any harm to the
4 mental health or well-being of the minor.

5 NEW SECTION. **Sec. 11.** The legislature finds that the practices
6 covered by this chapter are matters vitally affecting the public
7 interest for the purpose of applying the consumer protection act,
8 chapter 19.86 RCW. A violation of this chapter is not reasonable in
9 relation to the development and preservation of business, and is an
10 unfair or deceptive act in trade or commerce and an unfair method of
11 competition for the purpose of applying the consumer protection act,
12 chapter 19.86 RCW.

13 NEW SECTION. **Sec. 12.** It is the intent of the legislature that
14 if any provision of this chapter or its application to any person or
15 circumstance is held invalid, the remainder of the chapter or the
16 application of the provision to other persons or circumstances is not
17 affected.

18 NEW SECTION. **Sec. 13.** Sections 1 through 12 of this act
19 constitute a new chapter in Title 19 RCW.

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