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**SUBSTITUTE HOUSE BILL 1834**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** House Consumer Protection & Business (originally sponsored by Representatives Callan, Paul, Berry, Leavitt, Parshley, Barnard, Hunt, Taylor, Doglio, Gregerson, Ramel, Thai, Shavers, Macri, Zahn, Eslick, Fosse, Bernbaum, Scott, Pollet, Nance, and Cortes; by request of Attorney General)

READ FIRST TIME 02/21/25.

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; or

35 (d) An interactive gaming platform that:

36 (i) Complies with the requirements of the children's online  
37 privacy protection act, 15 U.S.C. Sec. 6501 et seq., and the  
38 guidelines, rules, guidance, and exemptions established under that  
39 act; and

1 (ii) Does not use dark patterns to lead or encourage minors to  
2 provide personal information beyond what is reasonably expected to  
3 provide that online service, product, or feature.

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

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

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

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

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

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

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

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

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

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

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

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

17           (c) If the online service, product, or feature allows the minor's  
18 parent, guardian, or any other individual or entity to monitor the  
19 minor's online activity or track the minor's location, provide an  
20 obvious signal to the minor when the minor is being monitored or  
21 tracked;

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

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

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

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

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

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

38           (ii) One of the following is true:

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

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

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

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

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

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

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

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

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

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

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

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

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

8        NEW SECTION.    **Sec. 7.**    (1) Prior to January 1, 2026, it shall be  
9 unlawful for a business that provides an online service, product, or  
10 feature likely to be accessed by minors, between the hours of 12:00  
11 a.m. and 6:00 a.m., in the user's local time zone, and between the  
12 hours of 8:00 a.m. and 3:00 p.m., from Monday through Friday from  
13 September through May in the user's local time zone, to send  
14 notifications to a user if the business has actual knowledge that the  
15 user is a minor unless the operator has obtained verifiable parental  
16 consent to send those notifications.

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

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

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

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

35            (3) Require that the default feed provided to the user when  
36 entering the internet-based service or application be one in which  
37 pieces of media are not recommended, selected, or prioritized for  
38 display based on information provided by the user, or otherwise

1 associated with the user or the user's device, other than the user's  
2 age or status as a minor;

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

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

11 NEW SECTION. **Sec. 10.** Compliance with this chapter by the  
12 operator of an addictive internet-based service or application does  
13 not serve as a defense to any claim that a minor, or an individual  
14 who was a minor at the time of using the internet-based service or  
15 application, might have against the operator of an addictive  
16 internet-based service or application regarding any harm to the  
17 mental health or well-being of the minor.

18 NEW SECTION. **Sec. 11.** The legislature finds that the practices  
19 covered by this chapter are matters vitally affecting the public  
20 interest for the purpose of applying the consumer protection act,  
21 chapter 19.86 RCW. A violation of this chapter is not reasonable in  
22 relation to the development and preservation of business, and is an  
23 unfair or deceptive act in trade or commerce and an unfair method of  
24 competition for the purpose of applying the consumer protection act,  
25 chapter 19.86 RCW.

26 NEW SECTION. **Sec. 12.** It is the intent of the legislature that  
27 if any provision of this chapter or its application to any person or  
28 circumstance is held invalid, the remainder of the chapter or the  
29 application of the provision to other persons or circumstances is not  
30 affected.

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

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