
SENATE BILL 5708

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By Senators Frame, Wagoner, Alvarado, Hasegawa, Nobles, Salomon, Trudeau, and Valdez; by request of Attorney General

Read first time 02/07/25. Referred to Committee on Business, Financial Services & Trade.

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

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

1 (a) The online service, product, or feature is directed to
2 children as defined by the children's online privacy protection act
3 (15 U.S.C. Sec. 6501 et seq.);

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

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

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

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

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

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

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

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

24 (a) A broadband internet access service, as defined in RCW
25 19.385.020;

26 (b) A telecommunications service, as defined in 47 U.S.C. Sec.
27 153;

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

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

32 (9) "Parent" means a parent or guardian.

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

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

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

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

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

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

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

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

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

36 (b) Provide any privacy information, terms of service, policies,
37 and community standards concisely, prominently, and using clear

1 language suited to the age of minors likely to access that online
2 service, product, or feature;

3 (c) If the online service, product, or feature allows the minor's
4 parent, guardian, or any other individual or entity to monitor the
5 minor's online activity or track the minor's location, provide an
6 obvious signal to the minor when the minor is being monitored or
7 tracked;

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

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

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

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

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

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

24 (ii) One of the following is true:

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

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

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

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

39 (e) Collect, sell, or share any precise location information of
40 minors by default unless the collection of that precise location

1 information is strictly necessary for the business to provide the
2 service, product, or feature requested and then only for the limited
3 time that the collection of precise location information is necessary
4 to provide the service, product, or feature;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 NEW SECTION. **Sec. 10.** Compliance with this chapter by the
34 operator of an addictive internet-based service or application does
35 not serve as a defense to any claim that a minor, or an individual
36 who was a minor at the time of using the internet-based service or
37 application, might have against the operator of an addictive

1 internet-based service or application regarding any harm to the
2 mental health or well-being of the minor.

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

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

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

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