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**SENATE BILL 5708**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senators Frame and Wagoner; by request of Attorney General

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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