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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3488

- 02/12/2024 Authored by Stephenson and Kotyza-Witthuhn
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law
- 02/19/2024 Adoption of Report: Amended and re-referred to the Committee on Labor and Industry Finance and Policy
- 03/04/2024 Adoption of Report: Amended and re-referred to the Committee on Commerce Finance and Policy
- 04/02/2024 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act

1.2 relating to labor; providing compensation for minors appearing in Internet content

1.3 creation; amending Minnesota Statutes 2022, section 181A.03, by adding

1.4 subdivisions; proposing coding for new law in Minnesota Statutes, chapter 181A.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2022, section 181A.03, is amended by adding a subdivision

1.7 to read:

1.8 Subd. 5a. **Online platform.** "Online platform" means any public-facing website, web

1.9 application, or digital application, including a mobile application. Online platform includes

1.10 a social network, advertising network, mobile operating system, search engine, email service,

1.11 monetization platform to sell digital services, streaming service, paid subscription, or Internet

1.12 access service.

1.13 Sec. 2. Minnesota Statutes 2022, section 181A.03, is amended by adding a subdivision to

1.14 read:

1.15 Subd. 7a. **Content creation.** "Content creation" means content shared on an online

1.16 platform in exchange for compensation.

1.17 Sec. 3. Minnesota Statutes 2022, section 181A.03, is amended by adding a subdivision to

1.18 read:

1.19 Subd. 7b. **Content creator.** "Content creator" means an individual or individuals 18

1.20 years of age or older, including family members, who create video content performed in

1.21 Minnesota in exchange for compensation, and includes any proprietorship, partnership,

2.1 company, or other corporate entity assuming the name or identity of a particular individual
2.2 or individuals, or family members, for the purposes of that content creator. Content creator
2.3 does not include a person under the age of 18 who produces their own video content.

2.4 **Sec. 4. [181A.13] COMPENSATION FOR INTERNET CONTENT CREATION.**

2.5 **Subdivision 1. Minors featured in content creation.** (a) Except as otherwise provided
2.6 in this section, a minor is considered engaged in the work of content creation when the
2.7 following criteria are met at any time during the previous 12-month period:

2.8 (1) at least 30 percent of the content creator's compensated video content produced within
2.9 a 30-day period included the likeness, name, or photograph of any minor. Content percentage
2.10 is measured by the percentage of time the likeness, name, or photograph of a minor or if
2.11 more than one minor regularly appears in the creator's content, any of the minors, visually
2.12 appears or is the subject of an oral narrative in a video segment as compared to the total
2.13 length of the segment; and

2.14 (2) the number of views received per video segment on any online platform met the
2.15 online platform's threshold for generating compensation or the content creator received
2.16 actual compensation for video content equal to or greater than \$0.01 per view.

2.17 (b) A minor under the age of 14 is prohibited from engaging in the work of content
2.18 creation as provided in paragraph (a). If a minor under the age of 14 is featured by a content
2.19 creator, the minor shall receive 100 percent of the proceeds of the creator's compensation
2.20 for the content they have appeared in, less any amount owed to another minor.

2.21 (c) A minor who is under the age of 18 and over the age of 13 may produce, create, and
2.22 publish their own content and is entitled to all compensation for their own content creation.
2.23 A minor engaged in the work of content creation as the producer, creator, and publisher of
2.24 content must also follow the requirements in paragraph (b).

2.25 (d) A minor who appears incidentally in a video that depicts a public event that a
2.26 reasonable person would know to be broadcast, including a concert, competition, or sporting
2.27 event, and is published by a content creator is not considered a violation of this section.

2.28 **Subd. 2. Records required.** (a) All video content creators whose content features a
2.29 minor engaged in the work of content creation shall maintain the following records and
2.30 retain the records until the minor reaches the age of 21:

2.31 (1) the name and documentary proof of the age of the minor engaged in the work of
2.32 content creation;

3.1 (2) the amount of content creation that generated compensation as described in subdivision
3.2 1 during the reporting period;

3.3 (3) the total number of minutes of content creation for which the content creator received
3.4 compensation during the reporting period;

3.5 (4) the total number of minutes a minor was featured in content creation during the
3.6 reporting period;

3.7 (5) the total compensation generated from content creation featuring a minor during the
3.8 reporting period; and

3.9 (6) the amount deposited into the trust account for the benefit of the minor engaged in
3.10 the work of content creation as required by subdivision 3.

3.11 (b) The records required by this subdivision must be readily accessible to the minor for
3.12 review. The content creator shall provide notice to the minor of the existence of the records.

3.13 Subd. 3. **Trust required.** (a) A minor who is engaged in the work of content creation
3.14 consistent with this section must be compensated by the content creator. The content creator
3.15 must set aside gross earnings on the video content that includes the likeness, name, or
3.16 photograph of the minor in a trust account to be preserved for the benefit of the minor until
3.17 the minor reaches the age of majority, according to the following distribution:

3.18 (1) if only one minor meets the content threshold described in subdivision 1, the
3.19 percentage of total gross earnings on any video segment, including the likeness, name, or
3.20 photograph of the minor that is equal to or greater than half of the content percentage that
3.21 includes the minor as described in subdivision 1; or

3.22 (2) if more than one minor meets the content threshold described in subdivision 1 and
3.23 a video segment includes more than one of those minors, the percentage described in clause
3.24 (1) for all minors in any segment must be equally divided between the minors regardless
3.25 of differences in percentage of content provided by the individual minors.

3.26 (b) A trust account required under this section must, at a minimum, provide that:

3.27 (1) the money in the account is available only to the minor engaged in the work of content
3.28 creation;

3.29 (2) the account is held by a bank, corporate fiduciary, or trust company, as those terms
3.30 are defined in chapter 48A;

4.1 (3) the money in the account becomes available to the minor engaged in the work of
4.2 content creation upon the minor attaining the age of 18 years or upon a declaration that the
4.3 minor is emancipated; and

4.4 (4) that the account meets the requirements of chapter 527, the Uniform Transfers to
4.5 Minors Act.

4.6 (c) If a content creator knowingly or recklessly violates this section, a minor satisfying
4.7 the criteria described in subdivision 1 may commence a civil action to enforce the provisions
4.8 of this section regarding the trust account. In any action brought in accordance with this
4.9 section, the court may award the following damages:

4.10 (1) actual damages including any compensation owed under this section;

4.11 (2) punitive damages; and

4.12 (3) the costs of the action, including attorney fees and litigation costs.

4.13 (d) This section does not affect a right or remedy available under any other law of the
4.14 state.

4.15 (e) Nothing in this section shall be interpreted to have any effect on a party that is neither
4.16 the content creator nor the minor who engaged in the work of content creation.

4.17 Subd. 4. **Civil cause of action; violations.** (a) Along with the civil action provided in
4.18 subdivision 3, paragraph (c), the minor may commence a civil action against the content
4.19 creator for damages, injunctive relief, and any other relief the court finds just and equitable
4.20 to enforce this section.

4.21 (b) The attorney general may enforce subdivision 1, pursuant to section 8.31, and may
4.22 recover costs and fees.

4.23 Subd. 5. **Content removal.** Content containing the likeness of a child must be deleted
4.24 and removed from any online platform by the individual who posted the content, the account
4.25 owner, or another person who has control over the account when the request is made by a
4.26 minor age 13 or older whose likeness appears in the content, or by an adult who was under
4.27 the age of 18 when their likeness was used in the content.

4.28 Subd. 6. **Minimum age exemption.** A minor age 14 or over compensated under this
4.29 section is exempt from the minimum age provisions of section 181A.04, subdivision 1.

4.30 **EFFECTIVE DATE.** This section is effective July 1, 2025.