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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2377 Session of  
2024

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INTRODUCED BY ECKER, KINSEY, KEEFER, GROVE, MOUL, SMITH AND  
GREGORY, JUNE 4, 2024

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REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, JUNE 4, 2024

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AN ACT

1 Amending the act of October 24, 2012 (P.L.1209, No.151),  
2 entitled "An act regulating child labor; conferring powers  
3 and duties on the Department of Labor and Industry and the  
4 Department of Education; imposing penalties; and making a  
5 repeal," further providing for definitions and for employment  
6 of minors in a performance.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Section 2 of the act of October 24, 2012  
10 (P.L.1209, No.151), known as the Child Labor Act, is amended by  
11 adding definitions to read:

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall  
14 have the meanings given to them in this section unless the  
15 context clearly indicates otherwise:

16 \* \* \*

17 "Digital content." As follows:

18 (1) Content that is created by a person, including an  
19 individual or entity assuming the name or identity of a  
20 particular individual or entity, and shared on an online

1 platform for compensation or other consideration.

2 (2) The term includes any of the following:

3 (i) Video recording and filming, including a travel  
4 vlog.

5 (ii) Audio recording.

6 (iii) Photo and image sharing.

7 (iv) Visual stories.

8 (v) Texting or blogging.

9 \* \* \*

10 "Online platform." A publicly accessible Internet website,  
11 web application or digital application, including a mobile  
12 application, social network, advertising network, mobile  
13 operating system, search engine, email service or Internet  
14 access service.

15 \* \* \*

16 "School entity." Any of the following:

17 (1) A school district or public school within this  
18 Commonwealth.

19 (2) An intermediate unit under Article IX-A of the act  
20 of March 10, 1949 (P.L.30, No.14), known as the Public School  
21 Code of 1949.

22 (3) A charter school, cyber charter school or regional  
23 charter school under Article XVII-A of the Public School Code  
24 of 1949.

25 (4) An area career and technical school under Article  
26 XVIII of the Public School Code of 1949.

27 (5) A nonpublic school as defined in section 922.1-A of  
28 the Public School Code of 1949.

29 (6) A private academic school as defined in section 2 of  
30 the act of January 28, 1988 (P.L.24, No.11), known as the

1 Private Academic Schools Act.

2 \* \* \*

3 Section 2. Section 5(a) of the act is amended by adding a  
4 paragraph, subsection (f) is amended by adding an introductory  
5 paragraph and the section is amended by adding a subsection to  
6 read:

7 Section 5. Employment of minors in a performance.

8 (a) General rule.--For purposes of this section, a minor is  
9 engaged in a performance if:

10 \* \* \*

11 (3) The minor participates in the creation of digital  
12 content that expressly depends upon the minor's  
13 participation, the minor's participation is substantial and  
14 any person receives remuneration for the minor's  
15 participation. For the purposes of this subsection:

16 (i) Remuneration shall include one or more monetary  
17 payments made by the online platform in which the digital  
18 content was uploaded or any other payment that is made in  
19 connection with the digital content by a third party.

20 (ii) Payments referenced under subparagraph (i)  
21 shall include advertisement revenue, affiliated links,  
22 video sponsorships and paid memberships.

23 (iii) Remuneration shall not include reimbursement  
24 for expenses incurred by the minor or the minor's family  
25 or any prize or goods or services received in connection  
26 with the digital content with a value of less than  
27 \$2,500.

28 (iv) "Substantial" shall mean the minor is a  
29 principal subject of the digital content or the minor  
30 participates in the creation of the digital content for

1           ten or more days in a 30-day period.

2           \* \* \*

3           (f) Education.--Subject to subsection (f.1):

4           \* \* \*

5           (f.1) Applicability of education requirements.--Subsection

6 (f) shall not apply to a minor who is absent from school because

7 the minor is participating in the creation of digital content

8 while on an educational tour or trip, as described in section

9 1329(a.1) of the Public School Code of 1949, and the following

10 requirements are met:

11           (1) A parent or legal guardian of the minor requests and

12 receives approval from the school entity for the minor to be

13 excused from school attendance because of the educational

14 tour or trip.

15           (2) A parent or legal guardian of the minor and the

16 minor make arrangements with the school entity to complete

17 any assignments that will be missed during the educational

18 tour or trip.

19           (3) The creation of the digital content is solely used

20 to showcase the educational tour or trip.

21           \* \* \*

22           Section 3. This act shall take effect in 180 days.