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Child Actor Regulations
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Doug Owens
Senate Sponsor:

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3 **LONG TITLE**4 **General Description:**

5 This bill enacts provisions related to minors involved in entertainment.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines terms;
- 9 ▶ requires that a parent or guardian establish a trust for a performer;
- 10 ▶ provides the circumstances under which a parent or guardian may serve as the trustee of a
- 11 performer's trust;
- 12 ▶ provides the requirements for a performer's employer when depositing a percentage of the
- 13 performer's earnings into a trust;
- 14 ▶ establishes a right of action for a performer;
- 15 ▶ requires that a content creator maintain a monthly record that relates to a minor involved
- 16 in the content creator's content;
- 17 ▶ requires that a content creator maintain the monthly records for at least one year;
- 18 ▶ requires that a content creator inform a minor's parents that the minor is featured in the
- 19 content creator's content;
- 20 ▶ requires that a minor's parent or guardian establish a trust for the minor featured in social
- 21 media content;
- 22 ▶ establishes limitations related to the trust established for a minor featured in social media
- 23 content;
- 24 ▶ establishes a formula for a content creator to calculate the percentage of any earnings
- 25 from social media that feature a minor and to transfer the earnings to the minor's trust;
- 26 ▶ establishes a right of action for an individual featured in social media content as a minor;
- 27 ▶ establishes a process by which a content creator may petition a court for an exception to
- 28 the requirement to divide earnings from social media featuring a minor;
- 29 ▶ grants an individual featured in social media content as a minor a right of deletion;
- 30 ▶ requires that a social media company maintain a readily available process by which an

31 individual featured in social media content as a minor may request that a social media
 32 company delete content featuring the individual featured in social media content as a
 33 minor; and

34 ▸ provides a process by which a social media company may petition a court to maintain
 35 social media content an individual requests that the social media company delete.

36 **Money Appropriated in this Bill:**

37 None

38 **Other Special Clauses:**

39 None

40 **Utah Code Sections Affected:**

41 ENACTS:

42 **34-23-501**, Utah Code Annotated 1953

43 **34-23-502**, Utah Code Annotated 1953

44 **34-23-503**, Utah Code Annotated 1953

45 **34-23-504**, Utah Code Annotated 1953

47 *Be it enacted by the Legislature of the state of Utah:*

48 Section 1. Section **34-23-501** is enacted to read:

49 **Part 5. Employment of Minors in Entertainment**

50 **34-23-501 . Definitions.**

51 As used in this part:

52 (1) "Compensated content" means paid minutes that feature a qualifying minor's personal
 53 content.

54 (2)(a) "Content creator" means an individual who produces social media content.

55 (b) "Content creator" does not include a minor who is the sole producer of the minor's
 56 own social media content.

57 (3) "Content share" means a determination, that a content creator makes on the first of each
 58 calendar month, of the percentage of minutes of a content creator's social media content
 59 that:

60 (a) were published in the calendar month immediately before the day on which the
 61 content creator makes the determination; and

62 (b) feature the personal content of an individual other than the content creator.

63 (4) "Minor" means an individual who is under 18 years old.

64 (5) "Paid minutes" means the total number of minutes of social media content that generates

65 compensation for the content creator.

66 (6)(a) "Performer" means an individual who, either directly or through a third-party:

67 (i) renders artistic or creative services in a motion picture, theater, radio, or television
68 production in exchange for compensation; or

69 (ii) agrees to sell, lease, license, transfer, exchange, or otherwise dispose of for the
70 purpose of use in motion pictures or theatrical, radio, or television productions:

71 (A) literary, musical, artistic, or dramatic properties;

72 (B) the use of the individual's name, likeness, recording, or performance; or

73 (C) the story of or the incidents in the life of the individual.

74 (b) "Performer" includes an individual who engages in the activities described in

75 Subsection (8)(a)(i) or (ii) as:

76 (i) an actor or actress;

77 (ii) a dancer;

78 (iii) a musician;

79 (iv) a stunt double;

80 (v) a writer;

81 (vi) a director;

82 (vii) a producer;

83 (viii) a choreographer;

84 (ix) a composer;

85 (x) a conductor; or

86 (xi) a designer.

87 (7) "Personal content" means social media content that features an individual's name,

88 likeness, or photograph, or for which an individual is the subject of an oral narrative.

89 (8) "Qualifying minor" means a minor who:

90 (a) in a calendar month, has a content share of at least 30% of a content creator's content;

91 and

92 (b) is featured in social media content where:

93 (i)(A) the number of views received per video meets the threshold for the
94 generation of compensation; or

95 (B) the content creator received compensation for the qualifying minor's personal
96 content equal to or greater than \$.10 per view; and

97 (ii) the content creator received actual compensation for social media content of at
98 least \$15,000 in the previous 12-month period.

99 (9) "Social media company" means the same as that term is defined in Section 13-71-101.

100 (10) "Social media content" means video content shared on a social media service that
101 meets the social media service's threshold for the generation of compensation.

102 (11) "Social media service" means the same as that term is defined in Section 13-71-101.

103 Section 2. Section **34-23-502** is enacted to read:

104 **34-23-502 . Minors employed as performers -- Trust required -- Cause of action.**

105 (1) Within 15 days after the day on which a minor begins employment as a performer, the
106 parent or guardian of the minor shall:

107 (a) establish a trust for the benefit of the minor in accordance with Title 75A, Chapter 8,
108 Uniform Transfer to Minors; and

109 (b) notify the minor's employer of the existence of the trust and any additional
110 information required for the employer to transfer gross earnings to the trust.

111 (2)(a) Subject to Subsection (2)(b), the minor's parent or guardian may serve as the
112 trustee of the trust.

113 (b) If the average monthly balance of the trust exceeds \$250,000 for a consecutive
114 period of at least six months:

115 (i) the trustee of the trust shall petition a court to appoint a trustee to replace the
116 trustee; and

117 (ii) after receiving a petition under Subsection (2)(b)(i), a court shall appoint a new
118 trustee to replace the trustee.

119 (c) A minor's parent or guardian may not access the funds in the trust.

120 (d) A beneficiary of a trust established under this section may access the funds in the
121 trust beginning the day on which the beneficiary turns 18 years old.

122 (3) After receiving notice from the minor's parents as required in Subsection (1), the
123 minor's employer shall transfer 15% of the minor's gross earnings into the trust:

124 (a) no later than 30 days after the day on which the minor's employment terminates if the
125 minor's term of employment is 30 days or fewer; or

126 (b) on the same date that the employer makes payments in accordance with the
127 employer's regular pay period, if the minor's term of employment is more than 30
128 days.

129 (4) The minor's employer shall make the transfer described in Subsection (3) in accordance
130 with Title 75A, Chapter 8, Uniform Transfer to Minors.

131 (5) After the minor's employer completes the transfer described in Subsection (3), the
132 minor's employer has no further obligations under this section.

- 133 (6) Notwithstanding any other statute of limitation or repose that may be applicable to an
 134 action described in this section, an individual, for up to five years after the day on which
 135 the individual turns 18 years old, has a right of action against:
- 136 (a) an employer if the employer fails to transfer funds to the individual's trust as required
 137 under this section;
- 138 (b) an individual's parent or guardian if the individual's parent or guardian fails to:
- 139 (i) establish a trust as required under this section; or
- 140 (ii) notify the individual's employer of the existence of the trust as required under this
 141 section; and
- 142 (c) the trustee of the individual's trust, if the trustee failed to appoint a trust company to
 143 serve as trustee of the trust as required under this section.
- 144 (7) If an individual brings a cause of action under Subsection (6), a court may award:
- 145 (a) actual damages;
- 146 (b) punitive damages;
- 147 (c) any other remedy provided by law; and
- 148 (d) reasonable costs and attorney fees.

149 Section 3. Section **34-23-503** is enacted to read:

150 **34-23-503 . Minors featured in social media content -- Trust required -- Cause of**
 151 **action.**

- 152 (1)(a) A content creator that produces social media content featuring a qualifying minor
 153 shall maintain a monthly record of:
- 154 (i) the qualifying minor's name and documentation of the qualifying minor's age;
- 155 (ii) social media content that the content creator produces and for which the content
 156 creator is paid;
- 157 (iii) paid minutes;
- 158 (iv) compensated content; and
- 159 (v) the funds transferred into a trust for the benefit of a qualifying minor, as described
 160 in Subsection (5).
- 161 (2) The content creator shall:
- 162 (a) retain the records described in Subsection (1) for at least one year after the day on
 163 which the content creator creates the record;
- 164 (b) provide notice to the qualifying minor of the existence of the records; and
- 165 (c) make the records readily available to the qualifying minor for review upon request
 166 from the qualifying minor.

- 167 (3)(a) If any portion of a content creator's social media content contains a minor, the
168 content creator shall make a determination as to whether the minor is a qualifying
169 minor.
- 170 (b) Except as provided in Subsection (4)(b), if a content creator determines that a minor
171 is a qualifying minor, the content creator shall inform the qualifying minor's parent or
172 guardian, in writing and within 15 business days, that the minor is a qualifying minor.
- 173 (c) Except as provided in Subsection (4)(b), within 15 days after the day on which the
174 content creator informs the minor's parent or guardian as described in Subsection
175 (3)(b), the parent or guardian of the minor shall:
- 176 (i) establish a trust for the benefit of the minor in accordance with Title 75A, Chapter
177 8, Uniform Transfer to Minors;
- 178 (ii) notify the content creator of the existence of the trust; and
- 179 (iii) provide any additional information required for the content creator to make
180 transfers of gross earnings into the trust.
- 181 (4)(a) The minor's parent or guardian may serve as the trustee of the trust.
- 182 (b) If the minor's parent or guardian is also the content creator, Subsections (3)(b) and
183 (3)(c) do not apply.
- 184 (c) If the average monthly balance of the trust exceeds \$250,000 for a consecutive period
185 of at least six months:
- 186 (i) the trustee of the trust shall petition a court to appoint a trustee to replace the
187 trustee; and
- 188 (ii) after receiving a petition under Subsection (4)(c)(i), a court shall appoint a new
189 trustee to replace the trustee.
- 190 (d) The minor's parent or guardian may not access the funds in the trust.
- 191 (e) A beneficiary of a trust established under this section may access the funds in the
192 trust beginning the day on which the beneficiary turns 18 years old.
- 193 (5) Except as provided in Subsection (8), if a content creator received minor content
194 earnings in the previous month, a content creator shall:
- 195 (a)(i) calculate the percentage of paid minutes from the previous month that were
196 compensated content;
- 197 (ii) divide the percentage calculated in Subsection (5)(a)(i) among the total number of
198 qualifying minors to correspond proportionally to each qualifying minor's content
199 share;
- 200 (iii) using the percentage calculated in Subsection (5)(a)(ii), transfer that percentage

201 of the minor content earnings to each qualifying minor's trust; and
202 (iv)(A) if the division determined in Subsection (5)(a)(ii) results in a total
203 percentage that exceeds 100%, the content creator shall divide the percentage
204 equally among the qualifying minors; and
205 (B) using the percentage calculated after the division in Subsection (5)(a)(iv)(A),
206 transfer that amount calculated of the minor content earnings to each qualifying
207 minor's trust; or
208 (b)(i) calculate the percentage of paid minutes from the previous month that were
209 compensated content;
210 (ii) using the percentage calculated in Subsection (5)(b)(i), divide that percentage by
211 the total number of qualifying minors; and
212 (iii) using the percentage calculated after the division in Subsection (5)(b)(ii), transfer
213 that amount calculated of the minor content earnings to each qualifying minor's
214 trust.
215 (6)(a) The content creator shall make a transfer described in Subsection (5) in
216 accordance with Title 75A, Chapter 8, Uniform Transfer to Minors.
217 (b) The content creator shall make the calculations and the transfers described in
218 Subsection (5) within the first week of the month following the month in which the
219 content creator received minor content earnings.
220 (7)(a) A content creator may petition a court for an exception to Subsection (5) if:
221 (i) the content creator shows complying with Subsection (5) causes undue hardship;
222 (ii) the content creator provides an alternative plan to distribute compensation to a
223 qualifying minor; and
224 (iii) the content creator commits to establishing an alternative trust that complies with
225 the requirements of this section.
226 (b) A court shall issue an order granting an exception to Subsection (5) if the court
227 determines:
228 (i) the content creator adequately shows that complying with Subsection (5) causes
229 undue hardship; and
230 (ii) the alternative plan described in Subsection (8)(a)(ii) is in the best interest of the
231 qualifying minor.
232 (8) Notwithstanding any other statute of limitation or repose that may be applicable to an
233 action described in this section, an individual, for up to five years after the day on which
234 the individual turns 18 years old, has a right of action:

- 235 (a) against:
- 236 (i) a content creator if the content creator fails to transfer funds to the individual's
- 237 trust during the time the individual was a qualifying minor as required under this
- 238 section;
- 239 (ii) a trustee if the trustee fails to appoint a trust company to serve as the trustee as
- 240 required under this section; and
- 241 (iii) an individual's parent or guardian, if the parent or guardian fails to:
- 242 (A) establish a trust as required under this section; or
- 243 (B) notify the content creator of the existence of the trust as required under this
- 244 section; and
- 245 (b) only if a court did not issue an order granting an exception as described in
- 246 Subsection (7)(b).
- 247 (9) If an individual brings a cause of action under Subsection (8), a court may award:
- 248 (a) actual damages;
- 249 (b) punitive damages;
- 250 (c) any other remedy provided by law; and
- 251 (d) reasonable costs and attorney fees.
- 252 (10) A minor that creates, produces, or publishes the minor's own social media content is
- 253 entitled to all compensation resulting from the social media content.
- 254 Section 4. Section **34-23-504** is enacted to read:
- 255 **34-23-504 . Minor's right of deletion.**
- 256 (1) An individual, who is at least 18 years old, may request that a content creator delete or
- 257 edit any social media content that the content creator posted featuring the individual as a
- 258 qualifying minor.
- 259 (2) A social media company shall provide a readily apparent process for an individual
- 260 described in Subsection (1) to submit a request for a content creator to:
- 261 (a) delete the post from the social media platform; and
- 262 (b) edit posts to remove the qualifying minor's personal content.
- 263 (3) An individual submitting a request under this section shall include all information
- 264 reasonably requested by the social media company to identify the minor and the social
- 265 media content featuring the qualifying minor that the individual requests to delete or edit.
- 266 (4) Upon receiving a request described in Subsection (1), a social media company shall
- 267 inform the content creator of the request within 30 days after the day on which the social
- 268 media company receives the request.

- 269 (5)(a) The content creator shall remove social media content identified in the request
270 described in Subsection (1) within 72 hours after the social media company informs
271 the content creator as required in Subsection (4).
- 272 (b) If a content creator fails to remove the social media content as required in Subsection
273 (5)(a), the social media company shall remove the social media content, unless:
274 (i) the social media company petitions a court to allow the social media content to
275 remain on the social media service; and
276 (ii) a court issues an order as described in Subsection (7).
- 277 (6) The social media company may verify the age of the individual when the individual
278 submits the request to delete or edit the content creator's post featuring the individual as
279 a qualifying minor.
- 280 (7) If a social media company petitions a court to allow social media content to remain on a
281 social media service, a court shall grant an order allowing the content to remain on the
282 social media service if the court determines allowing the social media content to remain
283 on the social media service serves a significant public interest that outweighs the privacy
284 interest of the individual making the request.

285 **Section 5. Effective Date.**

286 This bill takes effect on May 7, 2025.