

STATE OF NEW YORK

774--B

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. ROSENTHAL, LEVENBERG, RAGA, LUNSFORD, DAVILA, REYES, TAPIA -- read once and referred to the Committee on Labor -- recommitted to the Committee on Labor in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law and the estates, powers and trusts law, in relation to establishing protections for minors who are featured in compensated video content

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The article heading of article 4-A of the labor law, as
2 added by chapter 630 of the laws of 2003, is amended to read as follows:

3 ~~[EMPLOYMENT AND EDUCATION OF]~~ CHILD PERFORMERS

4 AND MINORS FEATURED IN COMPENSATED VIDEO CONTENT

5 § 2. Section 150 of the labor law is amended by adding four new subdivisions 9, 10, 11 and 12 to read as follows:

7 9. "Online platform" shall mean any public-facing website, web application, or digital application, including a mobile application. "Online platform" includes a social network, advertising network, mobile operating system, search engine, email service, or Internet access service.

11 10. "Content creator" shall mean an individual that creates video content, performed in the state, in exchange for compensation, and includes any sole proprietorship, partnership, company, or other corporate entity assuming the name or identity of a particular individual for the purposes of that content creation. "Content creator" shall not mean any person under the age of eighteen who produces their own pieces of video content.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets ~~[-]~~ is old law to be omitted.

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1 11. "Compensated video content" shall mean video content shared on an
2 online platform that meets either of the following criteria:

3 (a) the number of views received per video segment meets the online
4 platform's threshold for the generation of compensation; or

5 (b) the content creator received actual compensation for the video
6 segment at a rate greater than or equal to ten cents per view.

7 12. "Featured minor" shall mean a minor under the age of eighteen
8 whose likeness, name, or photograph was included in at least thirty
9 percent of a content creator's compensated video content produced within
10 a thirty-day period at any time during the previous twelve-month period.
11 Content percentage shall be measured by comparing the length of time
12 that the likeness, name, or photograph of the minor visually appears in
13 a video segment to the total length of time of such segment. "Featured
14 minor" shall not mean a child performer for the purposes of this arti-
15 cle.

16 § 3. Section 154-a of the labor law is renumbered section 156 and a
17 new section 155 is added to read as follows:

18 § 155. Minors featured in compensated video content. 1. Every content
19 creator whose compensated video content includes one or more featured
20 minors shall establish a minor content creator trust account pursuant to
21 the provisions of section 7-7.2 of the estates, powers and trusts law
22 for each such minor.

23 2. All content creators whose compensated video content includes one
24 or more featured minors shall maintain the following records and shall
25 provide them to each minor on an ongoing basis:

26 (a) the name and documentary proof of the age of the featured minor;

27 (b) the number of segments of compensated video content during the
28 reporting period;

29 (c) the total number of minutes from compensated video content that
30 included the featured minor during the reporting period;

31 (d) the total number of minutes in which the likeness, name, or photo-
32 graph of the featured minor visually appeared in compensated video
33 content during the reporting period;

34 (e) the total compensation generated from compensated video content
35 that included the featured minor during the reporting period; and

36 (f) the amount deposited into the trust account for the benefit of the
37 featured minor, as required by section 7-7.2 of the estates, powers and
38 trusts law.

39 3. If a content creator whose compensated video content includes one
40 or more featured minors fails to maintain the records as provided in
41 subdivision three of this section, the minor may commence a civil action
42 to enforce the provisions of this section.

43 4. (a) Featured minors thirteen years of age or older may request
44 permanent deletion from an online platform of any compensated video
45 content in which their likeness, name, or photograph visually appeared.
46 Online platforms shall have an easily accessible form available online
47 for submission of the deletion request.

48 (b) An online platform that receives a deletion request shall remove
49 and permanently delete the content for which the request was made within
50 seven days after the request was submitted.

51 (c) Any contract between a content creator and an online platform that
52 would reasonably be anticipated to feature a minor child shall include
53 notification from the online platform of the rights under this subdivi-
54 sion.

55 5. If the commissioner finds that a content creator or online platform
56 has violated any relevant provision of this section or any rule or regu-

1 lation promulgated thereunder, the commissioner may commence a civil
2 action to enforce the provisions of this section.

3 § 4. The estates, powers and trusts law is amended by adding a new
4 section 7-7.2 to read as follows:

5 § 7-7.2 Minor content creator trust account

6 1. As used in this section, the terms "content creator", "compensated
7 video content", and "featured minor" shall have the same meanings as
8 defined in section one hundred fifty of the labor law.

9 2. Content creators whose compensated video content includes one or
10 more featured minors shall set aside a percentage of gross earnings from
11 such content in a trust account to be preserved for the benefit of the
12 featured minor upon reaching the age of majority, according to the
13 following distribution:

14 (a) where only one featured minor is included in compensated video
15 content, the percentage of total gross earnings on any video segment
16 shall be equal to the percentage of the video segment that includes the
17 likeness, name, or photograph of the minor as described in subdivision
18 twelve of section one hundred fifty of the labor law; or

19 (b) where more than one featured minor is included in a segment of
20 compensated video content, the percentage described in paragraph (a) of
21 this subdivision for all featured minors in any segment shall be equally
22 divided between the featured minors, regardless of differences in
23 percentage of time such minors were featured.

24 3. A trust account required under this section shall provide, at a
25 minimum, the following:

26 (a) that the funds in the account shall be available only to the
27 featured minor;

28 (b) that the account shall be held by a bank or trust company, as
29 those terms are defined in section two of the banking law;

30 (c) that the funds in the account shall become available to the
31 featured minor upon the featured minor attaining the age of eighteen
32 years or until the featured minor is declared emancipated; and

33 (d) that the account meets the requirements of part six of this arti-
34 cle.

35 4. If a content creator knowingly or recklessly violates this section,
36 a featured minor may commence an action to enforce the provisions of
37 this section regarding the trust account. The court may award, to a
38 featured minor who prevails in any action brought in accordance with
39 this section, the following damages:

40 (a) actual damages;

41 (b) punitive damages; and

42 (c) the costs of the action, including attorney's fees and litigation
43 costs.

44 5. If the commissioner of labor finds that a content creator knowingly
45 or recklessly violates this section, the commissioner of labor may
46 commence an action on behalf of the featured minor to enforce the
47 provisions of this section regarding the trust account. The commissioner
48 of labor may recover costs and fees that result from this action.

49 6. This section shall not affect any right or remedy available under
50 any other law of the state.

51 7. Nothing contained in this section shall be interpreted to have any
52 effect on a party that is neither the content creator nor the featured
53 minor.

54 § 5. Subdivision 2 of section 130 of the labor law is amended by
55 adding a new paragraph i to read as follows:

1 i. A minor under fourteen years of age featured in compensated video
2 content in compliance with section one hundred fifty-five of this chap-
3 ter.

4 § 6. Subdivision 3 of section 131 of the labor law, as amended by
5 chapter 975 of the laws of 1996, is amended by adding a new paragraph h
6 to read as follows:

7 h. Nothing in this section shall be construed to prohibit a minor
8 fourteen or fifteen years of age from being featured in compensated
9 video content in compliance with section one hundred fifty-five of this
10 chapter.

11 § 6-a. Subdivision 3 of section 131 of the labor law, as amended by
12 section 3 of part X of chapter 56 of the laws of 2025, is amended by
13 adding a new paragraph f to read as follows:

14 f. Nothing in this section shall be construed to prohibit a minor
15 fourteen or fifteen years of age from being featured in compensated
16 video content in compliance with section one hundred fifty-five of this
17 chapter.

18 § 7. Subdivision 3 of section 132 of the labor law is amended by
19 adding a new paragraph g to read as follows:

20 g. Nothing in this section shall be construed to prohibit a minor
21 sixteen or seventeen years of age from being featured in compensated
22 video content in compliance with section one hundred fifty-five of this
23 chapter.

24 § 8. This act shall take effect on the ninetieth day after it shall
25 have become a law; provided, however, that the amendments to subdivision
26 3 of section 131 of the labor law made by section six-a of this act
27 shall take effect on the same date and in the same manner as section 3
28 of part X of chapter 56 of the laws of 2025 takes effect. Effective
29 immediately, the addition, amendment and/or repeal of any rule or regu-
30 lation necessary for the implementation of this act on its effective
31 date are authorized to be made and completed on or before such effective
32 date.