STATE OF NEW YORK

3720

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to expanding laws benefiting child performers to include children who participate in online videos that generate earnings

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

Section 1. Subdivisions 1, 2, and 3 of section 150 of the labor law, subdivision 1 as amended by chapter 411 of the laws of 2013, and subdivisions 2 and 3 as added by chapter 630 of the laws of 2003, are amended to read as follows:

1. "Artistic or creative services" shall include, but are not limited to, **(a)** services as an actor, actress, dancer, musician, comedian, singer, stunt-person, voice-over artist, runway or print model, or other performer or entertainer, or as a songwriter, musical producer or arranger, writer, director, producer, production executive, choreographer, composer, conductor, **influencer,** or designer**; and/or**

(b) participation in a video that is posted to a video-sharing and/or social networking internet website which generates earnings from sponsors or by other means, based on the number of views of such video, or based on the number of clicks on a link leading to such video.

2. "Child performer" shall mean any child under the age of eighteen who (a) resides in the state of New York and who agrees to render artistic or creative services; [~~or~~]

(b) agrees to render artistic or creative services in the state of New York**; or**

(c) agrees to render artistic or creative services under paragraph (b) of subdivision one of this section where such artistic or creative services were recorded in the state of New York or uploaded to a video-sharing and/or social networking internet website from within the state of New York.

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

LBD01039-01-1

3. "Child performer's employer" shall mean **(a)** a person or entity which employs a child performer to furnish artistic or creative services for a fee either directly or through a third-party provider (loan-out company) or an agency or service that provides artistic or creative services (casting agency)**; or**

(b) a video-sharing and/or social networking internet website that generates earnings from videos qualifying as artistic or creative services by a child performer.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.