

# STATE OF NEW YORK

774

2025-2026 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 8, 2025

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

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 influencer-generated 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 ENGAGED IN WORK AS INFLUENCERS

5 § 2. Section 150 of the labor law is amended by adding five new subdivi-  
6 sions 9, 10, 11, 12, and 13 to read as follows:

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

11 10. "Family" shall mean a group of persons related by blood or  
12 marriage, including civil partnerships, or whose close relationship with  
13 each other is considered equivalent to a family relationship by the  
14 individuals.

15 11. "Influencer" shall mean an individual or family that creates video  
16 content, performed in the state, in exchange for compensation, and  
17 includes any sole proprietorship, partnership, company, or other corpo-  
18 rate entity assuming the name or identity of a particular individual or  
19 family for the purposes of that content creation. "Influencer" does not  
20 include any person under the age of eighteen who produces their own  
21 pieces of influencer-generated content.

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

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1 12. "Influencer-generated content" shall mean content shared on an  
2 online platform in exchange for compensation.

3 13. (a) "Minor featured in influencer-generated content" shall mean a  
4 minor under the age of eighteen who is considered engaged in work as an  
5 influencer when the following criteria are met at any time during the  
6 previous twelve-month period:

7 (i) at least thirty percent of an influencer's compensated video  
8 content produced within a thirty-day period included the likeness, name,  
9 or photograph of the minor. Content percentage is measured by the  
10 percentage of time the likeness, name, or photograph of the minor visu-  
11 ally appears or is the subject of an oral narrative in a video segment,  
12 as compared to the total length of the segment; and

13 (ii) the number of views received per video segment on any online  
14 platform met the online platform's threshold for the generation of  
15 compensation or the influencer received actual compensation for video  
16 content equal to or greater than ten cents per view.

17 (b) A minor engaged in work as an influencer shall not be deemed a  
18 child performer for the purposes of this article in regards to such work  
19 as an influencer.

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

22 § 155. Minors featured in influencer-generated content. 1. Every  
23 influencer whose influencer-generated content features minors under the  
24 age of eighteen engaged in work as influencers as provided in subdivi-  
25 sion thirteen of section one hundred fifty of this article shall estab-  
26 lish a minor influencer trust account pursuant to the provisions of  
27 section 7-7.2 of the estates, powers and trusts law for each such minor.

28 2. All influencers whose content features a minor under the age of  
29 eighteen engaged in work as an influencer shall maintain the following  
30 records and shall provide them to the minor on an ongoing basis:

31 (a) the name and documentary proof of the age of the minor engaged in  
32 work as an influencer;

33 (b) the number of pieces of influencer-generated content that gener-  
34 ated compensation as described in subdivision thirteen of section one  
35 hundred fifty of this article during the reporting period;

36 (c) the total number of minutes of the influencer-generated content  
37 that the influencer received compensation for during the reporting peri-  
38 od;

39 (d) the total number of minutes each minor was featured in influenc-  
40 er-generated content during the reporting period;

41 (e) the total compensation generated from influencer-generated content  
42 featuring a minor during the reporting period; and

43 (f) the amount deposited into the trust account for the benefit of the  
44 minor engaged in working as an influencer, as required by section 7-7.2  
45 of the estates, powers and trusts law.

46 3. If an influencer whose influencer-generated content features minors  
47 under the age of eighteen engaged in work as influencers fails to main-  
48 tain the records as provided in subdivision two of this section, the  
49 minor may commence a civil action to enforce the provisions of this  
50 section.

51 4. Content containing the likeness of a child shall be deleted and  
52 removed from any online platform by the individual who posted the  
53 content, the account owner, or another person who has control over the  
54 account when the request is made by a minor age thirteen or older whose  
55 likeness appears in such content, or by an adult who was under the age  
56 of eighteen when their likeness was used in such content.

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

3 § 7-7.2 Minor influencer trust account

4 1. As used in this section, the terms "influencer" and "influencer-  
5 generated content" shall have the same meanings as such terms are  
6 defined in subdivision thirteen of section one hundred fifty of the  
7 labor law.

8 2. A minor satisfying the criteria described in subdivision thirteen  
9 of section one hundred fifty of the labor law must be compensated by the  
10 influencer. The influencer shall set aside gross earnings on the video  
11 content including the likeness, name, or photograph of the minor in a  
12 trust account to be preserved for the benefit of the minor upon reaching  
13 the age of majority, according to the following distribution:

14 (a) where only one minor meets the content threshold described in  
15 subdivision thirteen of section one hundred fifty of the labor law, the  
16 percentage of total gross earnings on any video segment including the  
17 likeness, name, or photograph of the minor that is equal to or greater  
18 than half of the content percentage that includes the minor as described  
19 in subdivision thirteen of section one hundred fifty of the labor law;  
20 or

21 (b) where more than one minor meets the content threshold described in  
22 subdivision thirteen of section one hundred fifty of the labor law and a  
23 video segment includes more than one of those minors, the percentage  
24 described in paragraph (a) of this subdivision for all minors in any  
25 segment shall be equally divided between the minors, regardless of  
26 differences in percentage of content provided by the individual minors.

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

29 (a) that the funds in the account shall be available only to the minor  
30 engaged in work as an influencer;

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

33 (c) that the funds in the account shall become available to the minor  
34 engaged in work as an influencer upon the minor attaining the age of  
35 eighteen years or until the minor is declared emancipated; and

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

38 4. If an influencer knowingly or recklessly violates this section, a  
39 minor satisfying the criteria described in subdivision thirteen of  
40 section one hundred fifty of the labor law may commence an action to  
41 enforce the provisions of this section regarding the trust account. The  
42 court may award, to a minor who prevails in any action brought in  
43 accordance with this section, the following damages:

44 (a) actual damages;

45 (b) punitive damages; and

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

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

50 6. Nothing contained in this section shall be interpreted to have any  
51 effect on a party that is neither the influencer nor the minor engaged  
52 in work as an influencer.

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

55 i. A minor under fourteen years of age engaged in work as an influenc-  
56 er in compliance with section one hundred fifty of this chapter.

1 § 6. Subdivision 3 of section 131 of the labor law is amended by  
2 adding a new paragraph h to read as follows:

3 h. Nothing in this section shall be construed to prohibit a minor  
4 fourteen or fifteen years of age from being engaged in work as an influ-  
5 encer in compliance with section one hundred fifty of this chapter.

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

8 g. Nothing in this section shall be construed to prohibit a minor  
9 sixteen or seventeen years of age from being engaged in work as an  
10 influencer in compliance with section one hundred fifty of this chapter.

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