

STATE OF NEW YORK

774--A

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. ROSENTHAL, LEVENBERG, RAGA, LUNSFORD, DAVILA, REYES -- 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

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:

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

~~[EMPLOYMENT AND EDUCATION OF]~~ REQUIREMENTS FOR
CHILD PERFORMERS
AND MINORS FEATURED IN COMPENSATED VIDEO CONTENT

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

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.

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

11. "Content creation" shall mean video content shared on an online platform in exchange for compensation.

12. "Content creator" shall mean an individual or family that creates video content, performed in the state, in exchange for compensation, and

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

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1 includes any sole proprietorship, partnership, company, or other corpo-
2 rate entity assuming the name or identity of a particular individual or
3 family for the purposes of that content creation. "Content creator" does
4 not include any person under the age of eighteen who produces their own
5 pieces of video content.

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

8 § 155. Minors featured in compensated video content. 1. (a) Except as
9 otherwise provided in this section, a minor is considered featured in
10 compensated video content when the following criteria are met at any
11 time during the previous twelve-month period:

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

18 (ii) the number of views received per video segment on any online
19 platform met the online platform's threshold for the generation of
20 compensation or the content creator received actual compensation for
21 video content equal to or greater than ten cents per view.

22 (b) A minor featured in compensated video content shall not be deemed
23 a child performer for the purposes of this article.

24 2. Every content creator whose content features minors under the age
25 of eighteen and satisfies the criteria provided in subdivision one of
26 this section shall establish a minor content creator trust account
27 pursuant to the provisions of section 7-7.2 of the estates, powers and
28 trusts law for each such minor.

29 3. All content creators whose content features a minor under the age
30 of eighteen and satisfies the criteria provided in subdivision one of
31 this section shall maintain the following records and shall provide them
32 to the minor on an ongoing basis:

33 (a) the name and documentary proof of the age of the minor featured in
34 compensated video content;

35 (b) the number of pieces of content that generated compensation as
36 described in subdivision one of this section during the reporting peri-
37 od;

38 (c) the total number of minutes of the content that the content crea-
39 tor received compensation for during the reporting period;

40 (d) the total number of minutes each minor was featured in content
41 during the reporting period;

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

44 (f) the amount deposited into the trust account for the benefit of the
45 minor featured in compensated video content, as required by section
46 7-7.2 of the estates, powers and trusts law.

47 4. If a content creator whose content features minors under the age of
48 eighteen and satisfies the criteria provided in subdivision one of this
49 section fails to maintain the records as provided in subdivision three
50 of this section, the minor may commence a civil action to enforce the
51 provisions of this section.

52 5. (a) A person thirteen years of age or older who was featured as a
53 minor child in content of a content creator may request the permanent
54 deletion of the content from an online platform. An online platform must
55 have an easily accessible form available online for submission of the
56 deletion request.

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

4 (c) Any contract between a content creator and an online platform that
5 would reasonably be anticipated to feature a minor child must include
6 notification from the social media platform of the rights under this
7 subdivision.

8 6. If the commissioner finds that a content creator or online platform
9 has violated any relevant provision of this section or any rule or regu-
10 lation promulgated thereunder, the commissioner may commence a civil
11 action to enforce the provisions of this section.

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

14 § 7-7.2 Minor content creator trust account

15 1. As used in this section, the term "content creator" shall have the
16 same meaning as defined in subdivision twelve of section one hundred
17 fifty of the labor law.

18 2. A minor satisfying the criteria described in subdivision one of
19 section one hundred fifty-five of the labor law must be compensated by
20 the content creator. The content creator shall set aside gross earnings
21 on the video content including the likeness, name, or photograph of the
22 minor in a trust account to be preserved for the benefit of the minor
23 upon reaching the age of majority, according to the following distrib-
24 ution:

25 (a) where only one minor meets the content threshold described in
26 subdivision one of section one hundred fifty-five of the labor law, the
27 percentage of total gross earnings on any video segment equal to the
28 percentage that includes the likeness, name, or photograph of the minor
29 as described in subdivision one of section one hundred fifty-five of the
30 labor law; or

31 (b) where more than one minor meets the content threshold described in
32 subdivision one of section one hundred fifty-five of the labor law and a
33 video segment includes more than one of those minors, the percentage
34 described in paragraph (a) of this subdivision for all minors in any
35 segment shall be equally divided between the minors, regardless of
36 differences in percentage of content provided by the individual minors.

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

39 (a) that the funds in the account shall be available only to the minor
40 featured in compensated video content;

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

43 (c) that the funds in the account shall become available to the minor
44 featured in compensated video content upon the minor attaining the age
45 of eighteen years or until the minor is declared emancipated; and

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

48 4. If a content creator knowingly or recklessly violates this section,
49 a minor satisfying the criteria described in subdivision one of section
50 one hundred fifty-five of the labor law may commence an action to
51 enforce the provisions of this section regarding the trust account. The
52 court may award, to a minor who prevails in any action brought in
53 accordance with this section, the following damages:

54 (a) actual damages;

55 (b) punitive damages; and

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

3 5. If the commissioner finds that a content creator knowingly or reck-
4 lessly violates this section, the commissioner may commence an action on
5 behalf of the minor to enforce the provisions of this section regarding
6 the trust account. The commissioner may recover costs and fees that
7 result from this action.

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

10 7. Nothing contained in this section shall be interpreted to have any
11 effect on a party that is neither the content creator nor the minor
12 featured in compensated video content.

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

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

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

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

25 § 6-a. Subdivision 3 of section 131 of the labor law, as amended by
26 section 3 of part X of chapter 56 of the laws of 2025, is amended by
27 adding a new paragraph f to read as follows:

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

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

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

38 § 8. This act shall take effect on the ninetieth day after it shall
39 have become a law; provided, however, that the amendments to subdivision
40 3 of section 131 of the labor law made by section six-a of this act
41 shall take effect on the same date and in the same manner as section 3
42 of part X of chapter 56 of the laws of 2025 takes effect. Effective
43 immediately, the addition, amendment and/or repeal of any rule or regu-
44 lation necessary for the implementation of this act on its effective
45 date are authorized to be made and completed on or before such effective
46 date.