

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 3496

(SENATE AUTHORS: MAYE QUADE, Kupec and Mohamed)

DATE	D-PG	OFFICIAL STATUS
02/12/2024	11547	Introduction and first reading Referred to Labor
02/19/2024	11660	Author added Kupec
02/26/2024	11761a	Comm report: To pass as amended and re-refer to Judiciary and Public Safety
02/29/2024	11860	Author added Mohamed
03/20/2024	12425a	Comm report: To pass as amended and re-refer to Labor

1.1

A bill for an act

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relating to labor; providing compensation for minors appearing in Internet content

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creation; amending Minnesota Statutes 2022, section 181A.03, subdivision 1, by

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adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter

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181A.

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

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Section 1. Minnesota Statutes 2022, section 181A.03, subdivision 1, is amended to read:

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Subdivision 1. **General.** As used in sections 181A.01 to ~~181A.12~~ 181A.13, the terms

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defined in this section shall have the following meanings.

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Sec. 2. Minnesota Statutes 2022, section 181A.03, is amended by adding a subdivision to

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read:

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Subd. 5a. **Online platform.** "Online platform" means any public-facing website, web

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application, or digital application, including a mobile application. Online platform includes

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a social network, advertising network, mobile operating system, search engine, email service,

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monetization platform to sell digital services, streaming service, paid subscription, or Internet

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access service.

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Sec. 3. Minnesota Statutes 2022, section 181A.03, is amended by adding a subdivision to

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read:

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Subd. 7a. **Content creation.** "Content creation" means content shared on an online

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platform that generates compensation.

Sec. 4. Minnesota Statutes 2022, section 181A.03, is amended by adding a subdivision to read:

Subd. 7b. **Content creator.** "Content creator" means an individual or individuals 18 years of age or older, including family members, who create content performed in Minnesota that generates compensation, and includes any proprietorship, partnership, company, or other corporate entity assuming the name or identity of a particular individual or individuals, or family members, for the purposes of that content creator.

Sec. 5. **[181A.13] COMPENSATION FOR INTERNET CONTENT CREATION.**

Subdivision 1. **Minors featured in content creation.** A minor is considered engaged in the work of content creation when the following criteria are met at any time during the previous 12-month period:

(1) at least 30 percent of the content creator's compensated content produced within a 30-day period included the likeness, name, or photograph of the minor. Content percentage is measured by the percentage of time the likeness, name, or photograph of the minor visually appears or is the subject of an oral narrative in a segment as compared to the total length of the segment; and

(2) the number of views received on any online platform met the online platform's threshold for generating compensation or the content creator received actual compensation for content equal to or greater than \$0.01 per view.

Subd. 2. **Records required.** (a) All content creators whose content features a minor engaged in the work of content creation shall maintain the following records and retain the records until the minor reaches the age of 21:

(1) the name and documentary proof of the age of the minor engaged in the work of content creation;

(2) the amount of content creation that generated compensation as described in subdivision 1 during the reporting period;

(3) the total number of minutes of content creation for which the content creator received compensation during the reporting period;

(4) the total number of minutes a minor was featured in content creation during the reporting period;

(5) the total compensation generated from content creation featuring a minor during the reporting period; and

(6) the amount deposited into the trust account for the benefit of the minor engaged in the work of content creation as required by subdivision 3.

(b) The records required by this subdivision must be readily accessible to the minor for review. The content creator shall provide notice to the minor of the existence of the records.

Subd. 3. **Trust required.** (a) A minor who is engaged in the work of content creation consistent with this section must be compensated by the content creator. The content creator must set aside gross earnings on the content that includes the likeness, name, or photograph of the minor in a trust account to be preserved for the benefit of the minor until the minor reaches the age of majority, according to the following distribution:

(1) if only one minor meets the content threshold described in subdivision 1, the percentage of total gross earnings on any segment, including the likeness, name, or photograph of the minor that is equal to or greater than half of the content percentage that includes the minor as described in subdivision 1; or

(2) if more than one minor meets the content threshold described in subdivision 1 and a segment includes more than one of those minors, the percentage described in clause (1) for all minors in any segment must be equally divided between the minors regardless of differences in percentage of content provided by the individual minors.

(b) A trust account required under this section must, at a minimum, provide that:

(1) the money in the account is available only to the minor engaged in the work of content creation;

(2) the account is held by a bank, corporate fiduciary, or trust company, as those terms are defined in chapter 48A;

(3) the money in the account becomes available to the minor engaged in the work of content creation upon the minor attaining the age of 18 years or upon a declaration that the minor is emancipated; and

(4) that the account meets the requirements of chapter 527, the Uniform Transfers to Minors Act.

Subd. 4. **Civil action; enforcement.** (a) If a content creator knowingly or recklessly violates this section, a minor or a person who was a minor at the time of the alleged violation may commence a civil action to enforce the provisions of this section regarding the trust account. In any action brought in accordance with this paragraph, the court may award actual damages, including any compensation owed under this section.

4.1 (b) Along with the civil action provided in paragraph (a), the minor may commence a
4.2 civil action against the content creator for damages, injunctive relief, and any other relief
4.3 the court finds just and equitable to enforce this section.

4.4 (c) The attorney general may enforce subdivision 1 of this section, pursuant to section
4.5 8.31, and may recover costs and fees.

4.6 (d) This section does not affect a right or remedy available under any other law of the
4.7 state.

4.8 (e) Nothing in this section shall be interpreted to have any effect on a party that is neither
4.9 the content creator nor the minor who engaged in the work of content creation.

4.10 Subd. 5. **Content deletion requests.** (a) A person 13 years of age or older who was
4.11 featured as a minor child in content of a content creator may request the permanent deletion
4.12 of the content from an online platform. An online platform must have an easily accessible
4.13 form available online for submission of the deletion request.

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

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

4.20 Subd. 6. **Minimum age exemption.** A minor compensated under this section is exempt
4.21 from the minimum age provisions of section 181A.04, subdivision 1.

4.22 **EFFECTIVE DATE.** This section is effective July 1, 2025.