

# HB0322S01 compared with HB0322

{Omitted text} shows text that was in HB0322 but was omitted in HB0322S01

inserted text shows text that was not in HB0322 but was inserted into HB0322S01

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## Child Actor Regulations

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Doug Owens**

Senate Sponsor: Scott D. Sandall

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### LONG TITLE

#### General Description:

This bill enacts provisions related to minors involved in entertainment.

#### Highlighted Provisions:

This bill:

▸ defines terms;

▸ requires that a parent or guardian establish a trust for a {performer} minor involved in entertainment;

▸ provides the circumstances under which a child of a content creator is not subject to trust and compensation requirements;

▸ provides the circumstances under which a parent or guardian may serve as the trustee of a {performer's} trust for a minor involved in entertainment;

▸ provides the requirements for a performer's employer when depositing a percentage of the {performer's} earnings of a minor involved in entertainment into a trust;

▸ establishes a right of action for a {performer} minor involved in entertainment;

▸

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requires that a content creator maintain a monthly record that relates to a minor {involved-}  
featured in the content creator's content;

- 17       ▶ requires that a content creator maintain the monthly records for at least one year;
- 18       ▶ requires that a content creator inform a minor's parents that the minor is featured in the content creator's content;
- 20       ▶ requires that a minor's parent or guardian establish a trust for the minor featured in social media content;
- 22       ▶ establishes limitations related to the trust established for a minor featured in social media content;
- 24       ▶ establishes a formula for a content creator to calculate the percentage of any earnings from social media that feature a minor and to transfer the earnings to the minor's trust;
- 28       ▶ provides exemptions from the trust and compensation requirements;
- 26       ▶ establishes a right of action for an individual featured in social media content as a minor;
- 27       ▶ establishes a process by which a content creator may petition a court for an exception to the requirement to divide earnings from social media featuring a minor;
- 29       ▶ grants an individual featured in social media content as a minor a right of deletion;
- 30       ▶ requires that a social media company maintain a readily available process by which an individual featured in social media content as a minor may request that a social media company delete content featuring the individual featured in social media content as a minor; {and }
- 34       ▶ provides a process by which {a social media company- } an individual may petition a court to {maintain social media } remove content {an- } featuring the individual {requests that the social media company delete-} as a minor;
- 39       ▶ provides for an award of attorney fees; and
- 40       ▶ provides the circumstances under which the provisions of this bill supersede a contractual provision related to disputes.

### 42 Money Appropriated in this Bill:

43       None

44       None

### 47 ENACTS:

48       **34-23-501** , Utah Code Annotated 1953 , Utah Code Annotated 1953

49       **34-23-502** , Utah Code Annotated 1953 , Utah Code Annotated 1953

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50 34-23-503 , Utah Code Annotated 1953 , Utah Code Annotated 1953

51 34-23-504 , Utah Code Annotated 1953 , Utah Code Annotated 1953

52

53 *Be it enacted by the Legislature of the state of Utah:*

54 Section 1. Section 1 is enacted to read:

49

## Part 5. Employment of Minors in Entertainment

56 34-23-501. Definitions.

As used in this part:

58 (1)

. (a) "Administrative cost" means a reasonable cost that a content creator incurs when making social media content.

60 (b) "Administrative cost" includes:

61 (i) an expense directly related to the production of social media content; and

62 (ii) a social media service fee.

63 (c) "Administrative cost" does not mean any income a content creator pays to the content creator.

52 ~~{(1)}~~ (2) "Compensated content" means paid minutes that feature a qualifying minor's personal content.

54 ~~{(2)}~~ (3)

. (a) "Content creator" means an individual who produces social media content.

55 (b) "Content creator" does not include a minor who is the sole producer of the minor's own social media content.

57 ~~{(3)}~~ (4) "Content share" means a determination, that a content creator makes on the first of each calendar month, of the percentage of minutes of a content creator's social media content that:

60 (a) were published in the calendar month immediately before the day on which the content creator makes the determination; and

62 (b) feature the personal content of an individual other than the content creator.

76 (5) "Emotional harm or substantial embarrassment" means psychological or emotional distress a reasonable, similarly situated individual would feel resulting from the individual's personal content appearing in a content creator's social media content.

79 (6) "Income from social media" means the income a content creator receives from creating social media content after the content creator makes reasonable deductions for administrative costs.

63 ~~{(4)}~~ (7) "Minor" means an individual who is under 18 years old.

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- 83 (8) "Minor content earnings" means any portion of income from social media that resulted from paid  
minutes featuring a qualifying minor.
- 64 ~~{(5)}~~ (9) "Paid minutes" means the total number of minutes of social media content that generates  
~~{compensation for the content creator}~~ income from social media.
- 66 ~~{(6)}~~ (10)
- . (a) "Performer" means an individual who, either directly or through a third-party:
- 67 (i) renders artistic or creative services in a motion picture, theater, radio, ~~{or}~~ television production  
, or social media content in exchange for compensation under an employment contract; or
- 69 (ii) agrees to sell, lease, license, transfer, exchange, or otherwise dispose of for the purpose of use  
in motion pictures or theatrical, radio, or television productions:
- 71 (A) literary, musical, artistic, or dramatic properties;
- 72 (B) the use of the individual's name, likeness, recording, or performance; or
- 73 (C) the story of or the incidents in the life of the individual.
- 74 (b) "Performer" includes an individual who engages in the activities described in Subsection ~~{(8)(a)(i)}~~  
(10)(a)(i) or (ii) as:
- 76 (i) an actor or actress;
- 77 (ii) a dancer;
- 78 (iii) a musician;
- 79 (iv) a stunt double;
- 80 (v) a writer;
- 81 (vi) a director;
- 82 (vii) a producer;
- 83 (viii) a choreographer;
- 84 (ix) a composer;
- 85 (x) a conductor; ~~{or}~~
- 86 (xi) a designer{-}; or
- 109 (xii) a represented minor.
- 87 ~~{(7)}~~ (11) "Personal content" means social media content that features an individual's name, likeness, or  
photograph, or for which an individual is the subject of an oral narrative.
- 89 ~~{(8)}~~ (12) "Qualifying minor" means a minor who:
- 90 (a) in a calendar month, has a content share of at least 30% of a content creator's content; ~~{and}~~

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- 114 (b) is featured in social media content where the content creator received income from social media of  
at least \$150,000 in the previous 12-month period; and
- 116 (c) is not a represented minor or an unrepresented minor.
- 117 (13) "Represented minor" means a minor:
- 118 (a) who in a calendar month, has a content share of at least 30% of a content creator's content;
- 92 (b) who is featured in social media content wherethe content creator:
- 93 {(i) }
- . {(A) {the number of views received per video meets the threshold for the generation of compensation;  
or-}
- 95 {(B) {the content creator received compensation for the qualifying minor's personal content equal to or  
greater than \$.10 per view; and-}
- 97 {(ii) (i) {the content creator} received {actual compensation for} income from social media {content  
of at least {\$15,000} \$150,000 in the previous 12-month period{-} ; and
- 123 (ii) is not the parent or guardian of the minor; and
- 124 (c) before appearing in a content creator's social media content:
- 125 (i) who is represented by a parent, guardian, attorney, or other individual with a fiduciary duty to the  
minor in negotiations relating to a minor's appearance in a content creator's content; and
- 128 (ii) whose parent, guardian, attorney, or other individual with a fiduciary duty to the minor enters into  
an employment agreement with the content creator to compensate the minor in accordance with  
Section 34-23-502.
- 99 {(9)} (14) "Social media company" means the same as that term is defined in Section 13-71-101.
- 100 {(10)} (15) "Social media content" means video content shared on a social media service that meets the  
social media service's threshold for the generation of {compensation} income from social media.
- 102 {(11)} (16) "Social media service" means the same as that term is defined in Section 13-71-101.
- 136 (17) "Unrepresented minor" means a minor who:
- 137 (a) in a calendar month, has a content share of at least 30% of a content creator's content;
- 138 (b) is featured in social media content where the content creator:
- 139 (i) received income from social media of at least \$150,000 in the previous 12-month period; and
- 141 (ii) is the parent or guardian of the minor;
- 142 (c) receives compensation for appearing in a content creator's content that is substantially equivalent to  
the compensation a similarly situated represented minor would receive; and

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145 (d) before appearing in a content creator's content, is not represented in negotiations relating to the  
146 minor's appearance in the content creator's content.

147 Section 2. Section 2 is enacted to read:

148 **34-23-502. Minors employed as performers -- Trust required -- Cause of action.**

105 (1) Within 15 days after the day on which a minor begins employment as a performer, the parent or  
106 guardian of the minor shall:

107 (a) establish a trust for the benefit of the minor in accordance with Title 75A, Chapter 8, Uniform  
108 Transfer to Minors; and

109 (b) notify the minor's employer of the existence of the trust and any additional information required for  
110 the employer to transfer gross earnings to the trust.

111 (2)

112 (a) Subject to Subsection (2)(b), the minor's parent or guardian may serve as the trustee of the trust.

113 (b) If the average monthly balance of the trust exceeds \$250,000 for a consecutive period of at least six  
114 months:

115 (i) the trustee of the trust shall petition a court to appoint a trustee to replace the trustee; and

117 (ii) after receiving a petition under Subsection (2)(b)(i), a court shall appoint a new trustee to replace  
116 the trustee.

119 (c) A minor's parent or guardian may not access the funds in the trust.

120 (d) A beneficiary of a trust established under this section may access the funds in the trust beginning the  
121 day on which the beneficiary turns 18 years old.

122 (3) After receiving notice from the minor's parents as required in Subsection (1), the minor's employer  
123 shall transfer 15% of the minor's gross earnings into the trust:

124 (a) no later than 30 days after the day on which the minor's employment terminates if the minor's term  
125 of employment is 30 days or fewer; or

126 (b) on the same date that the employer makes payments in accordance with the employer's regular pay  
127 period, if the minor's term of employment is more than 30 days.

129 (4) The minor's employer shall make the transfer described in Subsection (3) in accordance with Title  
128 75A, Chapter 8, Uniform Transfer to Minors.

131 (5) After the minor's employer completes the transfer described in Subsection (3), the minor's employer  
130 has no further obligations under this section.

133

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(6) Notwithstanding any other statute of limitation or repose that may be applicable to an action described in this section, an individual, for up to five years after the day on which the individual turns 18 years old, has a right of action against:

- 136 (a) an employer if the employer fails to transfer funds to the individual's trust as required under this section;
- 138 (b) an individual's parent or guardian if the individual's parent or guardian fails to:
- 139 (i) establish a trust as required under this section; or
- 140 (ii) notify the individual's employer of the existence of the trust as required under this section; and
- 142 (c) the trustee of the individual's trust, if the trustee failed to appoint a trust company to serve as trustee of the trust as required under this section.
- 144 (7) If an individual brings a cause of action under Subsection (6), a court may award:
- 145 (a) actual damages;
- 146 (b) punitive damages;
- 147 (c) any other remedy provided by law; and
- 148 (d) reasonable costs and attorney fees.

193 Section 3. Section 3 is enacted to read:

194 **34-23-503. ~~{Minors featured in social media content}~~ Qualifying minors -- Trust required --**  
**Cause of action.**

152 ~~{(+) }~~

. ~~{(a)}~~ (1) A content creator that produces social media content featuring a qualifying minor shall maintain a monthly record of:

197 (a) income from social media;

154 ~~{(i)}~~ (b) the qualifying minor's name and documentation of the qualifying minor's age;

155 ~~{(ii)}~~ ~~{social media content that the content creator produces and for which the content creator is paid;}~~

157 ~~{(iii)}~~ (c) paid minutes;

200 (d) minor content earnings;

158 ~~{(iv)}~~ (e) compensated content; and

159 ~~{(v)}~~ (f) the funds transferred into a trust for the benefit of a qualifying minor, as described in Subsection (5).

161 (2) The content creator shall:

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- 162 (a) retain the records described in Subsection (1) for at least one year after the day on which the content  
creator creates the {record} records;
- 164 (b) provide notice to the qualifying minor of the existence of the records; and
- 165 (c) make the records readily available to the qualifying minor for review upon request from the  
qualifying minor.
- 167 (3)
- . (a) If any portion of a content creator's social media content contains a minor, the content creator shall  
make a determination as to whether the minor is a qualifying minor.
- 170 (b) Except as provided in Subsection (4)(b), if a content creator determines that a minor is a qualifying  
minor, the content creator shall inform the qualifying minor's parent or guardian, in writing and  
within 15 business days, that the minor is a qualifying minor.
- 173 (c) Except as provided in Subsection (4)(b), within 15 days after the day on which the content creator  
informs the minor's parent or guardian as described in Subsection (3)(b), the parent or guardian of  
the minor shall:
- 176 (i) establish a trust for the benefit of the minor in accordance with Title 75A, Chapter 8, Uniform  
Transfer to Minors;
- 178 (ii) notify the content creator of the existence of the trust; and
- 179 (iii) provide any additional information required for the content creator to make transfers of gross  
earnings into the trust.
- 181 (4)
- . (a) The minor's parent or guardian may serve as the trustee of the trust.
- 182 (b) If the minor's parent or guardian is also the content creator, Subsections (3)(b) and (3)(c) do not  
apply.
- 184 (c) If the average monthly balance of the trust exceeds \$250,000 for a consecutive period of at least six  
months:
- 186 (i) the trustee of the trust shall petition a court to appoint a trustee to replace the trustee; and
- 188 (ii) after receiving a petition under Subsection (4)(c)(i), a court shall appoint a new trustee to replace the  
trustee.
- 190 (d) The minor's parent or guardian may not access the funds in the trust.
- 191 (e) A beneficiary of a trust established under this section may access the funds in the trust beginning the  
day on which the beneficiary turns 18 years old.



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236 (5)  
193 ~~{(5)}~~ (a) ~~{Except as provided in Subsection (8), if }~~ If a content ~~{creator received }~~ creator's content  
had minor content earnings in the previous month, a content creator shall:  
195 ~~{(a) }~~  
· ~~{(i) {calculate the percentage of paid minutes from the previous month that were compensated~~  
~~content;}~~  
197 ~~{(ii)}~~ (i) ~~{divide }~~ use the ~~{percentage calculated in Subsection (5)(a)(i) among }~~ formula  $E=(A/T) * (Q/S) * (M/2)$  or the ~~{total number of }~~ formula  $E=(A/T)*(1/X)*(M/2)$  to determine the qualifying  
~~{minors }~~ minor's earnings to ~~{correspond proportionally }~~ transfer to each qualifying ~~{minor's~~  
~~content share;}~~ minor where:  
241 (A) E = a qualifying minor's earnings;  
242 (B) A = all paid minutes featuring any qualifying minor;  
243 (C) T = total paid minutes;  
244 (D) Q = paid minutes featuring the qualifying minor;  
245 (E) S = the sum of paid minutes for all qualifying minors;  
246 (F) M = the preceding month's income from social media; and  
247 (G) X = the total number of qualifying minors; and  
200 ~~{(iii)}~~ (ii) ~~{using }~~ transfer the ~~{percentage }~~ qualifying minor's earnings calculated in Subsection ~~{(5)~~  
~~(a)(ii), transfer that percentage of the minor content earnings }~~ (5)(a)(i) to each qualifying minor's  
trust~~{; and}~~ .  
202 ~~{(iv)}~~ (6)  
· ~~{(A) {if the division determined in Subsection (5)(a)(ii) results in a total percentage that exceeds 100%,~~  
~~the content creator shall divide the percentage equally among the qualifying minors; and}~~  
205 ~~{(B) {using the percentage calculated after the division in Subsection (5)(a)(iv)(A), transfer that amount~~  
~~calculated of the minor content earnings to each qualifying minor's trust; or}~~  
208 ~~{(b) }~~  
· ~~{(i) {calculate the percentage of paid minutes from the previous month that were compensated~~  
~~content;}~~  
210 ~~{(ii) {using the percentage calculated in Subsection (5)(b)(i), divide that percentage by the total number~~  
~~of qualifying minors; and}~~  
212

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~~{(iii) {using the percentage calculated after the division in Subsection (5)(b)(ii), transfer that amount calculated of the minor content earnings to each qualifying minor's trust.}}~~

215 ~~{(6) }~~

(a) The content creator shall make a transfer described in Subsection (5) in accordance with Title 75A, Chapter 8, Uniform Transfer to Minors.

217 (b) The content creator shall make the calculations and the transfers described in Subsection (5) { ~~within~~ } ~~before~~ the { ~~first week~~ } ~~end~~ of the month following the month in which the content creator received minor content earnings.

220 (7)

(a) A content creator may petition a court for an exception to Subsection (5) if:

221 (i) the content creator shows complying with Subsection (5) causes undue hardship;

222 (ii) the content creator provides an alternative plan to distribute compensation to a qualifying minor; and

224 (iii) the content creator commits to establishing an alternative trust that complies with the requirements of this section.

226 (b) A court shall issue an order granting an exception to Subsection (5) if the court determines:

228 (i) the content creator adequately shows that complying with Subsection (5) causes undue hardship; and

230 (ii) the alternative plan described in Subsection (8)(a)(ii) is in the best interest of the qualifying minor.

232 (8) Notwithstanding any other statute of limitation or repose that may be applicable to an action described in this section, an individual, for up to five years after the day on which the individual turns 18 years old, has a right of action:

235 (a) against:

236 (i) a content creator if the content creator fails to transfer funds to the individual's trust during the time the individual was a qualifying minor as required under this section;

239 (ii) a trustee if the trustee fails to appoint a trust company to serve as the trustee as required under this section; and

241 (iii) an individual's parent or guardian, if the parent or guardian fails to:

242 (A) establish a trust as required under this section; or

243 (B) notify the content creator of the existence of the trust as required under this section; and

245 (b) only if a court did not issue an order granting an exception as described in Subsection (7)(b).

247 (9) If an individual brings a cause of action under Subsection (8), a court may award:

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- 248 (a) actual damages;  
249 (b) punitive damages;  
250 (c) any other remedy provided by law; and  
251 (d) reasonable costs and attorney fees.
- 252 (10) A minor that creates, produces, or publishes the minor's own social media content is entitled to all compensation resulting from the social media content.
- 289 (11) The provisions of this section supersede any agreement related to venue, arbitration, or mediation in a contract entered into after May 7, 2025, between a qualifying minor and a content creator.
- 292 Section 4. Section 4 is enacted to read:  
293 **34-23-504. Minor's right of deletion.**
- 256 (1) An individual, who is at least 18 years old, may request that a content creator delete or edit any social media content that the content creator posted featuring the individual as a qualifying minoror  
an unrepresented minor.
- 259 (2) A social media company shall provide a readily apparent process for an individual described in Subsection (1) to submit a request for a content creator to:
- 261 (a) delete the post from the social media platform; and  
262 (b) edit posts to remove the {qualifying minor's} individual's personal content.
- 263 (3) An individual submitting a request under this section shall include all information reasonably requested by the social media company to identify the {minor} individual and the social media content featuring the individual as a qualifying minor or an unrepresented minor that the individual requests to delete or edit.
- 266 (4) Upon receiving a request described in Subsection (1), a social media company shall inform the content creator of the request within 30 days after the day on which the social media company receives the request.
- 269 (5)
- . (a) The content creator shall {remove} edit or delete social media content identified in the request described in Subsection (1) within 72 hours after the social media company informs the content creator as required in Subsection (4).
- 272 (b) {If} Except as provided in Subsection (5)(c), if a content creator fails to {remove} edit or delete the social media content as required in Subsection (5)(a), the social media company shall {remove

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- } edit or delete the social media content{~~-, unless:~~ if the individual submits a request to the social media company that the social media company edit or delete the social media content.
- 274 {(i)} (c) ~~{the}~~ A social media company ~~{petitions}~~ may deny a ~~{court}~~ request described in Subsection (5)(b) if the social media company determines and provides notice to ~~{allow}~~ the individual stating that allowing social media content to remain on the social media service~~the~~ individual stating that allowing social media content to remain on the social media service~~{; and}~~ serves a public interest that outweighs the emotional harm or substantial embarrassment the social media content causes the individual.
- 276 {(ii)} ~~{a court issues an order as described in Subsection (7).}~~
- 277 (6) The social media company may verify the age of the individual when the individual submits the request to delete or edit the content creator's post featuring the individual as a qualifying minor~~or unrepresented minor~~.
- 323 (7)
- . (a) An individual who was a qualifying minor or an unrepresented minor has a right of action under this section against the social media company if the social media company fails to edit or delete social media content that features the individual after a request described in Subsection (5)(b).
- 327 (b) If an individual brings an action in accordance with Subsection (7)(a), a court shall issue an order:
- 329 (i) to edit or delete the social media content if the court determines the emotional harm or substantial embarrassment the social media content causes the individual outweighs a public interest; or
- 280 {(7)} (ii) ~~{If a social media company petitions a court to allow}~~ allowing the social media content to remain on ~~{a social media service, a court shall grant an order allowing the content to remain on social media service if the court determines}~~ the content to remain on social media service if the court determines that allowing the social media content to remain on the social media service serves a ~~{significant}~~ public interest that outweighs the ~~{privacy interest of}~~ emotional harm or substantial embarrassment the social media content causes the individual ~~{making the request}~~ .
- 336 (c) An individual who was a qualifying minor or an unrepresented minor has a right of action under this section against the content creator if the content creator fails to edit or delete social media content that features the individual after a request described in Subsection (1).
- 340 (d) If an individual brings an action in accordance with Subsection (7)(c), a court shall issue an order:
- 342 (i) to edit or delete the social media content if the emotional harm or substantial embarrassment the social media content causes the individual outweighs a public interest; or

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- 345 (ii) allowing the social media content to remain on the social media service if the court determines that:  
347 (A) allowing the social media content to remain on the social media service serves a public interest that  
outweighs the emotional harm or substantial embarrassment the social media content causes the  
individual; or
- 350 (B) the individual making the request made the request for a reason other than the social media content  
causing the individual emotional harm or substantial embarrassment.
- 353 (e) If a court grants an order to remove or edit the social media content under Subsection (7)(b)(i) or  
(7)(d)(i), a content creator may petition the court to reinstate the social media content if the content  
creator shows the individual making the request made the request for a reason other than the social  
media content causing the individual emotional harm or substantial embarrassment.
- 358 (8) In a court order under Subsection (7), a court shall order that the content creator pay reasonable  
attorney fees to the individual that petitions the court to edit or delete the social media content.
- 361 (9) The provisions of this section supersede any agreement related to venue, arbitration, or mediation in  
a contract entered into after May 7, 2025, between an individual petitioning a court to edit or delete  
the social media content and a social media service.

364 Section 5. **Effective date.**

This bill takes effect on May 7, 2025.

2-13-25 8:20 PM