

Doug Owens proposes the following substitute bill:

Child Actor Regulations

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Doug Owens

Senate Sponsor: Scott D. Sandall

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 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 trust for a minor involved in entertainment;
- provides the requirements for a performer's employer when depositing a percentage of the earnings of a minor involved in entertainment into a trust;
- establishes a right of action for a minor involved in entertainment;
- requires that a content creator maintain a monthly record that relates to a minor featured in the content creator's content;
- requires that a content creator maintain the monthly records for at least one year;
- requires that a content creator inform a minor's parents that the minor is featured in the content creator's content;
- requires that a minor's parent or guardian establish a trust for the minor featured in social media content;
- establishes limitations related to the trust established for a minor featured in social media content;
- 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;
- provides exemptions from the trust and compensation requirements;

- 29 ▶ establishes a right of action for an individual featured in social media content as a minor;
- 30 ▶ establishes a process by which a content creator may petition a court for an exception to
- 31 the requirement to divide earnings from social media featuring a minor;
- 32 ▶ grants an individual featured in social media content as a minor a right of deletion;
- 33 ▶ requires that a social media company maintain a readily available process by which an
- 34 individual featured in social media content as a minor may request that a social media
- 35 company delete content featuring the individual featured in social media content as a
- 36 minor;
- 37 ▶ provides a process by which an individual may petition a court to remove content
- 38 featuring the individual 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
- 41 provision related to disputes.

42 **Money Appropriated in this Bill:**

43 None

44 **Other Special Clauses:**

45 None

46 **Utah Code Sections Affected:**

47 ENACTS:

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

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

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

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



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

54 Section 1. Section **34-23-501** is enacted to read:

55 **Part 5. Employment of Minors in Entertainment**

56 **34-23-501 . Definitions.**

57 As used in this part:

58 (1)(a) "Administrative cost" means a reasonable cost that a content creator incurs when
59 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
64 content creator.
- 65 (2) "Compensated content" means paid minutes that feature a qualifying minor's personal
66 content.
- 67 (3)(a) "Content creator" means an individual who produces social media content.
- 68 (b) "Content creator" does not include a minor who is the sole producer of the minor's
69 own social media content.
- 70 (4) "Content share" means a determination, that a content creator makes on the first of each
71 calendar month, of the percentage of minutes of a content creator's social media content
72 that:
- 73 (a) were published in the calendar month immediately before the day on which the
74 content creator makes the determination; and
- 75 (b) feature the personal content of an individual other than the content creator.
- 76 (5) "Emotional harm or substantial embarrassment" means psychological or emotional
77 distress a reasonable, similarly situated individual would feel resulting from the
78 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
80 social media content after the content creator makes reasonable deductions for
81 administrative costs.
- 82 (7) "Minor" means an individual who is under 18 years old.
- 83 (8) "Minor content earnings" means any portion of income from social media that resulted
84 from paid minutes featuring a qualifying minor.
- 85 (9) "Paid minutes" means the total number of minutes of social media content that generates
86 income from social media.
- 87 (10)(a) "Performer" means an individual who, either directly or through a third-party:
- 88 (i) renders artistic or creative services in a motion picture, theater, radio, television
89 production, or social media content in exchange for compensation under an
90 employment contract; or
- 91 (ii) agrees to sell, lease, license, transfer, exchange, or otherwise dispose of for the
92 purpose of use in motion pictures or theatrical, radio, or television productions:
- 93 (A) literary, musical, artistic, or dramatic properties;
- 94 (B) the use of the individual's name, likeness, recording, or performance; or
- 95 (C) the story of or the incidents in the life of the individual.

- 96 (b) "Performer" includes an individual who engages in the activities described in
97 Subsection (10)(a)(i) or (ii) as:
98 (i) an actor or actress;
99 (ii) a dancer;
100 (iii) a musician;
101 (iv) a stunt double;
102 (v) a writer;
103 (vi) a director;
104 (vii) a producer;
105 (viii) a choreographer;
106 (ix) a composer;
107 (x) a conductor;
108 (xi) a designer; or
109 (xii) a represented minor.
- 110 (11) "Personal content" means social media content that features an individual's name,
111 likeness, or photograph, or for which an individual is the subject of an oral narrative.
- 112 (12) "Qualifying minor" means a minor who:
113 (a) in a calendar month, has a content share of at least 30% of a content creator's content;
114 (b) is featured in social media content where the content creator received income from
115 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
119 content;
120 (b) who is featured in social media content where the content creator:
121 (i) received income from social media of at least \$150,000 in the previous 12-month
122 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
126 fiduciary duty to the minor in negotiations relating to a minor's appearance in a
127 content creator's content; and
128 (ii) whose parent, guardian, attorney, or other individual with a fiduciary duty to the
129 minor enters into an employment agreement with the content creator to

- 130 compensate the minor in accordance with Section 34-23-502.
- 131 (14) "Social media company" means the same as that term is defined in Section 13-71-101.
- 132 (15) "Social media content" means video content shared on a social media service that
 133 meets the social media service's threshold for the generation of income from social
 134 media.
- 135 (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
 140 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
 143 substantially equivalent to the compensation a similarly situated represented minor
 144 would receive; and
 145 (d) before appearing in a content creator's content, is not represented in negotiations
 146 relating to the minor's appearance in the content creator's content.
- 147 Section 2. Section **34-23-502** is enacted to read:
- 148 **34-23-502 . Minors employed as performers -- Trust required -- Cause of action.**
- 149 (1) Within 15 days after the day on which a minor begins employment as a performer, the
 150 parent or guardian of the minor shall:
- 151 (a) establish a trust for the benefit of the minor in accordance with Title 75A, Chapter 8,
 152 Uniform Transfer to Minors; and
 153 (b) notify the minor's employer of the existence of the trust and any additional
 154 information required for the employer to transfer gross earnings to the trust.
- 155 (2)(a) Subject to Subsection (2)(b), the minor's parent or guardian may serve as the
 156 trustee of the trust.
- 157 (b) If the average monthly balance of the trust exceeds \$250,000 for a consecutive
 158 period of at least six months:
 159 (i) the trustee of the trust shall petition a court to appoint a trustee to replace the
 160 trustee; and
 161 (ii) after receiving a petition under Subsection (2)(b)(i), a court shall appoint a new
 162 trustee to replace the trustee.
 163 (c) A minor's parent or guardian may not access the funds in the trust.

- 164 (d) A beneficiary of a trust established under this section may access the funds in the
165 trust beginning the day on which the beneficiary turns 18 years old.
- 166 (3) After receiving notice from the minor's parents as required in Subsection (1), the
167 minor's employer shall transfer 15% of the minor's gross earnings into the trust:
168 (a) no later than 30 days after the day on which the minor's employment terminates if the
169 minor's term of employment is 30 days or fewer; or
170 (b) on the same date that the employer makes payments in accordance with the
171 employer's regular pay period, if the minor's term of employment is more than 30
172 days.
- 173 (4) The minor's employer shall make the transfer described in Subsection (3) in accordance
174 with Title 75A, Chapter 8, Uniform Transfer to Minors.
- 175 (5) After the minor's employer completes the transfer described in Subsection (3), the
176 minor's employer has no further obligations under this section.
- 177 (6) Notwithstanding any other statute of limitation or repose that may be applicable to an
178 action described in this section, an individual, for up to five years after the day on which
179 the individual turns 18 years old, has a right of action against:
180 (a) an employer if the employer fails to transfer funds to the individual's trust as required
181 under this section;
182 (b) an individual's parent or guardian if the individual's parent or guardian fails to:
183 (i) establish a trust as required under this section; or
184 (ii) notify the individual's employer of the existence of the trust as required under this
185 section; and
186 (c) the trustee of the individual's trust, if the trustee failed to appoint a trust company to
187 serve as trustee of the trust as required under this section.
- 188 (7) If an individual brings a cause of action under Subsection (6), a court may award:
189 (a) actual damages;
190 (b) punitive damages;
191 (c) any other remedy provided by law; and
192 (d) reasonable costs and attorney fees.
- 193 Section 3. Section **34-23-503** is enacted to read:
194 **34-23-503 . Qualifying minors -- Trust required -- Cause of action.**
- 195 (1) A content creator that produces social media content featuring a qualifying minor shall
196 maintain a monthly record of:
197 (a) income from social media;

- 198 (b) the qualifying minor's name and documentation of the qualifying minor's age;
199 (c) paid minutes;
200 (d) minor content earnings;
201 (e) compensated content; and
202 (f) the funds transferred into a trust for the benefit of a qualifying minor, as described in
203 Subsection (5).
- 204 (2) The content creator shall:
- 205 (a) retain the records described in Subsection (1) for at least one year after the day on
206 which the content creator creates the records;
207 (b) provide notice to the qualifying minor of the existence of the records; and
208 (c) make the records readily available to the qualifying minor for review upon request
209 from the qualifying minor.
- 210 (3)(a) If any portion of a content creator's social media content contains a minor, the
211 content creator shall make a determination as to whether the minor is a qualifying
212 minor.
- 213 (b) Except as provided in Subsection (4)(b), if a content creator determines that a minor
214 is a qualifying minor, the content creator shall inform the qualifying minor's parent or
215 guardian, in writing and within 15 business days, that the minor is a qualifying minor.
- 216 (c) Except as provided in Subsection (4)(b), within 15 days after the day on which the
217 content creator informs the minor's parent or guardian as described in Subsection
218 (3)(b), the parent or guardian of the minor shall:
- 219 (i) establish a trust for the benefit of the minor in accordance with Title 75A, Chapter
220 8, Uniform Transfer to Minors;
221 (ii) notify the content creator of the existence of the trust; and
222 (iii) provide any additional information required for the content creator to make
223 transfers of gross earnings into the trust.
- 224 (4)(a) The minor's parent or guardian may serve as the trustee of the trust.
- 225 (b) If the minor's parent or guardian is also the content creator, Subsections (3)(b) and
226 (3)(c) do not apply.
- 227 (c) If the average monthly balance of the trust exceeds \$250,000 for a consecutive period
228 of at least six months:
- 229 (i) the trustee of the trust shall petition a court to appoint a trustee to replace the
230 trustee; and
231 (ii) after receiving a petition under Subsection (4)(c)(i), a court shall appoint a new

232 trustee to replace the trustee.

233 (d) The minor's parent or guardian may not access the funds in the trust.

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

236 (5)(a) If a content creator's content had minor content earnings in the previous month, a
237 content creator shall:

238 (i) use the formula $E=(A/T) * (Q/S) * (M/2)$ or the formula $E=(A/T)*(1/X)*(M/2)$ to
239 determine the qualifying minor's earnings to transfer to each qualifying minor
240 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

248 (ii) transfer the qualifying minor's earnings calculated in Subsection (5)(a)(i) to each
249 qualifying minor's trust.

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

252 (b) The content creator shall make the calculations and the transfers described in
253 Subsection (5) before the end of the month following the month in which the content
254 creator received minor content earnings.

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

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

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

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

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

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

265 (ii) the alternative plan described in Subsection (8)(a)(ii) is in the best interest of the

- 266 qualifying minor.
- 267 (8) Notwithstanding any other statute of limitation or repose that may be applicable to an
268 action described in this section, an individual, for up to five years after the day on which
269 the individual turns 18 years old, has a right of action:
- 270 (a) against:
- 271 (i) a content creator if the content creator fails to transfer funds to the individual's
272 trust during the time the individual was a qualifying minor as required under this
273 section;
- 274 (ii) a trustee if the trustee fails to appoint a trust company to serve as the trustee as
275 required under this section; and
- 276 (iii) an individual's parent or guardian, if the parent or guardian fails to:
- 277 (A) establish a trust as required under this section; or
- 278 (B) notify the content creator of the existence of the trust as required under this
279 section; and
- 280 (b) only if a court did not issue an order granting an exception as described in
281 Subsection (7)(b).
- 282 (9) If an individual brings a cause of action under Subsection (8), a court may award:
- 283 (a) actual damages;
- 284 (b) punitive damages;
- 285 (c) any other remedy provided by law; and
- 286 (d) reasonable costs and attorney fees.
- 287 (10) A minor that creates, produces, or publishes the minor's own social media content is
288 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
290 mediation in a contract entered into after May 7, 2025, between a qualifying minor and a
291 content creator.
- 292 Section 4. Section **34-23-504** is enacted to read:
- 293 **34-23-504 . Minor's right of deletion.**
- 294 (1) An individual, who is at least 18 years old, may request that a content creator delete or
295 edit any social media content that the content creator posted featuring the individual as a
296 qualifying minor or an unrepresented minor.
- 297 (2) A social media company shall provide a readily apparent process for an individual
298 described in Subsection (1) to submit a request for a content creator to:
- 299 (a) delete the post from the social media platform; and

- 300 (b) edit posts to remove the individual's personal content.
- 301 (3) An individual submitting a request under this section shall include all information
302 reasonably requested by the social media company to identify the individual and the
303 social media content featuring the individual as a qualifying minor or an unrepresented
304 minor that the individual requests to delete or edit.
- 305 (4) Upon receiving a request described in Subsection (1), a social media company shall
306 inform the content creator of the request within 30 days after the day on which the social
307 media company receives the request.
- 308 (5)(a) The content creator shall edit or delete social media content identified in the
309 request described in Subsection (1) within 72 hours after the social media company
310 informs the content creator as required in Subsection (4).
- 311 (b) Except as provided in Subsection (5)(c), if a content creator fails to edit or delete the
312 social media content as required in Subsection (5)(a), the social media company shall
313 edit or delete the social media content if the individual submits a request to the social
314 media company that the social media company edit or delete the social media content.
- 315 (c) A social media company may deny a request described in Subsection (5)(b) if the
316 social media company determines and provides notice to the individual stating that
317 allowing the social media content to remain on the social media service serves a
318 public interest that outweighs the emotional harm or substantial embarrassment the
319 social media content causes the individual.
- 320 (6) The social media company may verify the age of the individual when the individual
321 submits the request to delete or edit the content creator's post featuring the individual as
322 a qualifying minor or unrepresented minor.
- 323 (7)(a) An individual who was a qualifying minor or an unrepresented minor has a right
324 of action under this section against the social media company if the social media
325 company fails to edit or delete social media content that features the individual after a
326 request described in Subsection (5)(b).
- 327 (b) If an individual brings an action in accordance with Subsection (7)(a), a court shall
328 issue an order:
- 329 (i) to edit or delete the social media content if the court determines the emotional
330 harm or substantial embarrassment the social media content causes the individual
331 outweighs a public interest; or
- 332 (ii) allowing the social media content to remain on the social media service if the
333 court determines that allowing the social media content to remain on the social

- 334 media service serves a public interest that outweighs the emotional harm or
335 substantial embarrassment the social media content causes the individual.
- 336 (c) An individual who was a qualifying minor or an unrepresented minor has a right of
337 action under this section against the content creator if the content creator fails to edit
338 or delete social media content that features the individual after a request described in
339 Subsection (1).
- 340 (d) If an individual brings an action in accordance with Subsection (7)(c), a court shall
341 issue an order:
- 342 (i) to edit or delete the social media content if the emotional harm or substantial
343 embarrassment the social media content causes the individual outweighs a public
344 interest; or
- 345 (ii) allowing the social media content to remain on the social media service if the
346 court determines that:
- 347 (A) allowing the social media content to remain on the social media service serves
348 a public interest that outweighs the emotional harm or substantial
349 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
351 social media content causing the individual emotional harm or substantial
352 embarrassment.
- 353 (e) If a court grants an order to remove or edit the social media content under Subsection
354 (7)(b)(i) or (7)(d)(i), a content creator may petition the court to reinstate the social
355 media content if the content creator shows the individual making the request made
356 the request for a reason other than the social media content causing the individual
357 emotional harm or substantial embarrassment.
- 358 (8) In a court order under Subsection (7), a court shall order that the content creator pay
359 reasonable attorney fees to the individual that petitions the court to edit or delete the
360 social media content.
- 361 (9) The provisions of this section supersede any agreement related to venue, arbitration, or
362 mediation in a contract entered into after May 7, 2025, between an individual petitioning
363 a court to edit or delete the social media content and a social media service.

364 **Section 5. Effective Date.**

365 This bill takes effect on May 7, 2025.