

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 record that relates to a minor featured in the content creator's content;
- 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 under certain conditions;
- 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;
- establishes a right of action for an individual featured in social media content as a minor;

- 63 (2) "Compensated content" means paid minutes that feature a qualifying minor's personal
64 content.
- 65 (3)(a) "Content creator" means an individual who produces social media content.
66 (b) "Content creator" does not include a minor who is the sole producer of the minor's
67 own social media content.
- 68 (4) "Content share" means a determination, that a content creator makes on the first of each
69 calendar month, of the percentage of minutes of a content creator's social media content
70 that:
71 (a) were published in the calendar month immediately before the day on which the
72 content creator makes the determination; and
73 (b) feature the personal content of an individual other than the content creator.
- 74 (5) "Emotional harm or substantial embarrassment" means psychological or emotional
75 distress a reasonable, similarly situated individual would feel resulting from the
76 individual's personal content appearing in a content creator's social media content.
- 77 (6) "Income from social media" means the income a content creator receives from creating
78 social media content after the content creator makes reasonable deductions for
79 administrative costs.
- 80 (7) "Market value compensated minor" means a minor who:
81 (a) in a calendar year, has an average monthly content share of at least 30% of a content
82 creator's content;
83 (b) is featured in social media content where the content creator:
84 (i) received income from social media of at least \$150,000 in a calendar year; and
85 (ii) is the parent or guardian of the minor;
86 (c) receives compensation for appearing in a content creator's content that is
87 substantially equivalent to the compensation that similarly situated represented
88 minors would receive;
89 (d) is not represented in negotiations relating to the minor's appearance in the content
90 creator's content; and
91 (e) is not a qualified minor or a represented minor.
- 92 (8) "Minor" means an individual who is under 18 years old.
- 93 (9) "Minor content earnings" means any portion of income from social media that resulted
94 from paid minutes featuring a qualifying minor.
- 95 (10) "Paid minutes" means the total number of minutes of social media content that
96 generates income from social media.

- 97 (11)(a) "Performer" means an individual who, either directly or through a third-party:
98 (i) renders artistic or creative services in a motion picture, theater, radio, television
99 production, or social media content in exchange for compensation under an
100 employment contract;
101 (ii) agrees to sell, lease, license, transfer, exchange, or otherwise dispose of for the
102 purpose of use in motion pictures or theatrical, radio, or television productions:
103 (A) literary, musical, artistic, or dramatic properties;
104 (B) the use of the individual's name, likeness, recording, or performance; or
105 (C) the story of or the incidents in the life of the individual; or
106 (iii) appears in social media content as a market value compensated minor.
107 (b) "Performer" includes an individual who engages in an activity described in
108 Subsection (11)(a)(i) or (ii) as:
109 (i) an actor or actress;
110 (ii) a dancer;
111 (iii) a musician;
112 (iv) a stunt double;
113 (v) a writer;
114 (vi) a director;
115 (vii) a producer;
116 (viii) a choreographer;
117 (ix) a composer;
118 (x) a conductor;
119 (xi) a designer; or
120 (xii) a represented minor.
121 (12) "Personal content" means social media content that features an individual's name,
122 likeness, or photograph, or for which an individual is the subject of an oral narrative.
123 (13) "Qualifying minor" means a minor who:
124 (a) a content creator determines on January 1 of each year, that in the immediately
125 preceding calendar year:
126 (i) had an average monthly content share of at least 30% of a content creator's
127 content; and
128 (ii) was featured in social media content where the content creator received income
129 from social media of at least \$150,000 in a calendar year; and
130 (b) is not a represented minor or a market value compensated minor.

- 131 (14) "Represented minor" means a minor:
- 132 (a) in a calendar year, has an average monthly content share of at least 30% of a content
- 133 creator's content;
- 134 (b) who is featured in social media content where the content creator received income
- 135 from social media of at least \$150,000 in a calendar year;
- 136 (c)(i) who is represented by a parent, guardian, attorney, or other individual with a
- 137 fiduciary duty to the minor and who is not the content creator in negotiations
- 138 relating to a minor's appearance in a content creator's social media content; and
- 139 (ii) whose parent, guardian, attorney, or other individual with a fiduciary duty to the
- 140 minor enters into an employment agreement with the content creator.
- 141 (15) "Social media company" means the same as that term is defined in Section 13-71-101.
- 142 (16) "Social media content" means video content shared on a social media service that
- 143 meets the social media service's threshold for the generation of income from social
- 144 media.
- 145 (17) "Social media service" means the same as that term is defined in Section 13-71-101.
- 146 Section 2. Section **34-23-502** is enacted to read:
- 147 **34-23-502 . Minors employed as performers -- Trust required -- Cause of action.**
- 148 (1) As used in this section, "employer," as that term relates to a market value compensated
- 149 minor, means the market value compensated minor's parent or guardian.
- 150 (2) On or before January 30 of a calendar year, if in the preceding calendar year a performer
- 151 earned income of \$20,000 or more, the performer's parent or guardian shall:
- 152 (a) establish a trust for the benefit of the performer in accordance with Title 75A,
- 153 Chapter 8, Uniform Transfer to Minors; and
- 154 (b) unless the performer is a market value compensated minor, notify the performer's
- 155 employer of the existence of the trust and any additional information required for the
- 156 employer to transfer gross earnings to the trust.
- 157 (3)(a) Subject to Subsection (3)(b), the performer's parent or guardian may serve as the
- 158 trustee of the trust.
- 159 (b) If the average monthly balance of the trust exceeds \$250,000 for a consecutive
- 160 period of at least six months:
- 161 (i) the trustee of the trust shall petition a court to appoint a trustee to replace the
- 162 trustee; and
- 163 (ii) after receiving a petition under Subsection (3)(b)(i), a court shall appoint a new
- 164 trustee to replace the trustee.

- 165 (c) A performer's parent or guardian may not access the funds in the trust.
- 166 (d) A beneficiary of a trust established under this section may access the funds in the
- 167 trust beginning the day on which the beneficiary turns 18 years old.
- 168 (4) The performer's employer shall transfer 15% of the performer's gross earnings into the
- 169 trust:
- 170 (a) no later than 30 days after the day on which the minor's employment terminates if the
- 171 minor's term of employment is 30 days or fewer; or
- 172 (b) on the same date that the employer makes payments in accordance with the
- 173 employer's regular pay period, if the performer's term of employment is more than 30
- 174 days.
- 175 (5) The performer's employer shall make the transfer described in Subsection (4) in
- 176 accordance with Title 75A, Chapter 8, Uniform Transfer to Minors.
- 177 (6) After the performer's employer completes the transfer described in Subsection (4), the
- 178 performer's employer has no further obligations under this section.
- 179 (7) Notwithstanding any other statute of limitation or repose that may be applicable to an
- 180 action described in this section, an individual, for up to five years after the day on which
- 181 the individual turns 18 years old, has a right of action against:
- 182 (a) an employer if the employer fails to transfer funds to the individual's trust as required
- 183 under this section;
- 184 (b) an individual's parent or guardian if the individual's parent or guardian fails to:
- 185 (i) establish a trust as required under this section; or
- 186 (ii) notify the individual's employer of the existence of the trust as required under this
- 187 section; and
- 188 (c) the trustee of the individual's trust, if the trustee failed to appoint a trust company to
- 189 serve as trustee of the trust as required under this section.
- 190 (8) If an individual brings a cause of action under Subsection (7), a court may award:
- 191 (a) actual damages;
- 192 (b) punitive damages;
- 193 (c) any other remedy provided by law; and
- 194 (d) reasonable costs and attorney fees.

195 Section 3. Section **34-23-503** is enacted to read:

196 **34-23-503 . Qualifying minors -- Trust required -- Cause of action.**

- 197 (1) A content creator that produces social media content featuring a qualifying minor shall
- 198 maintain a monthly record of:

- 199 (a) income from social media;
200 (b) the qualifying minor's name and documentation of the qualifying minor's age;
201 (c) paid minutes;
202 (d) minor content earnings;
203 (e) compensated content; and
204 (f) the funds transferred into a trust for the benefit of a qualifying minor, as described in
205 Subsection (5).
- 206 (2) The content creator shall:
- 207 (a) retain the records described in Subsection (1) for at least two years after the day on
208 which the content creator creates the records;
209 (b) provide notice to the qualifying minor of the existence of the records; and
210 (c) make the records readily available to the minor for review upon request from the
211 qualifying minor.
- 212 (3)(a) If any portion of a content creator's social media content contains a minor, on
213 January 1 of each year, the content creator shall make a determination as to whether
214 the minor is a qualifying minor.
- 215 (b) If a content creator determines that a minor is a qualifying minor, the content creator
216 shall inform the qualifying minor's parent or guardian, in writing and within 15
217 business days:
- 218 (i) that the minor is a qualifying minor; and
219 (ii) of any compensation the content creator shall pay to the qualifying minor in
220 accordance with Subsection (5).
- 221 (c) Within 15 days after the day on which the content creator informs the qualifying
222 minor's parent or guardian as described in Subsection (3)(b), the parent or guardian of
223 the qualifying minor shall, if the total amount of compensation described in
224 Subsection (3)(b)(ii) equals or exceeds \$20,000:
- 225 (i) establish a trust for the benefit of the qualifying minor in accordance with Title
226 75A, Chapter 8, Uniform Transfer to Minors;
227 (ii) notify the content creator of the existence of the trust; and
228 (iii) provide any additional information required for the content creator to make
229 transfers of gross earnings into the trust.
- 230 (d) If the parent or guardian of the qualifying minor is the content creator, the
231 requirement to notify the qualifying minor's parent or guardian described in
232 Subsection (3)(b) and (3)(c) does not apply.

- 233 (4)(a) The qualifying minor's parent or guardian may serve as the trustee of the trust.
234 (b) If the average monthly balance of the trust exceeds \$250,000 for a consecutive
235 period of at least six months:
236 (i) the trustee of the trust shall petition a court to appoint a trustee to replace the
237 trustee; and
238 (ii) after receiving a petition under Subsection (4)(c)(i), a court shall appoint a new
239 trustee to replace the trustee.
240 (c) The qualifying minor's parent or guardian may not access the funds in the trust.
241 (d) A beneficiary of a trust established under this section may access the funds in the
242 trust beginning the day on which the beneficiary turns 18 years old.
243 (5)(a) If a content creator's content had minor content earnings in the previous month, a
244 content creator shall:
245 (i) use the formula $E = (A/T) * (Q/S) * (M/2)$ or the formula $E = (A/T) * (1/X) *$
246 $(M/2)$ to determine the qualifying minor's earnings to transfer to each qualifying
247 minor where:
248 (A) E = a qualifying minor's earnings;
249 (B) A = all paid minutes featuring any qualifying minor;
250 (C) T = total paid minutes;
251 (D) Q = paid minutes featuring the qualifying minor;
252 (E) S = the sum of paid minutes for all qualifying minors;
253 (F) M = the preceding month's income from social media; and
254 (G) X = the total number of qualifying minors; and
255 (b)(i) subject to Subsection (5)(b)(ii), transfer the minor's earnings described in
256 Subsection (5)(a)(i) directly to the qualifying minor; or
257 (ii) after the qualifying minor's parent or guardian establishes a trust as described in
258 Subsection (3)(c), transfer the qualifying minor's earnings calculated to each
259 qualifying minor's trust.
260 (6)(a) The content creator shall make a transfer described in Subsection (5) in
261 accordance with Title 75A, Chapter 8, Uniform Transfer to Minors.
262 (b) The content creator shall make the calculations and the transfers described in
263 Subsection (5) before the end of the month following the month in which the content
264 creator received minor content earnings.
265 (7)(a) A content creator may petition a court for an exception to Subsection (5) if:
266 (i) the content creator shows complying with Subsection (5) causes undue hardship;

- 267 (ii) the content creator provides an alternative plan to distribute compensation to a
268 qualifying minor; and
- 269 (iii) the content creator commits to establishing an alternative trust that complies with
270 the requirements of this section.
- 271 (b) A court shall issue an order granting an exception to Subsection (5) if the court
272 determines:
- 273 (i) the content creator adequately shows that complying with Subsection (5) causes
274 undue hardship; and
- 275 (ii) the alternative plan described in Subsection (8)(a)(ii) is in the best interest of the
276 qualifying minor.
- 277 (8) Notwithstanding any other statute of limitation or repose that may be applicable to an
278 action described in this section, an individual, for up to five years after the day on which
279 the individual turns 18 years old, has a right of action:
- 280 (a) against:
- 281 (i) a content creator if the content creator fails to transfer funds to the individual's
282 trust during the time the individual was a qualifying minor as required under this
283 section;
- 284 (ii) a trustee if the trustee fails to appoint a trust company to serve as the trustee as
285 required under this section; and
- 286 (iii) an individual's parent or guardian, if the parent or guardian fails to:
- 287 (A) establish a trust as required under this section; or
- 288 (B) notify the content creator of the existence of the trust as required under this
289 section; and
- 290 (b) only if a court did not issue an order granting an exception as described in
291 Subsection (7)(b).
- 292 (9) If an individual brings a cause of action under Subsection (8), a court may award:
- 293 (a) actual damages;
- 294 (b) punitive damages;
- 295 (c) any other remedy provided by law; and
- 296 (d) reasonable costs and attorney fees.
- 297 (10) A minor that creates, produces, or publishes the minor's own social media content is
298 entitled to all compensation resulting from the social media content.
- 299 (11) The provisions of this section supersede any agreement related to venue, arbitration, or
300 mediation in a contract entered into after May 7, 2025, between a qualifying minor and a

301 content creator.

302 Section 4. Section **34-23-504** is enacted to read:

303 **34-23-504 . Minor's right of deletion.**

304 (1) An individual, who is at least 18 years old, may request that a content creator delete or
305 edit any social media content that the content creator posted featuring the individual as a
306 qualifying minor or a market value compensated minor by making a request to a social
307 media company.

308 (2) The social media company may verify the age of the individual when the individual
309 submits the request to delete or edit the content creator's post featuring the individual as
310 a qualifying minor or market value compensated minor.

311 (3) A social media company shall provide a readily apparent process for an individual
312 described in Subsection (1) to submit a request for a content creator to:

313 (a) delete the post from the social media platform; or

314 (b) edit posts to remove the individual's personal content.

315 (4) An individual submitting a request under this section shall include all information
316 reasonably requested by the social media company to identify the individual and the
317 social media content featuring the individual as a qualifying minor or a market value
318 compensated minor that the individual requests to delete or edit.

319 (5) Upon receiving a request described in Subsection (1), a social media company shall
320 inform the content creator of the request within three business days after the day on
321 which the social media company receives the request.

322 (6)(a) Within ten business days after the day on which the content creator receives the
323 notice described in Subsection (5), the content creator shall:

324 (i) delete or edit the social media content described in the request; or

325 (ii) notify the social media company of:

326 (A) the content creator's decision to not delete or edit the social media content; and

327 (B) the content creator's reason for not deleting or editing the social media content.

328 (b) The social media company shall inform the individual making the request of the
329 content creator's decision under Subsection (6)(a) within three business days after the
330 day on which the social media company receives notification from the content creator.

331 (7)(a) Subject to Subsection (7)(d), an individual who was a qualifying minor or a
332 market value compensated minor has a right of action under this section against the
333 content creator if the content creator does not edit or delete social media content that
334 features the individual after a request described in Subsection (1).

- 335 (b) If an individual brings an action in accordance with Subsection (7)(a), a court shall
336 consider:
- 337 (i) any emotional harm or substantial embarrassment the social media content causes
338 the individual;
- 339 (ii) the interests of the content creator in the social media content; and
340 (iii) the public interest served by the social media content.
- 341 (c) If the court issues an order requiring the content creator to delete the social media
342 content that is the subject of the individual's request, the court shall award the
343 individual:
- 344 (i) if the content creator's social media content featured the individual as a qualifying
345 minor:
- 346 (A) actual damages; and
347 (B) reasonable costs and attorney fees; or
- 348 (ii) if the content creator's social media content featured the individual as a market
349 value compensated minor, actual damages that occurred after the day on which the
350 individual turned 18 years old.
- 351 (d) An individual who was a market value compensated minor may bring an action
352 under this Subsection (7) for up to the later of:
- 353 (i) three years after the day on which the individual turns 18 years old; or
354 (ii) three years after the day on which the individual knew or should have known that
355 the social media content inflicted emotional harm or substantial embarrassment.
- 356 (8) The provisions of this section supersede any agreement related to venue, arbitration, or
357 mediation in a contract entered into after May 7, 2025, between an individual petitioning
358 a court to edit or delete the social media content and a social media service.

359 **Section 5. Effective Date.**

360 This bill takes effect on May 7, 2025.