

Chapter 23 Employment of Minors

Part 1 General Provisions

34-23-101 Policy of state.

It is a policy of the state of Utah to encourage the growth and development of minors through providing opportunities for work and for related work learning experience while at the same time adopting reasonable safeguards for their health, safety, and education.

Amended by Chapter 113, 1992 General Session

34-23-102 Chapter to be liberally construed.

When this chapter, or any part or section of it, is interpreted by a court, it shall be liberally construed by that court.

Enacted by Chapter 8, 1990 General Session

34-23-103 Definitions.

As used in this chapter:

- (1) "Calendar week" means a period of any seven consecutive calendar days.
- (2) "Casual work" is employment on an incidental, occasional, or nonregular basis which is not considered full-time or routine.
- (3) "Commission" means the Labor Commission.
- (4) "Division" means the Division of Antidiscrimination and Labor in the commission.
- (5) "Hazardous agricultural occupation" means any occupation defined as hazardous by the United States Department of Labor under 29 C.F.R. Sec. 570.71, subject to the exception described in 29 C.F.R. Sec. 570.70(b) and the exemptions described in 29 C.F.R. Sec. 570.72.
- (6) "Hazardous occupation" is any occupation defined as hazardous by the United States Department of Labor under 29 U.S.C. Sec. 201 et seq., the Fair Labor Standards Act.
- (7) "Labor Day" means the legal holiday called Labor Day established in Section 63G-1-301.
- (8) "Minor" means an individual under 18 years old.
- (9) "Minor's school district" means the public school district in which a minor resides while the minor is employed.
- (10) "School day" means any calendar day in which students are required to attend school, including a partial day, in a minor's school district.
- (11) "School week" means any calendar week in which students are required to attend school, including a partial day, in a minor's school district.

Amended by Chapter 221, 2024 General Session

34-23-104 Duty of commission to establish hours and conditions -- Promulgation of rules.

- (1) The commission shall ascertain and establish the hours and the conditions of labor and employment for any occupation in which minors are employed.
- (2) The commission may promulgate rules consistent with this chapter in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 382, 2008 General Session

Part 2

Occupations of Minors

34-23-201 Employment of minors in hazardous occupations prohibited -- Exceptions.

A minor may not be employed or permitted to work in any hazardous occupation except as authorized by the division in writing when the minor is under careful supervision in connection with or following completion of an apprentice program, vocational training, or rehabilitation program as approved by the division.

Amended by Chapter 240, 1996 General Session

34-23-202 Employment of minors under 16 during school hours -- Hours of work limited.

- (1) A minor under 16 years old may not be employed or permitted to work during school hours except as authorized by the proper school authorities.
- (2) Except as provided in the exemptions described in 29 U.S.C. Sec. 213 and the exceptions described in 29 C.F.R. Sec. 570.35:
 - (a) a minor under 16 years old may not be permitted to work:
 - (i) more than three hours in one school day;
 - (ii) more than 18 hours in one school week;
 - (iii) more than eight hours in one calendar day;
 - (iv) more than 40 hours in one calendar week; or
 - (v) except as provided in Subsection (2)(b), before 7:00 a.m. or after 7:00 p.m.
 - (b) beginning on June 1 and ending on Labor Day, a minor under 16 years old may work until, but not after, 9:00 p.m.

Amended by Chapter 221, 2024 General Session

34-23-203 Permitted occupations for minors 16 or older.

Minors 16 years of age or older may work:

- (1) in all occupations not declared hazardous; and
- (2) in occupations which involve the use of motor vehicles if the minor is licensed to operate the motor vehicle for employment purposes under state law.

Renumbered and Amended by Chapter 8, 1990 General Session

34-23-204 Permitted occupations for minors 14 or older.

- (1) Minors 14 years old or older may work in a wide variety of nonhazardous occupations including:
 - (a) retail food services;
 - (b) automobile service stations, except for the operation of motor vehicles and the use of hoists;
 - (c) janitorial and custodial service;
 - (d) lawn care;
 - (e) the use of approved types of vacuum cleaners, floor polishers, lawn mowers, and sidewalk snow removal equipment; and

- (f) other similar work as approved by the division.
- (2) Minors 14 years old or older may also work in nonhazardous areas in manufacturing, warehousing and storage, construction, and other such areas not determined harmful by the division.

Amended by Chapter 221, 2024 General Session

34-23-205 Permitted occupations for minors 12 or older.

Minors 12 years old or older may work in occupations such as:

- (1) delivery of newspapers to consumers;
- (2) baby-sitting;
- (3) agricultural occupations that are not hazardous agricultural occupations; and
- (4) any other occupation not determined harmful by the division.

Amended by Chapter 221, 2024 General Session

34-23-206 Permitted occupations for minors 10 or older.

Minors 10 years old or older may work in occupations such as:

- (1) delivery of newspapers to consumers;
- (2) caddying; and
- (3) any occupation not determined harmful by the division.

Amended by Chapter 221, 2024 General Session

34-23-207 Permitted occupations with no specific age limitations or restrictions.

With consent of the minor's parent, guardian, or custodian, no specific age limitations or restrictions are imposed and the restrictions described in Section 34-23-202 do not apply for:

- (1) home chores and other work done for parent or guardian;
- (2) any casual work not determined harmful by the division;
- (3) an agricultural occupation that is not a hazardous agricultural occupation;
- (4) acting or performing in:
 - (a) a motion picture;
 - (b) a theatrical production;
 - (c) a performing arts production;
 - (d) a radio broadcast; or
 - (e) a television production; or
- (5) work for which a specific, written authorization has been made by the division.

Amended by Chapter 221, 2024 General Session

34-23-208 Exceptions.

The provisions of this chapter do not apply to a person who is 16 years of age or older and for whom employment would not endanger the person's health and safety if that person:

- (1) has received a high school diploma;
- (2) has received a school release certificate;
- (3) is legally married; or
- (4) is head of a household.

Amended by Chapter 297, 2011 General Session

34-23-209 Age certificates issued by schools -- Responsibility of employers.

- (1) All public and private schools and school districts within the state shall cooperate with employers or prospective employers by issuing age certificates or lists of students or recent students showing their dates of birth according to school records.
- (2) Such age certificates do not relieve employers of full responsibility for complying with all laws and rules pertaining to the employment of minors.

Renumbered and Amended by Chapter 8, 1990 General Session

Part 3
Minimum Wages

34-23-301 Minimum hourly wages.

The commission may establish minimum hourly wages for minors. If there is an established minimum hourly wage for adults, the minimum hourly wages for minors may be established at a lesser amount.

Amended by Chapter 375, 1997 General Session

34-23-302 Criminal penalty -- Enforcement.

- (1)
 - (a) Repeated violation of Section 34-23-301 is a class B misdemeanor.
 - (b) "Repeated violation" does not include separate violations as to individual employees arising out of the same investigation or enforcement action.
- (2) Upon the third violation of Section 34-23-301 by the same employer within a three-year period, the commission may prosecute a criminal action in the name of the state.
- (3) The county attorney, district attorney, or attorney general shall provide assistance in prosecutions under this section at the request of the commission.

Amended by Chapter 375, 1997 General Session

34-23-303 Civil action allowed.

- (1) In addition to the administrative action authorized by Section 34-23-401, and criminal actions authorized by Sections 34-23-302 and 34-23-402, a minor employee may bring a civil action to enforce the minor employee's right to a minimum wage under Section 34-23-301.
- (2)
 - (a) An aggrieved minor employee is entitled to injunctive relief and may recover the difference between the wage paid and the minimum wage, plus interest.
 - (b) The court may award court costs and attorney fees to the prevailing party.
- (3) An action brought under this section shall be brought within two years of the alleged violation.

Amended by Chapter 302, 2025 General Session

Part 4 Penalties

34-23-401 Investigation by division -- Administrative penalty.

- (1) The director of the division or the director's designee shall have authority to enter and inspect any place or establishment covered by this chapter and to have access to such records as may aid in the enforcement of this chapter.
- (2) The division may investigate any complaint under this chapter and may commence an administrative proceeding with a penalty of up to \$500 per violation. Administrative proceedings conducted under this section shall be consistent with Title 63G, Chapter 4, Administrative Procedures Act.

Amended by Chapter 382, 2008 General Session

34-23-402 Violation -- Criminal penalty.

- (1)
 - (a) The commission may prosecute a misdemeanor criminal action in the name of the state.
 - (b) The county attorney, district attorney, or attorney general shall provide assistance in prosecutions under this section at the request of the commission.
- (2) A person, whether individually or as an officer, agent, or employee of any person, firm, or corporation, violates this section by:
 - (a) knowingly employing a minor or permitting a minor to work in a repeated violation of this chapter;
 - (b) refusing or knowingly neglecting to furnish to the commission, any information requested by the commission under this chapter;
 - (c) refusing access to that person's place of business or employment to the commission or the commission's authorized representative when access has been requested in conjunction with an investigation related to this section;
 - (d) hindering the commission or the commission's authorized representative in the securing of any information authorized by this section;
 - (e) refusing or knowingly omitting or neglecting to keep any of the records required by this chapter;
 - (f) knowingly making a false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this chapter;
 - (g) discharging an employee or threatening to or retaliating against an employee because:
 - (i) the employee has testified;
 - (ii) is about to testify; or
 - (iii) the employer believes that the employee may testify in an investigation or proceeding relative to the enforcement of this chapter; or
 - (h) willfully violating an order issued under this chapter.
- (3)
 - (a) Except as provided in Subsection (3)(b) or (3)(c), a violation of Subsection (2) is a class B misdemeanor.
 - (b) A violation of Subsection (2) is a class A misdemeanor if the person has previously been convicted of a violation of Subsection (2).
 - (c) A violation of Subsection (2) is a third degree felony if the person has previously been convicted of a violation of Subsection (2) two or more times.

- (4)
 - (a) If the commission has reasonable suspicion that a person under investigation for a violation of this section may have committed other criminal acts, the commission shall report the commission's observations to the State Bureau of Investigation.
 - (b) The State Bureau of Investigation may:
 - (i) investigate a reported violation described in Subsection (4)(a); or
 - (ii) forward a reported violation described in Subsection (4)(a) to a law enforcement or a state agency with jurisdiction over the reported violation.
 - (c) The commission shall share any information relating to an offense described in this section with law enforcement.
- (5) This section does not apply to a violation of Section 34-23-301.

Amended by Chapter 171, 2025 General Session

Part 5

Employment of Minors in Entertainment

34-23-501 Definitions.

As used in this part:

- (1)
 - (a) "Administrative cost" means a reasonable cost that a content creator incurs when making social media content.
 - (b) "Administrative cost" includes:
 - (i) an expense directly related to the production of social media content; and
 - (ii) a social media service fee.
 - (c) "Administrative cost" does not mean any income a content creator pays to the content creator.
- (2) "Compensated content" means paid minutes that feature a qualifying minor's personal content.
- (3)
 - (a) "Content creator" means an individual who produces social media content.
 - (b) "Content creator" does not include a minor who is the sole producer of the minor's own social media content.
- (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:
 - (a) were published in the calendar month immediately before the day on which the content creator makes the determination; and
 - (b) feature the personal content of an individual other than the content creator.
- (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.
- (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.
- (7) "Market value compensated minor" means a minor who:
 - (a) in a calendar year, has an average monthly content share of at least 30% of a content creator's content;
 - (b) is featured in social media content where the content creator:
 - (i) received income from social media of at least \$150,000 in a calendar year; and

- (ii) is the parent or guardian of the minor;
 - (c) receives compensation for appearing in a content creator's content that is substantially equivalent to the compensation that similarly situated represented minors would receive;
 - (d) is not represented in negotiations relating to the minor's appearance in the content creator's content; and
 - (e) is not a qualified minor or a represented minor.
- (8) "Minor" means an individual who is under 18 years old.
- (9) "Minor content earnings" means any portion of income from social media that resulted from paid minutes featuring a qualifying minor.
- (10) "Paid minutes" means the total number of minutes of social media content that generates income from social media.
- (11)
- (a) "Performer" means an individual who, either directly or through a third-party:
 - (i) renders artistic or creative services in a motion picture, theater, radio, television production, or social media content in exchange for compensation under an employment contract;
 - (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:
 - (A) literary, musical, artistic, or dramatic properties;
 - (B) the use of the individual's name, likeness, recording, or performance; or
 - (C) the story of or the incidents in the life of the individual; or
 - (iii) appears in social media content as a market value compensated minor.
 - (b) "Performer" includes an individual who engages in an activity described in Subsection (11)(a)
 - (i) or (ii) as:
 - (i) an actor or actress;
 - (ii) a dancer;
 - (iii) a musician;
 - (iv) a stunt double;
 - (v) a writer;
 - (vi) a director;
 - (vii) a producer;
 - (viii) a choreographer;
 - (ix) a composer;
 - (x) a conductor;
 - (xi) a designer; or
 - (xii) a represented minor.
- (12) "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.
- (13) "Qualifying minor" means a minor who:
- (a) a content creator determines on January 1 of each year, that in the immediately preceding calendar year:
 - (i) had an average monthly content share of at least 30% of a content creator's content; and
 - (ii) was featured in social media content where the content creator received income from social media of at least \$150,000 in a calendar year; and
 - (b) is not a represented minor or a market value compensated minor.
- (14) "Represented minor" means a minor:
- (a) in a calendar year, has an average monthly content share of at least 30% of a content creator's content;

- (b) who is featured in social media content where the content creator received income from social media of at least \$150,000 in a calendar year;
- (c)
 - (i) who is represented by a parent, guardian, attorney, or other individual with a fiduciary duty to the minor and who is not the content creator in negotiations relating to a minor's appearance in a content creator's social media content; and
 - (ii) whose parent, guardian, attorney, or other individual with a fiduciary duty to the minor enters into an employment agreement with the content creator.
- (15) "Social media company" means the same as that term is defined in Section 13-71-101.
- (16) "Social media content" means video content shared on a social media service that meets the social media service's threshold for the generation of income from social media.
- (17) "Social media service" means the same as that term is defined in Section 13-71-101.

Enacted by Chapter 245, 2025 General Session

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

- (1) As used in this section, "employer," as that term relates to a market value compensated minor, means the market value compensated minor's parent or guardian.
- (2) On or before January 30 of a calendar year, if in the preceding calendar year a performer earned income of \$20,000 or more, the performer's parent or guardian shall:
 - (a) establish a trust for the benefit of the performer in accordance with Title 75A, Chapter 8, Uniform Transfer to Minors; and
 - (b) unless the performer is a market value compensated minor, notify the performer's employer of the existence of the trust and any additional information required for the employer to transfer gross earnings to the trust.
- (3)
 - (a) Subject to Subsection (3)(b), the performer's parent or guardian may serve as the trustee of the trust.
 - (b) If the average monthly balance of the trust exceeds \$250,000 for a consecutive period of at least six months:
 - (i) the trustee of the trust shall petition a court to appoint a trustee to replace the trustee; and
 - (ii) after receiving a petition under Subsection (3)(b)(i), a court shall appoint a new trustee to replace the trustee.
 - (c) A performer's parent or guardian may not access the funds in the trust.
 - (d) 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.
- (4) The performer's employer shall transfer 15% of the performer's gross earnings into the trust:
 - (a) no later than 30 days after the day on which the minor's employment terminates if the minor's term of employment is 30 days or fewer; or
 - (b) on the same date that the employer makes payments in accordance with the employer's regular pay period, if the performer's term of employment is more than 30 days.
- (5) The performer's employer shall make the transfer described in Subsection (4) in accordance with Title 75A, Chapter 8, Uniform Transfer to Minors.
- (6) After the performer's employer completes the transfer described in Subsection (4), the performer's employer has no further obligations under this section.
- (7) 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:

- (a) an employer if the employer fails to transfer funds to the individual's trust as required under this section;
 - (b) an individual's parent or guardian if the individual's parent or guardian fails to:
 - (i) establish a trust as required under this section; or
 - (ii) notify the individual's employer of the existence of the trust as required under this section;and
 - (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.
- (8) If an individual brings a cause of action under Subsection (7), a court may award:
- (a) actual damages;
 - (b) punitive damages;
 - (c) any other remedy provided by law; and
 - (d) reasonable costs and attorney fees.

Enacted by Chapter 245, 2025 General Session

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

- (1) A content creator that produces social media content featuring a qualifying minor shall maintain a monthly record of:
- (a) income from social media;
 - (b) the qualifying minor's name and documentation of the qualifying minor's age;
 - (c) paid minutes;
 - (d) minor content earnings;
 - (e) compensated content; and
 - (f) the funds transferred into a trust for the benefit of a qualifying minor, as described in Subsection (5).
- (2) The content creator shall:
- (a) retain the records described in Subsection (1) for at least two years after the day on which the content creator creates the records;
 - (b) provide notice to the qualifying minor of the existence of the records; and
 - (c) make the records readily available to the minor for review upon request from the qualifying minor.
- (3)
- (a) If any portion of a content creator's social media content contains a minor, on January 1 of each year, the content creator shall make a determination as to whether the minor is a qualifying minor.
 - (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:
 - (i) that the minor is a qualifying minor; and
 - (ii) of any compensation the content creator shall pay to the qualifying minor in accordance with Subsection (5).
 - (c) Within 15 days after the day on which the content creator informs the qualifying minor's parent or guardian as described in Subsection (3)(b), the parent or guardian of the qualifying minor shall, if the total amount of compensation described in Subsection (3)(b)(ii) equals or exceeds \$20,000:
 - (i) establish a trust for the benefit of the qualifying minor in accordance with Title 75A, Chapter 8, Uniform Transfer to Minors;
 - (ii) notify the content creator of the existence of the trust; and

- (iii) provide any additional information required for the content creator to make transfers of gross earnings into the trust.
 - (d) If the parent or guardian of the qualifying minor is the content creator, the requirement to notify the qualifying minor's parent or guardian described in Subsections (3)(b) and (3)(c) does not apply.
- (4)
- (a) The qualifying minor's parent or guardian may serve as the trustee of the trust.
 - (b) If the average monthly balance of the trust exceeds \$250,000 for a consecutive period of at least six months:
 - (i) the trustee of the trust shall petition a court to appoint a trustee to replace the trustee; and
 - (ii) after receiving a petition under Subsection (4)(c)(i), a court shall appoint a new trustee to replace the trustee.
 - (c) The qualifying minor's parent or guardian may not access the funds in the trust.
 - (d) 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.
- (5)
- (a) If a content creator's content had minor content earnings in the previous month, a content creator shall use the formula $E = (A/T) * (Q/S) * (M/2)$ or the formula $E = (A/T) * (1/X) * (M/2)$ to determine the qualifying minor's earnings to transfer to each qualifying minor where:
 - (i) E = a qualifying minor's earnings;
 - (ii) A = all paid minutes featuring any qualifying minor;
 - (iii) T = total paid minutes;
 - (iv) Q = paid minutes featuring the qualifying minor;
 - (v) S = the sum of paid minutes for all qualifying minors;
 - (vi) M = the preceding month's income from social media; and
 - (vii) X = the total number of qualifying minors; and
 - (b)
 - (i) subject to Subsection (5)(b)(ii), transfer the minor's earnings described in Subsection (5)(a)(i) directly to the qualifying minor; or
 - (ii) after the qualifying minor's parent or guardian establishes a trust as described in Subsection (3)(c), transfer the qualifying minor's earnings calculated to each qualifying minor's trust.
- (6)
- (a) The content creator shall make a transfer described in Subsection (5) in accordance with Title 75A, Chapter 8, Uniform Transfer to Minors.
 - (b) The content creator shall make the calculations and the transfers described in Subsection (5) before the end of the month following the month in which the content creator received minor content earnings.
- (7)
- (a) A content creator may petition a court for an exception to Subsection (5) if:
 - (i) the content creator shows complying with Subsection (5) causes undue hardship;
 - (ii) the content creator provides an alternative plan to distribute compensation to a qualifying minor; and
 - (iii) the content creator commits to establishing an alternative trust that complies with the requirements of this section.
 - (b) A court shall issue an order granting an exception to Subsection (5) if the court determines:
 - (i) the content creator adequately shows that complying with Subsection (5) causes undue hardship; and

- (ii) the alternative plan described in Subsection (7)(a)(ii) is in the best interest of the qualifying minor.
- (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:
 - (a) against:
 - (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;
 - (ii) a trustee if the trustee fails to appoint a trust company to serve as the trustee as required under this section; and
 - (iii) an individual's parent or guardian, if the parent or guardian fails to:
 - (A) establish a trust as required under this section; or
 - (B) notify the content creator of the existence of the trust as required under this section; and
 - (b) only if a court did not issue an order granting an exception as described in Subsection (7)(b).
- (9) If an individual brings a cause of action under Subsection (8), a court may award:
 - (a) actual damages;
 - (b) punitive damages;
 - (c) any other remedy provided by law; and
 - (d) reasonable costs and attorney fees.
- (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.
- (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.

Enacted by Chapter 245, 2025 General Session

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

- (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 minor or a market value compensated minor by making a request to a social media company.
- (2) 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 market value compensated minor.
- (3) 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:
 - (a) delete the post from the social media platform; or
 - (b) edit posts to remove the individual's personal content.
- (4) An individual submitting a request under this section shall include all information reasonably requested by the social media company to identify the individual and the social media content featuring the individual as a qualifying minor or a market value compensated minor that the individual requests to delete or edit.
- (5) Upon receiving a request described in Subsection (1), a social media company shall inform the content creator of the request within three business days after the day on which the social media company receives the request.
- (6)
 - (a) Within ten business days after the day on which the content creator receives the notice described in Subsection (5), the content creator shall:

- (i) delete or edit the social media content described in the request; or
 - (ii) notify the social media company of:
 - (A) the content creator's decision to not delete or edit the social media content; and
 - (B) the content creator's reason for not deleting or editing the social media content.
 - (b) The social media company shall inform the individual making the request of the content creator's decision under Subsection (6)(a) within three business days after the day on which the social media company receives notification from the content creator.
- (7)
- (a) Subject to Subsection (7)(d), an individual who was a qualifying minor or a market value compensated minor has a right of action under this section against the content creator if the content creator does not edit or delete social media content that features the individual after a request described in Subsection (1).
 - (b) If an individual brings an action in accordance with Subsection (7)(a), a court shall consider:
 - (i) any emotional harm or substantial embarrassment the social media content causes the individual;
 - (ii) the interests of the content creator in the social media content; and
 - (iii) the public interest served by the social media content.
 - (c) If the court issues an order requiring the content creator to delete the social media content that is the subject of the individual's request, the court shall award the individual:
 - (i) if the content creator's social media content featured the individual as a qualifying minor:
 - (A) actual damages; and
 - (B) reasonable costs and attorney fees; or
 - (ii) if the content creator's social media content featured the individual as a market value compensated minor, actual damages that occurred after the day on which the individual turned 18 years old.
 - (d) An individual who was a market value compensated minor may bring an action under this Subsection (7) for up to the later of:
 - (i) three years after the day on which the individual turns 18 years old; or
 - (ii) three years after the day on which the individual knew or should have known that the social media content inflicted emotional harm or substantial embarrassment.
- (8) 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.

Enacted by Chapter 245, 2025 General Session