

HOUSE BILL NO. 1998

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MANN.

3684H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 294.011, RSMo, and to enact in lieu thereof three new sections relating to child labor, with a delayed effective date.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 294.011, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 294.011, 294.035, and 294.036, to read as follows:

294.011. As used in this chapter, the following terms mean:

- 2 (1) "Child", an individual under sixteen years of age, unless otherwise specified;
- 3 (2) "Commission", the labor and industrial relations commission;
- 4 (3) "Department", the department of labor and industrial relations;
- 5 (4) "Department director", the director of the department of labor and industrial
- 6 relations;
- 7 (5) "Director", the director of the division of labor standards;
- 8 (6) "Division", the division of labor standards;
- 9 (7) "Employ", engage a child in gainful employment for wages or other remuneration.

10 The term employ shall not include any child working under the direct control of the child's
11 parent and shall not include the following services which may be performed by any child over
12 the age of twelve:

- 13 (a) The delivery or sales of newspapers;
- 14 (b) Child care;
- 15 (c) Occasional yard or farm work, including agriculture work as defined in
16 subdivision (1) of section 290.500, performed by a child with the knowledge and consent of
17 the child's parent. A child may operate lawn and garden machinery as specified in subsection

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (1) of section 294.040, provided that, no child shall be permitted to engage in any activities
19 prohibited by section 294.040;

20 (d) Participating in a youth sporting event as a referee, coach or other position
21 necessary to the sporting event; except that, this paragraph shall not include working at a
22 concession stand. For purposes of this paragraph, "youth sporting event" means an event
23 where all players are under the age of eighteen and the event is sponsored and supervised by a
24 public body or a not-for-profit entity;

25 (8) **"Family", a group of persons related by blood or marriage, including civil**
26 **partnerships, or whose close relationship with each other is considered equivalent to a**
27 **family relationship by the individuals;**

28 (9) **"Online platform", any public-facing website, web application, or digital**
29 **application, including a mobile application. "Online platform" includes a social**
30 **network, advertising network, mobile operating system, search engine, email service, or**
31 **internet access service;**

32 (10) "Parent", a child's parent, legal custodian or guardian;

33 (11) **"Vlog", content shared on an online platform in exchange for**
34 **compensation;**

35 (12) **"Vlogger", an individual or family that creates video content performed in**
36 **Missouri in exchange for compensation and includes any proprietorship, partnership,**
37 **company, or other corporate entity assuming the name or identity of a particular**
38 **individual or family for the purposes of that content creation. "Vlogger" does not**
39 **include any person under sixteen years of age who produces his or her own vlogs.**

294.035. 1. A child under sixteen years of age is considered engaged in the work
2 of vlogging when the following criteria are met at any time during the previous twelve-
3 month period:

4 (1) **At least thirty percent of the vlogger's compensated video content produced**
5 **within a thirty-day period included the likeness, name, or photograph of the child.**
6 **Content percentage is measured by the percentage of time the likeness, name, or**
7 **photograph of the child visually appears or is the subject of an oral narrative in a video**
8 **segment, as compared to the total length of the segment; and**

9 (2) **The number of views received per video segment on any online platform met**
10 **the online platform's threshold for the generation of compensation or the vlogger**
11 **received actual compensation for video content equal to or greater than ten cents per**
12 **view.**

13 2. **Upon reaching the age of majority, any individual who was a child engaged in**
14 **the work of vlogging as described in subsection 1 may request the permanent deletion of**
15 **any video segment or content including the likeness, name, or photograph of the**

16 individual from any online platform that provided compensation to a vlogger in
17 exchange for video content that featured the child engaged in the work of vlogging. An
18 online platform shall take all reasonable steps to permanently delete the video segment
19 or content after it receives the request from an individual described in this subsection.

20 **3. With the exception of sections 294.011 and 294.036, the provisions of this**
21 **chapter do not apply to a minor engaged in the work of vlogging.**

22 **4. All vloggers whose content features a child under sixteen years of age engaged**
23 **in the work of vlogging shall maintain the following records and shall provide them to**
24 **the child on an ongoing basis:**

25 **(1) The name and documentary proof of the age of the child engaged in the work**
26 **of vlogging;**

27 **(2) The number of vlogs that generated compensation as described in subsection**
28 **1 during the reporting period;**

29 **(3) The total number of minutes of the vlogs that the vlogger received**
30 **compensation for during the reporting period;**

31 **(4) The total number of minutes each child was featured in vlogs during the**
32 **reporting period;**

33 **(5) The total compensation generated from vlogs featuring a child during the**
34 **reporting period; and**

35 **(6) The amount deposited into the trust account for the benefit of the child**
36 **engaged in the working of vlogging, as required by section 294.036.**

37 **5. If a vlogger whose vlog content features a child under sixteen years of age**
38 **engaged in the work of vlogging fails to maintain the records as provided under**
39 **subsection 4, the child may commence a civil action to enforce the provisions of this**
40 **section.**

294.036. 1. A child satisfying the criteria described in subsection 1 of section
2 **294.035 shall be compensated by the vlogger. The vlogger shall set aside gross earnings**
3 **on the video content, including the likeness, name, or photograph of the child in a trust**
4 **account to be preserved for the benefit of the child upon reaching the age of majority,**
5 **according to the following distribution:**

6 **(1) Where only one child meets the content threshold described under section**
7 **294.035, the percentage of total gross earnings on any video segment, including the**
8 **likeness, name, or photograph of the child that is equal to or greater than half of the**
9 **content percentage that includes the child as described under 294.035; or**

10 **(2) Where more than one child meets the content threshold described in section**
11 **294.035 and a video segment includes more than one of those children, the percentage**
12 **described in subdivision (1) for all children in any segment shall be equally divided**

13 between the children, regardless of differences in percentage of content provided by the
14 individual children.

15 2. A trust account required under this section shall provide, at a minimum, the
16 following:

17 (1) That the funds in the account shall be available only to the child engaged in
18 the work of vlogging;

19 (2) (a) That the account shall be held by a bank or trust company, as such terms
20 are defined under section 362.332; or a corporate fiduciary, as such term is defined
21 under this subdivision;

22 (b) A "corporate fiduciary" is defined as a trust company; the trust department
23 of a bank, savings bank, savings and loan association, or foreign banking corporation
24 authorized to conduct business under Missouri laws; or any person that is required to
25 and has received a certificate of authority under chapter 362 authorizing the exercise of
26 trust powers. The term "corporate fiduciary" also includes a national bank or federally
27 chartered savings and loan association or savings bank which is authorized by the
28 appropriate federal agency to accept and execute trusts and which has its principal
29 place of business in this state, whenever such construction is necessary so that the
30 national bank or federally chartered savings and loan association or savings bank may
31 enjoy and exercise in this State all of the powers, rights and privileges authorized or
32 permitted to a corporate fiduciary;

33 (3) That the funds in the account shall become available to the child engaged in
34 the work of vlogging upon the child attaining eighteen years of age or until the child is
35 declared emancipated; and

36 (4) That the account meets the requirements of the Missouri transfers to minors
37 law under sections 404.005 to 404.094.

38 3. If a vlogger knowingly or recklessly violates this section, a child satisfying the
39 criteria described in subsection 1 of section 294.035 may commence an action to enforce
40 the provisions of this section regarding the trust account. The court may award, to a
41 child who prevails in any action brought in accordance with this section, the following
42 damages:

43 (1) Actual damages;

44 (2) Punitive damages; and

45 (3) The costs of the action, including attorney's fees and litigation costs.

46 4. This section does not affect a right or remedy available under any other law of
47 the state.

48 5. Nothing in this section shall be interpreted to have any effect on a party that is
49 neither the vlogger nor the child engaged in the work of vlogging.

Section B. The repeal and reenactment of section 294.011 and enactment of sections
2 294.035 and 294.036 of this act shall become effective on January 1, 2025.

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