



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 1998		DATE: 4/23/2024
COMMITTEE: Special Committee on Innovation and Technology		
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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: AMBER WEISE		PHONE NUMBER:
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Children have a right to privacy and a right to revenue they generate.



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WITNESS NAME: ARNIE C. "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCATE		PHONE NUMBER:	
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I had walked into the House Committee Hearing Room of the House Committee On Innovation & Technology. The call of Oral Public Hearing Testimony went by quickly and I could not react fast enough. I am in favor of the Bill as this Bill is unfortunately needed as some Parents are taking advance of their child over the "Old Mighty Dollar." These Protections are necessary to be provided to Missouri Minors.



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WITNESS NAME: BRAD DAVIS		PHONE NUMBER:	
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Introduction My name is Brad Davis, testifying individually in favor of HB1998. Since 2014, I have held a variety of professional roles in the space of social media marketing, specifically as it relates to compensating influencers (A.K.A “vloggers”) for their promotion of certain brands and products within their content. As such, I’m familiar with the working conditions of said influencers, the scale of monetary compensation they have accessible to them, and the role that minors play in the production of associated content. Context It is important to understand that the world of online content creation, sometimes referred to as the “Creator Economy”, is well-documented in it’s large size and expected growth. As an example, Goldman Sachs Research expects the 50 million global creators to grow at a 10 -20% compound annual growth rate during the next five years. While obviously not all of these creators feature minors in their content (which content can earn sizable amounts of money via brand endorsement deals, share of social platform advertising revenue, merchandise, etc.), there’s still vast categories of content and creators that do. In such arrangements, like families who document their daily activity in “vlog” format, children of any age are often on camera, every day, for various durations - independent of their own cognitive understanding of the corresponding privacy and safety implications, cognitive consent, and just simply if they are having a bad day. In some cases, even traumatic events such as injuries, school conflicts, car accidents, etc. are specifically exploited by the creators on the sensationalized premise that they can draw in increased viewership, and subsequently increased money. Children’s coping process with these events unfolds with a camera in their face, and broadcast to hundreds, thousands, even millions of people they do not know. Efforts to protect the rights of these minor individuals are imperative, such as by offering them increased access to privacy measures (right for removal, etc.) as well as offering them specific, reserved compensation for the profits of content they are featured in. Closing Social media offers incredible opportunities for creative expression and human connection, manifest by the growing amount of people creating and sharing online. We need to take stronger steps to ensure the rights and privacy of children are preserved while we, in real time, increase our societal understanding of the pros and cons of such technology.



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WITNESS NAME: CAROLINE REECE		PHONE NUMBER:	
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WITNESS NAME: CHRIS MCCARTY		PHONE NUMBER:
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Why is HB 1998 Necessary? Picture this: a family is gathered for a holiday. Someone is holding a camera, and everyone laughs and waves. Years later, they gather and watch the video that documents their happiness. The children in the family have grown, and while they may be embarrassed at their younger selves, the event stays in the family. That was then. Now, imagine a similar family— similar, but not the same. This family is gathered for a holiday too, but this time someone pulls out a smartphone. This time, it isn't just childish antics that will be recorded, but highly personal details— such as grades, mental and physical health issues, and even information about potty training and first periods. This information is then shared and may live forever. This information is then used as clickbait to generate intrigue and revenue for a monetized family channel. These accounts are known as family vlogging accounts, and they diminish children's privacy while using private moments as clickbait. One family even monetized one of their children being born— introducing a child to this world who will grow up in front of a camera, lose the privacy of childhood, and generate revenue for their family without a guarantee of financial compensation. What does HB 1998 Entail? HB 1998 is a bill tailored specifically to prevent this type of monetization. HB 1998 states that family vlogging accounts that generate revenue equal to or greater than \$0.10 per view from their account and at least 30% of the vlogger's content produced within a 30-day period features their kids must set aside a certain percentage of the money generated from those videos for the children featured in escrow. The bill requires both thresholds to be met to ensure that smaller, non-monetized family accounts or accounts that only occasionally feature children will not be subject to this legislation. The bill also protects minors' privacy by allowing them to request the deletion of a video they are in once they reach the age of majority. This Issue is Gaining Traction. The issue of children monetized on family social media accounts is receiving more attention now than ever, and once these kids start growing up, the true extent of the damage of monetized family channels will be realized. My work concerning this issue has been documented by several technology publications (GeekWire, TechCrunch), nationally by the New York Times and internationally by the Dutch Financial Times, among others.



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WITNESS NAME: COURTNEY KENDALL		PHONE NUMBER:
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This is absolutely crucial in our age where children are monetized without consent. Please help these children live authentic childhoods!



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WITNESS NAME		
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WITNESS NAME: JENNIFER RAMIREZ		PHONE NUMBER:
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We need to protect children online!



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WITNESS NAME: MADELEINE MOUREY		PHONE NUMBER:
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WITNESS NAME		
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WITNESS NAME: NEVA SHORT		PHONE NUMBER:
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I strongly support the bill in order to protect the rights and safety of children.



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WITNESS NAME: SUSAN GIBSON		PHONE NUMBER:
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WITNESS NAME: JESSICA MADDOX		PHONE NUMBER:
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Statement for the Record Submitted to the Missouri House Innovation and Technology Committee Hearing on HB 1998 April 23, 2024 Dear Members of the Missouri House Innovation and Technology Committee: My name is Jessica Maddox, and I am writing in my capacity as a researcher and ethnographer of internet culture and social media platforms in the United States, specializing in influencers, content creators, and family vloggers. I am an Assistant Professor in the Department of Journalism and Creative Media at the University of Alabama, though my remarks reflect my views alone and not those of my employer or the state of Alabama. I hold a Ph.D. in Mass Communication from the University of Georgia and am the author of *The Internet is for Cats: How Animal Images Shape our Digital Lives* (Rutgers University Press, 2023), an exploration of pet influencers on social media platforms. My research and commentary have appeared in *New Media & Society*, *Information, Communication & Society*, *Social Media + Society*, *The New York Times*, *The Associated Press*, *Good Morning America*, *CNN*, and elsewhere. I am presently conducting a 2+ year ethnographic research project on former child influencers and the children of family vloggers. These remarks are designed to assist you in your efforts to consider HB 1998, which “modifies provisions of child labor laws and provides additional employment requirements for children engaged in online content creation or vlogging.” What follows is based on more than a decade’s worth of interviews, participant observations, social media content analysis, and deep cultural research into how and why people make content for social media. I also draw upon my ongoing research project into the experiences of now-adults who were forced to be in or make content for their parents’ social media, as well as analysis of the shifting public opinions about this phenomenon. **Understanding Social Media Labor and Celebrity Practices** Over the last two decades, social media exploded into our lives, becoming something we have had to learn to understand and reckon with while it was happening. If you’ll forgive the casual analogy, our grappling with social media, its benefits, and its challenges has been akin to building the plane while we’ve been flying it. This underscores a benefit of potential legislation like HB 1998 – it provides a key safeguard to a practice that has remained wildly unchecked and decades ahead of existing child protection regulations. First, I’ll lay some definitional work, followed by historical and contextual grounding for the phenomena I’m discussing here: Namely, how we can understand influencers, content creators, and family vloggers. While these terms are often used interchangeably, they mean very distinct things to the people who make them (Maddox, Kanthawala, and Gill, forthcoming). While once distinct terms with content creators referring to the broad making of internet content, and influencing referring to people who engaged in brand sponsorship content for the internet, this distinction has collapsed as marketing forces have invaded social media to capitalize on one’s built-in audience, regardless of content type. However, for the purposes of this testimony, I use the terms content creator and influencer interchangeably, given this collapse. The term “family vlogger” is a portmanteau of “family video blogger,” and is a type of content creator or influencer.

Family vlogging falls under the “sharenting” phenomenon, in which parents share (or overshare) pictures and information about their child online (Blum-Ross and Livingstone, 2019). Sharenting and family vlogging are different phenomena, however. Anyone can “sharent” by simply posting pictures or videos of their children online. Family vloggers take sharenting to the next level by seeking to gain fame and monetary compensation through these pictures and videos of their children (Abidin, 2017; Nottingham, 2019). In the broadest sense, all three of these terms refer to contemporary roles within internet celebrity, or the turn from traditional ideals of celebrity (such as actors, singers, musicians, models, etc.) to be based on social media instead of within Hollywood or the music industry. Now, not all these individuals have statuses like Taylor Swift, Jennifer Aniston, or George Clooney. Social media platforms have provided tools and spaces for everyday individuals to bypass existing celebrity gatekeeping hurdles, potentially allowing anyone to become famous. However, this doesn’t happen overnight, or without time, effort, and strategy. I presently teach a course at the University of Alabama called “Social Media Storytelling,” which, in other terms, essentially professionally teaches college students how to be content creators or influencers. While some may be shocked at this entering a collegiate curriculum, my course is a cutting-edge media production class that teaches students video making, editing, brand management, generative AI tools, and portfolio building for the social media age. It also teaches students how to navigate the internet celebrity. My class won’t make my students famous, but it equips them with the tools and self-presentation strategies needed to work in the twenty-first-century media industries. Internet researchers like me refer to these tools and self-presentation strategies these content creators, influencers, and family vloggers engage in as microcelebrity, or “a self-presentation tactic in which people view themselves as a public persona to be consumed by others, use strategic intimacy to appeal to followers, and regard their audiences as fans” (Marwick, 2015). Microcelebrity is a set of practices, not something someone is. However, individuals will use this set of self-presentation tools to hopefully achieve the status and moniker of internet celebrity. By engaging in microcelebrity, content creators, influencers, and family vloggers make social media posts and videos with an eye toward achieving fame. They do this by building individual brands for themselves online (Duffy and Pooley, 2019), with many hoping that they will one day make enough money to quit their “day job” and that they’ll one day make a living “doing what they love” in online content creation (Duffy, 2017). This brings us to the money, which I know is a focus of this bill. The social media and content creation, influencer, and family vlogger market cap is staggering. There are more than 500 hours of video uploaded to YouTube every minute, and TikTok boasts more than 150 million active monthly users in the United States alone. Instagram users watch 17.6 million hours of Reels per day, and the global live video streaming market cap alone was \$1.49 billion in 2023. As an industry, social media content creation had a market cap of \$27.1 billion in 2023, and is on track to be worth over \$90.4 billion in 2033. You may be wondering where the money comes from to pay these content creators, influencers, and family vloggers. Platforms themselves have created payment systems to encourage individuals to make content for their sites. These are the YouTube Partner Program, the TikTok Creativity Program, and the Twitch Partner Program (Meta, the parent company of Facebook and Instagram, ended its creator payout programs in 2023). Each program has their specific mechanisms and qualifications for payments, and each pays creators in different ways. For example, the TikTok Creativity Program pays out per views and watch time for a predetermined lump sum of money the platform has set aside, whereas the YouTube Partner Program shares the advertising revenue from the ads run before or during a YouTube video. These numbers can be staggering: For example, a “small” creator on YouTube with about 5,000 thousand followers can make several hundred dollars a month, while a “mid-size” creator with about 50,000 followers can make several thousand dollars a month. However, most of the income content creators, influencers, and family vloggers does not come from the platforms themselves. The bulk of the money we’re talking about today comes from individual fans, as well as brand sponsorships. Third-party management websites such as Patreon allow fans to pay creators directly, often as they subscribe to paid tiered memberships for additional access to the creator and their content in monthly installments. But brand partnerships are ubiquitous and the largest source of money for content creators, influencers, and family vloggers (Hund, 2023) . Over the last ten years I’ve interviewed over 150 content creators and influencers, and it is not uncommon to hear they’ve been paid around \$8000 per post to feature the company’s product. While this is on the high end of the spectrum, it is emblematic of how much companies are willing to pay. I could go on about the payouts I’ve heard of over the years, but in summation of this section of my testimony, I’ll simply say this – when we talk about financial compensation and updating labor laws for the children of influencers, creators, and family vloggers, we are talking about significant, life-changing amounts of money. With this background concluded, I’ll now turn to how children specifically fit into this economy. Children as Internet Content The “family vlogger” trend, in which parents shared videos of their children and family life, exploded in popularity, originally on YouTube, in the early 2010s (Jorge, Marôpo, Coelho, and Novello, 2021). As I discussed previously, everyone making microcelebrity content on the internet finds their own “brand” or “niche,” and it became apparent during this time

period of the 2010s that family and children focused content was an incredibly popular niche. The video iteration of sharing one's children and family online comes on the heels of the "mom blogger" era, in which such sharing was primarily textual and photograph based (Archer, 2019). Such family internet content has primarily coalesced around sharing family moments such as vacations or first days of school, as well as advice to other parents. The children who appear in their parents' content are referred to among researchers as "micro-microcelebrities" (Abidin, 2017), as they become content to be consumed by followers while their parents strategically present them online. The recording in real-time nature of video allowed for a shift in the type of content that was shared. While the types of content I just mentioned continued, parents could now film their children reacting to things in real time. This included pulling pranks on children, temper tantrums, Christmas present openings, or, even as journalist Fortesa Latifi recently reported for *Cosmopolitan* magazine, the filming of one's daughter's realizing she had begun her first menstrual cycle. A specific niche within this niche involved parents filming their disabled or chronically ill children and talking about their experiences raising these types of children. Internet child safety advocate Cam (known by their TikTok handle @SoftScorpio) has spoken out on their experience having their experience as a chronically ill child shared without their consent (Cam does not publicly reveal their last name for safety concerns). As adults, these people who had their formative years shared without their consent now must reckon with the fact their lives are online for the world to see. The bulk of my ethnographic research into former children of influencers and family vloggers focuses on that fact – that had these children really understood that "the internet is forever" and content doesn't just go away, they would have never consented to appear in their parents' videos. Furthermore, we cannot expect children to grasp the sheer reach of internet content. Presently, a TikTok account called Wren and Jacquelyn (@wren.eleanor) is being highly criticized for the mother posting sexually suggestive videos of her young daughter, who appears to be about four or five years old. These videos often include the daughter grasping or shaking phallic-shaped objects, or sticking them wholly into her mouth. The account has over 17 million followers, with most videos having hundreds or thousands of downloads. Videos of Wren in bathing suits have been downloaded tens of thousands of times. These are staggering numbers, even by the popularity standard of family vloggers. While there is no explicit evidence child predators are taking advantage of this content, child internet safety experts warn that any time an account featuring children gains a massive following rather quickly, it is an indication the account has likely been found by predators. I bring the Wren & Jacquelyn example up to underscore the point of reach. While a child may find it fun to be in their parents' videos, we cannot expect them to understand just how far and wide their content may go, and to what unintended audiences. To be clear, I do not blame platforms here, but parents who should know better and be held accountable. Family vlogging is a rich area for the brand sponsorships I previously discussed. For instance, back-to-school season in the United States sees many family vloggers partnering with office supplies stores to promote products and sales. Parents of babies and toddlers may share sponsorships with toys, diapers, baby monitors, and more. This often even begins before the children are born, as influencers and creators make being pregnant part of their brand. They partner with companies for morning sickness solutions, baby registries, and more. In my book *The Internet is for Cats*, I discuss this sponsorship trajectory: An influencer or content creator can be a lifestyle or travel creator, and then as they experience major life events such as getting a pet, getting engaged, getting married, becoming pregnant, and having children, they can pivot their brand to reflect their stage in life. Such pivots are grounded in microcelebrity, and in viewing major life events as content to be consumed by fans, children risk becoming props. What Is to Be Done? In my ethnographic research into former child influencers, I found myself wondering why there were no systemic protections for these children. In January of 2023, I wrote an op-ed for *The Conversation* entitled "Why aren't there any legal protections for the children of influencers?" While I discussed the mental and emotional tolls this work could take on children in the future, I focused specifically on the financial aspect, rooting the question in existing laws in this area. In 1939, California passed the Coogan Act, also known as the California Child Actor's Bill. The bill was named after Jackie Coogan, who is largely considered to be America's first child actor. He became famous after appearing as Charlie Chaplin's son in the 1921 film *The Kid*. Coogan went on to have a lucrative child acting career, but when he turned eighteen, he learned that his mother and stepfather had squandered the \$4 million he had earned – equivalent to tens of millions of dollars today. While Coogan sued his parents, he was only able to reclaim a fraction of his earnings. In response, the California legislation passed the Coogan Act, which protects children who have been hired as "an actor, actress, dancer, musician, comedian, singer, or other performer and entertainer." The law stipulates that the child's earnings must be put into a trust for the child and cannot be accessed until they turn eighteen. Nine states adopted similar laws, but to date, there is no federal law. My question in my op-ed harkened back to this – why had versions of the Coogan Act not been updated to reflect the immense amounts of money parents were making off of their children on social media? While this type of labor is different from acting in a film as it involves both parent and child performing for the camera, the child is still working and should be entitled to a

portion of the money the parent earns from the platform, sponsorships, or third-party monetization systems. While parents could individually set aside money for their children in trusts and college funds, there is almost nothing in place guaranteeing that this will happen. In July of 2023, however, Illinois became the first state to pass Coogan-like legislation to financially protect these children. The Illinois law states a portion of earnings from social media content must be placed into a trust for the child to access when they turn eighteen. Since then, numerous states, including the present company, have introduced and advanced legislation in this area. These include, but are not limited to, California (to specifically update the Coogan Act), Washington, New York, Ohio, Arizona, Maryland, and Georgia. It is easy to see that the Coogan Act partially provides a precedent for implementing this type of legislation. The protections exist for children in “traditional” forms of entertainment, but social media have upended these business models and challenged what traditional entertainment means. As such, it would make sense for laws to catch up to the current state of social media and the challenges they present. To return to my earlier analogy of grappling with social media as building the plane while we’re flying it, such legislation would help provide safeguards and provide necessary equipment to keep the aircraft steady and safe for all onboard. My research into influencers, content creators, and family vloggers is grounded in my training as a mass communication scholar. As such, I’ve been studying not just the stories of former child influencers, but of public discourse surrounding this phenomenon. I can say with certainty that this issue is a pivotal moment. More and more individuals are realizing it is wrong to exploit children in this way, and many are taking stands against this type of content. There is a grassroots movement brewing across social media platforms to encourage change, but it remains up to legislators to enact it. This groundswell of support for this type of legislation shows no signs of slowing down; if anything, I see it increasing every day. However, there are no easy solutions here. Even if we fix the financial exploitation of the children of influencers, content creators, and family vloggers, ethical and moral questions still remain. Trying to convince and educate individuals to protect their own children online will remain a problem in urgent need of recourse. Similarly, the federal Fair Labor Standards Act of 1938, which I acknowledge is outside of this committee’s purview, has not been updated to protect children of influencers, content creators, and family vloggers from the “excessive labor” outlined in the law. In short: Social media have presented numerous challenges and scenarios that could not have been foreseen two decades ago. While I have stated in this testimony I believe it is parents as users that need to be held accountable in this specific area, it is imperative to hold social media companies to high and transparent standards as well. Using children in social media content is not a practice that happens in isolation, but it is seen as a lucrative opportunity given the potential for immense clicks, likes, views, and financial incentives provided by both the platforms themselves and the broader consumerist industries determined to capitalize on built-in audiences. We can make social media safer places for children, but it will require collaborative work from parents, platforms, and politicians alike. If the committee has any questions about the testimony I’ve provided here, please do not hesitate to reach out. Sincerely, Jessica Maddox, Ph.D. Assistant Professor Department of Journalism & Creative Media University of Alabama



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: MARY JEAN AMON		PHONE NUMBER:	
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Dear Chair, I am an Assistant Professor at the University of Central Florida with research centered on how parents share their children’s information online. I am writing to offer a research perspective on HB1998, where much of the associated research documents broader community opinions about ‘parental sharing.’ Due to ubiquitous photography and social media access, anywhere a person goes there are risks related to co-privacy, or the ways in which people share other’s sensitive images and information without permission. Along these lines, the general public reports being seriously concerned about the ways in which their personal information is shared on social media without consent. However, it is not stranger’s social media sharing that other people are most concerned about; The public is generally more concerned with how their family, friends, and co-worker’s might share their information without permission. That is because those familiar others have increased access to private information. By that logic, children are especially vulnerable to co-privacy violations, including when their parents share their information online. Children are defined as a vulnerable population, and there is a power differential between adults and kids, meaning it is debatable at what age children can truly consent to what information is shared and how. Young children, for instance, cannot fully grasp the consequences of sharing information in social media, with potential risks including bullying, harassment, identity theft, sexual predation, and having a digital footprint which is at odds with their future values. Although many parents take precautions when sharing their children’s information and do so in ways that benefit their family, it is important to understand that some parents are outliers in how they are sharing and profiting from their children’s information. Research shows those parents who share the most information about their kids online tend to do so larger public networks, are more likely to expose their children to social media at earlier ages, report higher levels of social media addiction, as well as more permissive parenting styles and confidence in parenting. In fact, there are parent influencers whose primary source of income comes from sharing their children’s images and information online. Relating these findings to United States legislation, there is a well-known history of child exploitation in the entertainment industry, and now we have widely-adopted laws to address those cases of parental financial exploitation. With modern entertainment platforms like social media, we should take seriously that child influencers need protections, and that current child exploitation legislation may be out of date. Sincerely, Mary Jean Amon, Ph.D. Assistant Professor University of Central Florida