

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 1245, 832, & 706
103RD GENERAL ASSEMBLY

2774H.02C

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to regulation of online content involving minors.

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

Section A. Chapter 407, RSMo, is amended by adding thereto one new section, to be
2 known as section 407.2100, to read as follows:

407.2100. 1. As used in this section, the following terms shall mean:

2 (1) "Account holder", an individual who has opened an account on a social
3 media platform;

4 (2) "Content creator", any individual residing in the state who creates an image
5 or video content in exchange for compensation. A content creator includes, but is not
6 limited to: vloggers, podcasters, social media influencers, or streamers;

7 (3) "Minor", any person under eighteen years of age;

8 (4) "Restricted material", any material that is obscene, as defined in section
9 573.010, or depicts:

10 (a) Explicit sexual material, as defined in section 573.010;

11 (b) Nudity, as defined in section 573.010; or

12 (c) Sexually explicit conduct, as defined in section 573.010;

13 (5) "Social graph", a list of people that an account holder is connected to using a
14 friending function, or a similar function, on a social media platform. Subscribing to
15 content from another account holder does not constitute a friending function;

16 (6) "Social media platform", an internet-based service or application that has
17 account holders in the state and that meets all of the following criteria with respect to
18 account holders:

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.

19 (a) The service or application connects account holders to allow them to interact
20 socially with each other within the service or application;

21 (b) The service or application permits public posting of content generated by
22 account holders without visibility being limited to a particular social graph; and

23 (c) The service or application permits interaction with other account holders'
24 content outside a limited social graph, including content recommended from any person
25 an account holder has not subscribed to or does not follow;

26 (7) "Uniquely identifiable", any information, including, but not limited to, an
27 image, voice recording, video recording, or a photograph that can be used to distinguish
28 or trace an individual's identity.

29 2. A minor shall be considered engaged in the work of content creation when the
30 following criteria have been met at any time during the previous twelve-month period:

31 (1) At least thirty percent of the content creator's compensated image or video
32 content produced within a thirty-day period includes the likeness, name, or a
33 photograph of such minor. Content percentage shall be measured by the percentage
34 of time the likeness, name, or photograph of the minor visually appears or the minor is
35 the subject of an oral narrative or a video segment as compared to the total length of the
36 segment;

37 (2) The number of views received per image or video segment on any social
38 media platform met the social media platform's threshold for the generation of
39 compensation or the content creator received actual compensation per image or video
40 segment equal to or greater than ten cents per view; and

41 (3) The content creator received actual compensation for image or video content
42 of at least twenty-five thousand dollars during the prior twelve-month period.

43 3. A minor who is thirteen years of age or older may produce, create, and
44 publish his or her own content and shall be entitled to all compensation for his or her
45 content creation.

46 4. (1) Any content creator whose content features a minor engaged in the work
47 of content creation, as described in subsection 2 of this section, shall maintain the
48 following records and shall retain such records until the minor reaches the age of
49 twenty-one:

50 (a) The name and documentary proof of age of the minor engaged in the work of
51 content creation at the time the content was created;

52 (b) The number of social media posts that generated compensation during the
53 reporting period;

54 (c) The total number of minutes of the social media posts that the content creator
55 received compensation for during the reporting period;

56 (d) The total number of minutes each minor was featured in social media posts
57 during the reporting period;

58 (e) The total compensation generated from social media posts featuring the
59 minor during the reporting period; and

60 (f) The amount deposited in the trust account for the benefit of the minor
61 engaged in content creation pursuant to the provisions of subsection 5 of this section.

62 (2) The records required under subdivision (1) of this subsection shall be readily
63 available to the minor. The content creator shall provide notice to the minor of the
64 existence of such records.

65 5. (1) A minor who is engaged in the work of content creation under this section
66 shall be compensated by the content creator. The content creator shall set aside gross
67 earnings on any content including, but not limited to, the likeness or name of the minor
68 in a trust account to be preserved for the benefit of the minor upon the minor reaching
69 eighteen years of age, as follows:

70 (a) Where only one minor meets the content threshold pursuant to subsection 2
71 of this section, the percentage of the total gross earnings on any content including, but
72 not limited to, the likeness or name of the minor that is equal to or greater than half of
73 the content percentage that includes the minor, shall be paid into the minor's trust
74 account; or

75 (b) Where more than one minor meets the content threshold pursuant to
76 subsection 2 of this section and the content includes more than one of such minors, the
77 percentage described in paragraph (a) of this subdivision for all minors shall be equally
78 divided between the minors paid into a separate trust account for each minor.

79 (2) A trust account under this subsection shall be structured, at a minimum, as
80 follows:

81 (a) The funds in the account shall be available only to the minor engaged in the
82 work of content creation;

83 (b) The account shall be held by a bank, financial institution, corporate
84 fiduciary, or trust company authorized to do business in the state;

85 (c) The funds in the account shall become available to the minor engaged in the
86 work of content creation upon the minor reaching eighteen years of age or upon a
87 declaration that the minor is emancipated; and

88 (d) The account shall meet the requirements of sections 404.005 to 404.094, the
89 Missouri transfers to minors law.

90 6. (1) After August 28, 2025, any individual who was featured in a content
91 creator's social media post as a minor may request that the content creator delete the
92 post from the social media platform or edit the social media post to remove any content

93 involving the minor. The content creator shall delete or edit the social media post if the
94 individual proves his or her identity with uniquely identifiable information.

95 (2) Social media platforms shall provide an easily accessible mechanism through
96 which an individual under subdivision (1) of this subsection can submit a request to the
97 social media platform for the content creator to delete or edit any social media post
98 described under subdivision (1) of this subsection.

99 (3) Social media platforms shall notify the content creator within a reasonable
100 time period, but no longer than thirty days, after receiving a removal request under this
101 subsection.

102 (4) The content creator shall delete or edit the social media post featuring the
103 individual as a minor from the social media platform within seventy-two hours after
104 receiving notice of a removal request from the social media platform under this
105 subsection.

106 (5) If the content creator fails to delete or edit a social media post under this
107 subsection within thirty days after receiving notice of a removal request from the social
108 media platform, the social media platform shall take all reasonable steps to delete or edit
109 the content involving the minor, unless:

110 (a) The individual who was featured in the content creator's post as a minor does
111 not submit sufficient uniquely identifiable information; or

112 (b) The social media platform finds that the post is sufficiently newsworthy or of
113 other public interest to outweigh the privacy interests of the minor.

114 7. It shall be unlawful to financially benefit from intentionally or knowingly
115 producing or distributing on social media any visual depiction of a minor with the intent
116 to sexually gratify or elicit a sexual response in the viewer or any other person, or any
117 other restricted material involving a minor, except:

118 (1) In the case of an individual acting in good faith to report unlawful activity or
119 in pursuance of a legal or professional or other lawful obligation;

120 (2) In the case of a document production or filing in connection with a legal
121 proceeding; or

122 (3) In the case of any lawfully authorized investigative, protective, or intelligence
123 activity of a law enforcement agency of the United States, the state, or a political
124 subdivision of the state, or of an intelligence agency of the United States.

125 8. A social media platform shall develop and implement a strategy to help
126 mitigate risks related to monetization of restricted material involving minors. Such
127 strategy shall be documented and reassessed annually and may include:

128 (1) Policies that govern content and related monetization;

129 (2) Restrictions on content featuring minors;

130 **(3) Use of any commercially reasonable system to identify and implement**
131 **restrictions on any restricted material involving minors; and**

132 **(4) Any information informing content creators of their legal obligations under**
133 **this section and any information explaining the steps to protect minors from appearing**
134 **in restricted material under this section.**

135 **9. Any individual may report violations of this section to the attorney general. If**
136 **the attorney general finds that provisions of this section have been violated, the attorney**
137 **general shall bring a civil action in a court of competent jurisdiction. If the court finds**
138 **that provisions of this section have been violated, the court may award damages,**
139 **injunctive relief, attorney's fees, and any such other relief the court finds appropriate.**
140 **Nothing in this section shall preclude an individual from bringing a private civil action**
141 **in a court of competent jurisdiction for any violations of this section.**

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