

SECOND REGULAR SESSION

HOUSE BILL NO. 1818

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LAUBINGER.

5298H.01I

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 **audio content, or video content in exchange for compensation. A content creator**
6 **includes, but is not limited to: vloggers, podcasters, social media influencers, or**
7 **streamers;**

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

9 **(4) "Restricted material", any material that is obscene, as defined in section**
10 **573.010, or depicts:**

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

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

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

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

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.

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

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

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

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

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

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

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

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

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

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

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

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

54 (b) The total number of social media posts that generated compensation during
55 the reporting period;

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

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

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

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

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

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

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

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

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

83 (a) The funds in the account shall be available only to the minor or minors
84 engaged in the work of content creation;

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

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

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

92 6. (1) After August 28, 2026, any individual who was featured in a content
93 creator's social media post as a minor may request that the content creator delete the
94 post from the social media platform or edit the social media post to remove any content
95 involving the minor. The content creator shall delete or edit the social media post if the
96 individual proves his or her identity with uniquely identifiable information.

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

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

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

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

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

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

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

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

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

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

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

130 **(1) Policies that govern content and related monetization;**

131 **(2) Restrictions on content featuring minors;**

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

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

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

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