

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Child Labor Law is amended by changing
5 Sections 0.5 and 1 and by adding Sections 2.6 and 12.6 as
6 follows:

7 (820 ILCS 205/0.5)

8 Sec. 0.5. Definitions. As used in this Act:

9 "District Superintendent of Schools" means an individual
10 employed by a board of education in accordance with Section
11 10-21.4 of the School Code and shall also include the chief
12 executive officer of a school district in a city with over
13 500,000 inhabitants.

14 "Duly authorized agent" means an individual who has been
15 designated by a Regional or District Superintendent of Schools
16 as their agent for the limited purpose of issuing employment
17 certificates to minors under the age of 16, and may include
18 officials of any public school district, charter school, or
19 any State-recognized, non-public school.

20 "Online platform" means any public-facing website, web
21 application, or digital application, including a mobile
22 application. "Online platform" includes a social network,
23 advertising network, mobile operating system, search engine,

1 email service, or Internet access service.

2 "Regional Superintendent of Schools" means the chief
3 administrative officer of an educational service region
4 pursuant to Section 3A-2 of the School Code.

5 "Vlog" means content shared on an online platform in
6 exchange for compensation.

7 "Vlogger" means an individual or family that creates video
8 content, performed in Illinois, in exchange for compensation,
9 and includes any proprietorship, partnership, company, or
10 other corporate entity assuming the name or identity of a
11 particular individual or family for the purposes of that
12 content creation.

13 (Source: P.A. 102-32, eff. 6-25-21.)

14 (820 ILCS 205/2.6 new)

15 Sec. 2.6. Minors featured in vlogs.

16 (a) A minor under the age of 16 is considered engaged in
17 the work of vlogging when the following criteria are met at any
18 time during the previous 12-month period:

19 (1) at least 30% of the vlogger's compensated video
20 content produced within a 30-day period included the
21 likeness, name, or photograph of the vlogger's minor
22 child. Content percentage is measured by the percentage of
23 time the likeness, name, or photograph of the vlogger's
24 minor child visually appears or is the subject of an oral
25 narrative in a video segment, as compared to the total

1 length of the segment; and

2 (2) the number of views received per video segment on
3 any online platform met the online platform's threshold
4 for the generation of compensation or the vlogger received
5 actual compensation for video content equal to or greater
6 than \$0.10 per view.

7 (b) On an annual basis, the vlogger shall report to the
8 Department of Labor the following information:

9 (1) the name and documentary proof of the age of the
10 minor engaged in the work of vlogging;

11 (2) the number of vlogs that generated compensation as
12 described in subsection (a) during the reporting period;

13 (3) the total number of minutes of the vlogs that the
14 vlogger received compensation for during the reporting
15 period;

16 (4) the total number of minutes each minor was
17 featured in vlogs during the reporting period;

18 (5) the total compensation generated from vlogs
19 featuring a minor during the reporting period; and

20 (6) the amount deposited into the trust account for
21 the benefit of the minor engaged in the working of
22 vlogging, as required by Section 12.6.

23 (c) If a vlogger fails to report to the Department of Labor
24 as provided in subsection (b), the minor may commence a civil
25 action to enforce the provisions of this Section.

26 (d) The Department of Labor may adopt rules to implement

1 this Section.

2 (820 ILCS 205/12.6 new)

3 Sec. 12.6. Minor engaged in the work of vlogging; trust
4 fund.

5 (a) A vlogger's minor child satisfying the criteria
6 described in Section 2.6 must be compensated by the vlogger.

7 The vlogger must:

8 (1) set aside gross earnings on the video content
9 including the likeness, name, or photograph of the
10 vlogger's minor child in a trust account to be preserved
11 for the benefit of the minor upon reaching the age of
12 majority, according to the following distribution:

13 (A) where only one minor child meets the content
14 threshold described in Section 2.6, the percentage of
15 total gross earnings on any video segment including
16 the likeness, name, or photograph of the vlogger's
17 minor child that is equal to or greater than half of
18 the content percentage that includes the minor child
19 as described in Section 2.6; or

20 (B) where more than one minor child meets the
21 content threshold described in Section 2.6 and a video
22 segment includes more than one of those children, the
23 additive percentage described in paragraph (A) for all
24 minor children in any segment must be equally divided
25 between the children, regardless of differences in

1 percentage of content provided by the individual
2 children.

3 (b) A trust account required under this Section must
4 provide, at a minimum, the following:

5 (1) that the funds in the account shall be available
6 only to the minor engaged in the work of vlogging;

7 (2) that the account shall be held by a bank,
8 corporate fiduciary, or trust company, as those terms are
9 defined in the Corporate Fiduciary Act;

10 (3) that the funds in the account shall become
11 available to the minor engaged in the work of vlogging
12 upon the minor attaining the age of 18 years or until the
13 minor is declared emancipated; and

14 (4) that the account meets the requirements of the
15 Illinois Uniform Transfers to Minors Act.

16 (c) If a vlogger knowingly or recklessly violates this
17 Section, a minor engaged in the work of vlogging may commence
18 an action to enforce the provisions of this Section regarding
19 the trust account. The court may award, to a minor who prevails
20 in any action brought in accordance with this Section, the
21 following damages:

22 (1) actual damages;

23 (2) punitive damages; and

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

26 (d) This Section does not affect a right or remedy

1 available under any other law of the State.

2 (e) Nothing in this Section shall be interpreted to have
3 any effect on a party that is neither the vlogger, the minor
4 engaged in the work of vlogging, nor the Department of Labor.

5 Section 99. Effective date. This Act takes effect January
6 1, 2024.