

# SB1784



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1784

Introduced 2/9/2023, by Sen. Linda Holmes

### SYNOPSIS AS INTRODUCED:

820 ILCS 205/12.6 new

Amends the Child Labor Law. Provides that a vlogger who features a minor child in a specified amount of the vlogger's content shared on an online platform must set aside a specified amount of gross earnings on the video content in a trust account to be preserved for the benefit of the minor upon reaching the age of majority. Provides for the requirements of the trust account. Defines terms.

LRB103 28321 SPS 54700 b

A BILL FOR

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 adding  
5 Section 12.6 as follows:

6 (820 ILCS 205/12.6 new)

7 Sec. 12.6. Minor featured in vlogs; trust fund.

8 (a) In this Section:

9 "Online platform" means any public-facing website, web  
10 application, or digital application, including a mobile  
11 application. "Online platform" includes a social network,  
12 advertising network, mobile operating system, search engine,  
13 email service, or Internet access service.

14 "Vlog" means content shared on an online platform in  
15 exchange for compensation.

16 "Vlogger" means an individual or family that creates video  
17 content in exchange for compensation. "Vlogger" includes any  
18 proprietorship, partnership, company, or other corporate  
19 entity assuming the name or identity of a particular  
20 individual or family for the purpose of that content creation.

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

1           (1) at least 30% of the vlogger's compensated video  
2           content produced within a 30-day period included the  
3           likeness, name, or photograph of the vlogger's minor  
4           child. Content percentage is measured by the percentage of  
5           time the likeness, name, or photograph of the vlogger's  
6           minor child visually appears or is the subject of an oral  
7           narrative in a video segment, as compared to the total  
8           length of the segment; and

9           (2) the number of views received per video segment on  
10           any online platform met the online platform's threshold  
11           for the generation of compensation or the vlogger received  
12           actual compensation for video content equal to or greater  
13           than \$0.10 per view.

14           (c) A vlogger's minor child satisfying the criteria  
15           described in subsection (b) must be compensated by the  
16           vlogger. The vlogger must:

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

22           (A) where only one minor child meets the content  
23           threshold described in subsection (b), the percentage  
24           of total gross earnings on any video segment including  
25           the likeness, name, or photograph of the vlogger's  
26           minor child that is equal to or greater than the

1 content percentage that includes the minor child as  
2 described in subsection (b); or

3 (B) where more than one minor child meets the  
4 content threshold described in subsection (b) and a  
5 video segment includes more than one of those  
6 children, the additive percentage described in  
7 paragraph (A) for all minor children in any segment  
8 must be equally divided between the children,  
9 regardless of differences in percentage of content  
10 provided by the individual children.

11 (d) A trust account required under this Section must  
12 provide, at a minimum, the following:

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

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

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

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