

FIRST REGULAR SESSION

SENATE BILL NO. 756

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

2929S.01H

KRISTINA MARTIN, Secretary

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
2 one new section, to be known as section 407.2100, to read as
3 follows:

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

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

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

10 (3) "Minor", any person less than eighteen years of
11 age;

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

14 (a) Explicit sexual material, as defined in section
15 573.010;

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

17 (c) Sexually explicit conduct, as defined in section
18 573.010;

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

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

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

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

34 (c) The service or application permits interaction
35 with other account holders' content outside a limited social
36 graph, including content recommended from any person an
37 account holder does not follow;

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

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

45 (1) At least thirty percent of the content creator's
46 compensated video content produced within a thirty-day
47 period includes the likeness, name, or a photograph of a
48 minor. Content percentage shall be measured by the
49 percentage of time the likeness, name, or photograph of the
50 minor visually appears or is the subject of an oral

narrative or a video segment as compared to the total length of the segment;

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

(3) The content creator received actual compensation for video content of at least fifteen thousand dollars per the prior twelve-month period.

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

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

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

(b) The number of posts that generated compensation during the reporting period;

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

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

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

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

85 (2) The records required under subdivision (1) of this
86 subsection shall be readily available to the minor. The
87 content creator shall provide notice to the minor of the
88 existence of such records.

89 5. (1) A minor who is engaged in the work of content
90 creation under this section shall be compensated by the
91 content creator. The content creator shall set aside gross
92 earnings on any content including, but not limited to, the
93 likeness or name of the minor in a trust account to be
94 preserved for the benefit of the minor upon the minor
95 reaching eighteen years of age, as follows:

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

103 (b) Where more than one minor meets the content
104 threshold pursuant to subsection 2 of this section and the
105 content includes more than one of such minors, the
106 percentage described in subdivision (1) of this subsection
107 for all minors shall be equally divided between the minors
108 paid into a separate trust account for each minor.

109 (2) The trust account under this subsection shall be
110 structured, at a minimum, as follows:

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

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

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

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

6. (1) After August 28, 2025, any individual who was featured in a content creator's post as a minor may request that the content creator delete the post from the social media platform or edit the post to remove any content involving the minor. The content creator shall delete or edit the post if the information provided by the individual is uniquely identifiable.

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

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

(4) The content creator shall delete or edit the post from the social media platform involving the minor within seventy-two hours after receiving notice from the social media platform under this subsection.

(5) If the content creator fails to delete or edit the post under this subsection within thirty days after

receiving notice from the social media platform, the social media platform shall take all reasonable steps to remove or edit the content involving the minor, unless:

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

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

7. It shall be unlawful to financially benefit from intentionally or knowingly producing or distributing on social media any restricted material involving a minor, except:

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

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

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

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

(1) Policies that govern content and related monetization;

(2) Restrictions on content featuring minors;

175 (3) Use of any commercially reasonable system to
176 identify and implement restrictions on any restricted
177 material involving minors; and

178 (4) Any information informing content creators of
179 their legal obligations under this section and any
180 information explaining the steps to protect minors from
181 appearing on restricted material under this section.

182 9. Any individual may report violations of this
183 section to the attorney general. If the attorney general
184 finds that provisions of this section have been violated,
185 the attorney general shall bring a civil action in a court
186 of competent jurisdiction. If the court finds that
187 provisions of this section have been violated, the court may
188 award damages, injunctive relief, attorney fees, and any
189 such other relief the court finds appropriate. Nothing in
190 this section shall preclude an individual from bringing a
191 private civil action in a court of competent jurisdiction
192 for any violations of this section.

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