

# SENATE BILL NO. 1584

## 103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR NURRENBERN.

6757S.011

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

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

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

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

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

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

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

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

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

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

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

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

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

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

50 minor is the subject of or a participant in a segment of  
51 audio or video content compared to the total length of the  
52 segment;

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

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

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

67 4. (1) Any content creator whose content features a  
68 minor engaged in the work of content creation, as described  
69 in subsection 2 of this section, shall maintain the  
70 following records and shall retain such records until the  
71 minor reaches twenty-one years of age:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

126           6. (1) After August 28, 2026, any individual who was  
127 featured in a content creator's social media post as a minor  
128 may request that the content creator delete the post from  
129 the social media platform or edit the social media post to  
130 remove any content involving the minor. The content creator  
131 shall delete or edit the social media post if the individual  
132 proves his or her identity with uniquely identifiable  
133 information.

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

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

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

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

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

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

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

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

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

172           (3) In the case of any lawfully authorized  
173 investigative, protective, or intelligence activity of a law  
174 enforcement agency of the United States, this state, a

175 political subdivision of this state, or of an intelligence  
176 agency of the United States.

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

181 (1) Policies that govern content and related  
182 monetization;

183 (2) Restrictions on content featuring minors;

184 (3) Use of any commercially reasonable system to  
185 identify and implement restrictions on any restricted  
186 material involving minors; and

187 (4) Any information informing content creators of  
188 their legal obligations under this section and any  
189 information explaining the steps to protect minors from  
190 appearing in restricted material under this section.

191 9. Any individual may report violations of this  
192 section to the attorney general. If the attorney general  
193 finds that provisions of this section have been violated,  
194 the attorney general shall bring a civil action in a court  
195 of competent jurisdiction. If the court finds that  
196 provisions of this section have been violated, the court may  
197 award damages, injunctive relief, attorney's fees, and any  
198 such other relief the court finds appropriate. Nothing in  
199 this section shall preclude an individual from bringing a  
200 private civil action in a court of competent jurisdiction  
201 for any violations of this section.

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