

SECOND REGULAR SESSION

SENATE BILL NO. 1584

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR NURRENBERN.

6757S.01I

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;

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:

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;

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

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

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

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

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

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

(2) A trust account under this subsection shall be 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.

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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