

SENATE BILL 1162

C2

4lr3533
CF HB 645

By: **Senator Lam**

Introduced and read first time: February 11, 2024

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Social Media Platforms – Vloggers and Video Content Featuring Minors**

3 FOR the purpose of requiring a vlogger who creates video content that is posted on a social
4 media platform and features a certain minor child to compensate the child under
5 certain circumstances; establishing requirements on social media platforms relating
6 to deleting video content featuring minor children; applying certain requirements
7 related to the labor of minors to children compensated by vloggers; and generally
8 relating to minors featured in social media content.

9 BY adding to

10 Article – Business Regulation

11 Section 19–1001 through 19–1004 to be under the new subtitle “Subtitle 10. Social
12 Media Vloggers”

13 Annotated Code of Maryland

14 (2015 Replacement Volume and 2023 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article – Labor and Employment

17 Section 3–203(4)

18 Annotated Code of Maryland

19 (2016 Replacement Volume and 2023 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That the Laws of Maryland read as follows:

22 **Article – Business Regulation**

23 **SUBTITLE 10. SOCIAL MEDIA VLOGGERS.**

24 **19–1001.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) "CHILD" MEANS, WITH RESPECT TO A VLOGGER, A MINOR FOR WHOM
4 THE VLOGGER OR, IF THE VLOGGER IS A BUSINESS ENTITY, AN INDIVIDUAL WHO HAS
5 AN INTEREST IN THE BUSINESS ENTITY IS THE PARENT OR LEGAL GUARDIAN.

6 (C) "FEATURE" MEANS TO USE THE LIKENESS OR NAME OF AN INDIVIDUAL
7 OR TO CAUSE AN INDIVIDUAL TO BE THE SUBJECT OF A NARRATIVE.

8 (D) "VLOGGER" MEANS AN INDIVIDUAL OR A BUSINESS ENTITY THAT
9 CREATES VIDEO CONTENT TO BE POSTED ON A SOCIAL MEDIA PLATFORM IN
10 EXCHANGE FOR COMPENSATION.

11 **19-1002.**

12 A VLOGGER THAT FEATURES A CHILD IN THE VLOGGER'S VIDEO CONTENT
13 SHALL COMPENSATE THE CHILD IN ACCORDANCE WITH § 19-1003 OF THIS SUBTITLE
14 IF AT ANY TIME WITHIN THE PREVIOUS 12-MONTH PERIOD:

15 (1) (I) THE VLOGGER QUALIFIED FOR COMPENSATION FROM A
16 SOCIAL MEDIA PLATFORM BASED ON THE NUMBER OF VIEWS ANY OF THE VLOGGER'S
17 VIDEO CONTENT RECEIVED; OR

18 (II) THE VLOGGER ACTUALLY RECEIVED COMPENSATION OF AT
19 LEAST \$0.10 PER VIEW FOR ANY OF THE VLOGGER'S VIDEO CONTENT; AND

20 (2) THE CHILD WAS FEATURED FOR AT LEAST 30% OF THE TOTAL
21 DURATION OF ALL CONTENT POSTED WITHIN ANY 30-DAY PERIOD.

22 **19-1003.**

23 A VLOGGER THAT IS REQUIRED TO COMPENSATE ONE OR MORE CHILDREN
24 UNDER § 19-1002 OF THIS SUBTITLE SHALL PAY INTO A SEPARATE TRUST FOR THE
25 BENEFIT OF EACH CHILD ON ATTAINING 18 YEARS OF AGE AS FOLLOWS:

26 (1) IF THE VLOGGER IS REQUIRED TO COMPENSATE ONE CHILD, THE
27 PERCENTAGE OF GROSS EARNINGS ATTRIBUTABLE TO CONTENT IN WHICH THE
28 CHILD WAS FEATURED SHALL BE PAID INTO THE TRUST FOR THE CHILD; AND

29 (2) IF THE VLOGGER IS REQUIRED TO COMPENSATE MORE THAN ONE
30 CHILD, THE PERCENTAGE OF GROSS EARNINGS ATTRIBUTABLE TO CONTENT IN

1 WHICH AT LEAST ONE OF THOSE CHILDREN WAS FEATURED SHALL BE DIVIDED
2 EQUALLY AMONG THE CHILDREN AND PAID INTO THE SEPARATE TRUST FOR EACH
3 CHILD.

4 **19-1004.**

5 (A) AN ADULT WHO WAS FEATURED IN VIDEO CONTENT OF A VLOGGER AS A
6 MINOR CHILD ON OR AFTER **OCTOBER 1, 2024**, MAY REQUEST THE PERMANENT
7 DELETION OF THE CONTENT.

8 (B) A SOCIAL MEDIA PLATFORM THAT RECEIVES A DELETION REQUEST
9 UNDER SUBSECTION (A) OF THIS SECTION SHALL TAKE ALL REASONABLE STEPS TO
10 PERMANENTLY DELETE ALL CONTENT FOR WHICH THE REQUEST WAS MADE.

11 (C) A CONTRACT BETWEEN A VLOGGER AND A SOCIAL MEDIA PLATFORM
12 FOR THE CREATION OF VIDEO CONTENT THAT WOULD REASONABLY BE
13 ANTICIPATED TO FEATURE A MINOR CHILD SHALL INCLUDE NOTIFICATION TO THE
14 SOCIAL MEDIA PLATFORM OF THE RIGHTS OF THE CHILD UNDER THIS SECTION.

15 **Article – Labor and Employment**

16 **3-203.**

17 This subtitle does not apply to an activity that a minor performs if the activity:

18 (4) is limited to:

19 (i) farm work that is performed on a farm;

20 (ii) domestic work that is performed in or about a home;

21 (iii) work that is performed in a business that a parent of the minor
22 or a person standing in place of the parent owns or operates, **OTHER THAN WORK**
23 **PERFORMED BY A MINOR CHILD THAT IS REQUIRED TO BE COMPENSATED BY A**
24 **VLOGGER UNDER TITLE 19, SUBTITLE 10 OF THE BUSINESS REGULATION ARTICLE;**

25 (iv) caddying on a golf course;

26 (v) instructing on an instructional sailboat;

27 (vi) delivery of newspapers to consumers;

28 (vii) making an evergreen wreath in or about a home;

1 (viii) work performed as a counselor, assistant counselor, or instructor
2 in a youth camp certified under the Maryland Youth Camp Act; or

3 (ix) work that is performed as an unpaid volunteer in a charitable or
4 nonprofit organization, if:

5 1. a parent of the minor or a person standing in the place of
6 the parent consents in writing; and

7 2. for hazardous work in a volunteer fire department or
8 company or volunteer rescue squad, the minor:

9 A. is at least 16 years old; and

10 B. has completed or is taking a course of study about fire
11 fighting or rescue.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2024.