

Department of Legislative Services  
Maryland General Assembly  
2024 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 645  
Economic Matters

(Delegate J. Lewis, *et al.*)

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Social Media Platforms - Vloggers and Video Content Featuring Minors

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This bill requires a vlogger that features the vlogger’s minor child in the vlogger’s video content on social media to compensate the child under specified circumstances by paying into a trust for the child’s benefit. An adult who was featured in a vlogger’s video content as a minor child on or after October 1, 2024, may request that the content be permanently deleted, and upon that request, a social media platform must take all reasonable steps to do so. A minor child who is required to be compensated under the bill must obtain a work permit or special permit under current law.

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Fiscal Summary

**State Effect:** The bill’s requirements can be absorbed within existing budgeted resources. No effect on revenues.

**Local Effect:** The bill does not materially affect the operations or finances of the circuit courts.

**Small Business Effect:** Potential meaningful.

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Analysis

**Bill Summary:** A “vlogger” is an individual or business entity that creates video content to be posted on a social media platform in exchange for compensation, and a “child” is a minor for whom the vlogger, or if the vlogger is a business entity, an individual who has an interest in the business entity, is the parent or legal guardian.

A vlogger that features the vlogger's child in the vlogger's video content must compensate the child if at any time within the previous 12-month period (1) the vlogger qualified for compensation from a social media platform based on the video content's number of views received or the vlogger actually received compensation of at least \$0.10 per view for any of the vlogger's video content and (2) the child was featured for at least 30% of the total duration of all content posted within any 30-day period.

A vlogger that is required to compensate one or more children under the bill must pay into a separate trust for the benefit of each child on attaining 18 years of age as specified in the bill.

A contract between a vlogger and a social media platform for the creation of video content that would reasonably be anticipated to feature a minor child must include notification to the social media platform of the child's rights under the bill.

**Current Law:** Work that is performed in a business that a parent or guardian of the minor owns or operates is exempt from Maryland's Wage and Hour Law and from requirements for minor work permits and special permits (described below). Thus, a parent or guardian is not required to compensate their child or obtain a work permit for work performed in a business that the parent or guardian owns or operates.

#### *Work Permits and Special Permits*

Generally, a minor under the age of 14 may not be employed or allowed to be employed and individuals between the ages of 14 and 18 may not work without a permit, subject to specified exemptions. Except under conditions specified in statute, a minor between the age of 14 and 18 may not work in about a dozen hazardous professions delineated in statute; additional occupations are restricted for minors younger than age 16.

A parent or guardian of a minor may apply for a work permit by completing an online application and, after reviewing the application, the Commissioner of Labor and Industry may issue the permit if permissible.

The Commissioner of Labor and Industry may issue a special permit for a minor of any age to be employed as an entertainer, model, or performer. If the commissioner is satisfied that the employment will not be detrimental to the minor's health or welfare, the minor will be adequately supervised, and the minor's education will not be neglected, the commissioner must issue the special permit. The special permit must be notarized with the signatures of the employer and the minor's parent or guardian.

Statute includes additional requirements related to the working hours of minors that generally limit the number of hours and time of day during which a minor may be employed.

A person who interferes with the commissioner's enforcement of the statute or knowingly gives false information to the commissioner is guilty of a misdemeanor and on conviction is subject to a fine of up to \$1,000 and/or imprisonment for up to 90 days. A person who knowingly employs or allows a minor to be employed in violation of the law is guilty of a misdemeanor and on conviction is subject to a fine of up to \$10,000, and/or imprisonment for up to one year.

**Small Business Effect:** A small business that is a vlogger that features the vlogger's minor child in the vlogger's video content must compensate the child and obtain a work or special permit for the child.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Office of the Attorney General (Consumer Protection Division); Judiciary (Administrative Office of the Courts); Maryland Department of Labor; Department of Legislative Services

**Fiscal Note History:** First Reader - February 8, 2024  
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