



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1782

Introduced 2/9/2023, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

820 ILCS 205/0.5
820 ILCS 205/2.6 new
820 ILCS 205/12.6 new

Amends the Child Labor Law. Provides that upon reaching the age of majority, any individual who was a minor engaged in the work of vlogging may request the permanent deletion of any video segment including the likeness, name, or photograph of the individual from any online platform that provided compensation to the individual's parent or parents in exchange for that video content. Provides that a vlogger who features a minor child in a specified amount of the vlogger's content shared on an online platform must set aside a specified amount of gross earnings on the video content in a trust account to be preserved for the benefit of the minor upon reaching the age of majority. Provides for the requirements of the trust account. Defines terms.

LRB103 28386 SPS 54766 b

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Child Labor Law is amended by changing
5 Sections 0.5 and 1 and by adding Sections 2.6 and 12.6 as
6 follows:

7 (820 ILCS 205/0.5)

8 Sec. 0.5. Definitions. As used in this Act:

9 "District Superintendent of Schools" means an individual
10 employed by a board of education in accordance with Section
11 10-21.4 of the School Code and shall also include the chief
12 executive officer of a school district in a city with over
13 500,000 inhabitants.

14 "Duly authorized agent" means an individual who has been
15 designated by a Regional or District Superintendent of Schools
16 as their agent for the limited purpose of issuing employment
17 certificates to minors under the age of 16, and may include
18 officials of any public school district, charter school, or
19 any State-recognized, non-public school.

20 "Online platform" means any public-facing website, web
21 application, or digital application, including a mobile
22 application. "Online platform" includes a social network,
23 advertising network, mobile operating system, search engine,

1 email service, or Internet access service.

2 "Regional Superintendent of Schools" means the chief
3 administrative officer of an educational service region
4 pursuant to Section 3A-2 of the School Code.

5 "Vlog" means content shared on an online platform in
6 exchange for compensation.

7 "Vlogger" means an individual or family that creates video
8 content in exchange for compensation, and includes any
9 proprietorship, partnership, company, or other corporate
10 entity assuming the name or identity of a particular
11 individual or family for the purposes of that content
12 creation.

13 (Source: P.A. 102-32, eff. 6-25-21.)

14 (820 ILCS 205/2.6 new)

15 Sec. 2.6. Minors featured in vlogs.

16 (a) A minor under the age of 16 is considered engaged in
17 the work of vlogging when the following criteria are met at any
18 time during the previous 12-month period:

19 (1) at least 30% of the vlogger's compensated video
20 content produced within a 30-day period included the
21 likeness, name, or photograph of the vlogger's minor
22 child. Content percentage is measured by the percentage of
23 time the likeness, name, or photograph of the vlogger's
24 minor child visually appears or is the subject of an oral
25 narrative in a video segment, as compared to the total

1 length of the segment; and

2 (2) the number of views received per video segment on
3 any online platform met the online platform's threshold
4 for the generation of compensation or the vlogger received
5 actual compensation for video content equal to or greater
6 than \$0.10 per view.

7 (b) Upon reaching the age of majority, any individual who
8 was a minor engaged in the work of vlogging as described in
9 subsection (a) may request the permanent deletion of any video
10 segment including the likeness, name, or photograph of the
11 individual from any online platform that provided compensation
12 to the individual's parent or parents in exchange for that
13 video content. An online platform must take all reasonable
14 steps to permanently delete the video segment after it
15 receives the request from an individual described in this
16 subsection.

17 (c) Any contract with an online platform for the exchange
18 or use of video content that would reasonably be anticipated
19 to include greater than a de minimis use of a vlogger's minor
20 child must include notification of the minor child's future
21 rights as provided in this Section.

22 (d) Nothing in this Act prohibits a minor from engaging in
23 the work of vlogging if the minor is compensated as described
24 in Section 12.6 and the minor's right to privacy is protected
25 upon maturation as described in subsection (b).

1 (820 ILCS 205/12.6 new)

2 Sec. 12.6. Minor engaged in the work of vlogging; trust
3 fund.

4 (a) A vlogger's minor child satisfying the criteria
5 described in Section 2.6 must be compensated by the vlogger.

6 The vlogger must:

7 (1) set aside gross earnings on the video content
8 including the likeness, name, or photograph of the
9 vlogger's minor child in a trust account to be preserved
10 for the benefit of the minor upon reaching the age of
11 majority, according to the following distribution:

12 (A) where only one minor child meets the content
13 threshold described in Section 2.6, the percentage of
14 total gross earnings on any video segment including
15 the likeness, name, or photograph of the vlogger's
16 minor child that is equal to or greater than the
17 content percentage that includes the minor child as
18 described in Section 2.6; or

19 (B) where more than one minor child meets the
20 content threshold described in Section 2.6 and a video
21 segment includes more than one of those children, the
22 additive percentage described in paragraph (A) for all
23 minor children in any segment must be equally divided
24 between the children, regardless of differences in
25 percentage of content provided by the individual
26 children.

1 (b) A trust account required under this Section must
2 provide, at a minimum, the following:

3 (1) that the funds in the account shall be available
4 only to the minor engaged in the work of vlogging;

5 (2) that the account shall be held by a bank,
6 corporate fiduciary, or trust company, as those terms are
7 defined in the Corporate Fiduciary Act;

8 (3) that the funds in the account shall become
9 available to the minor engaged in the work of vlogging
10 upon the minor attaining the age of 18 years or until the
11 minor is declared emancipated; and

12 (4) that the account meets the requirements of the
13 Illinois Uniform Transfers to Minors Act.