

AN ACT concerning employment.

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

Section 5. The Child Labor Law is amended by changing Sections 0.5 and 9 and by adding Sections 2.6 and 12.6 as follows:

(820 ILCS 205/0.5)

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

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

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

"Family" means a group of persons related by blood or marriage, including civil partnerships, or whose close relationship with each other is considered equivalent to a family relationship by the individuals.

"Online platform" means any public-facing website, web application, or digital application, including a mobile application. "Online platform" includes a social network, advertising network, mobile operating system, search engine, email service, or Internet access service.

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

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

"Vlogger" means an individual or family that creates video content, performed in Illinois, in exchange for compensation, and includes any proprietorship, partnership, company, or other corporate entity assuming the name or identity of a particular individual or family for the purposes of that content creation. "Vlogger" does not include any person under the age of 16 who produces his or her own vlogs.

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

(820 ILCS 205/2.6 new)

Sec. 2.6. Minors featured in vlogs.

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

(1) at least 30% of the vlogger's compensated video content produced within a 30-day period included the

likeness, name, or photograph of the minor. Content percentage is measured by the percentage of time the likeness, name, or photograph of the minor visually appears or is the subject of an oral narrative in a video segment, as compared to the total length of the segment; and

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

(b) With the exception of Section 12.6, the provisions of this Act do not apply to a minor engaged in the work of vlogging.

(c) All vloggers whose content features a minor under the age of 16 engaged in the work of vlogging shall maintain the following records and shall provide them to the minor on an ongoing basis:

(1) the name and documentary proof of the age of the minor engaged in the work of vlogging;

(2) the number of vlogs that generated compensation as described in subsection (a) during the reporting period;

(3) the total number of minutes of the vlogs that the vlogger received compensation for during the reporting period;

(4) the total number of minutes each minor was

featured in vlogs during the reporting period;

(5) the total compensation generated from vlogs featuring a minor during the reporting period; and

(6) the amount deposited into the trust account for the benefit of the minor engaged in the working of vlogging, as required by Section 12.6.

(d) If a vlogger whose vlog content features minors under the age of 16 engaged in the work of vlogging fails to maintain the records as provided in subsection (c), the minor may commence a civil action to enforce the provisions of this Section.

(820 ILCS 205/9) (from Ch. 48, par. 31.9)

Sec. 9. Except in occupations specifically exempted by Sections ~~Section~~ 2 and 2.6, and occupations in connection with agriculture, no minor under 16 years of age shall be employed, permitted or allowed to work in any gainful occupation unless the person, firm, or corporation employing such minor procures and keeps on file an employment certificate.

(Source: P.A. 84-551.)

(820 ILCS 205/12.6 new)

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

(a) A minor satisfying the criteria described in subsection (a) of Section 2.6 must be compensated by the

vlogger. The vlogger must set aside gross earnings on the video content including the likeness, name, or photograph of the minor in a trust account to be preserved for the benefit of the minor upon reaching the age of majority, according to the following distribution:

(1) where only one minor meets the content threshold described in Section 2.6, the percentage of total gross earnings on any video segment including the likeness, name, or photograph of the minor that is equal to or greater than half of the content percentage that includes the minor as described in Section 2.6; or

(2) where more than one minor meets the content threshold described in Section 2.6 and a video segment includes more than one of those minors, the percentage described in paragraph (1) for all minors in any segment must be equally divided between the minors, regardless of differences in percentage of content provided by the individual minors.

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

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

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

(3) that the funds in the account shall become

available to the minor engaged in the work of vlogging upon the minor attaining the age of 18 years or until the minor is declared emancipated; and

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

(c) If a vlogger knowingly or recklessly violates this Section, a minor satisfying the criteria described in subsection (a) of Section 2.6 may commence an action to enforce the provisions of this Section regarding the trust account. The court may award, to a minor who prevails in any action brought in accordance with this Section, the following damages:

(1) actual damages;

(2) punitive damages; and

(3) the costs of the action, including attorney's fees and litigation costs.

(d) This Section does not affect a right or remedy available under any other law of the State.

(e) Nothing in this Section shall be interpreted to have any effect on a party that is neither the vlogger nor the minor engaged in the work of vlogging.

Section 99. Effective date. This Act takes effect July 1, 2024.