

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 26-0230.01 Josh Schultz x5486

HOUSE BILL 26-1058

HOUSE SPONSORSHIP

Slaugh and Lukens,

SENATE SPONSORSHIP

Ball,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROTECTIONS FOR MINORS WHO ARE FEATURED IN**
102 **DIGITAL CONTENT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates new requirements and civil remedies beginning June 1, 2027, related to minors who are featured in compensated content on online hosting platforms (online content).

A minor is considered to be engaged in content creation work if, over a 12-month period, the following 3 criteria are met:

- At least 30% of a content creator's online content produced

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

within a 30-day period includes the minor's likeness, name, or photograph;

- The number of views of the online content meets the online hosting platform's compensation threshold or the content creator receives \$0.10 or more per view; and
- The content creator receives at least \$15,000 in actual compensation from the online content.

Content creators whose online content features a minor engaged in content creation work must maintain specific records, including:

- Proof of the minor's age;
- The total compensation generated; and
- The total number of minutes the minor was featured in posts featuring online content.

A content creator shall compensate a minor engaged in content creation work by setting aside a portion of the gross earnings into a trust account for the minor until the minor reaches the age of majority or is declared emancipated.

An adult who was featured as a uniquely identifiable minor in a content creator's post featuring online content on or after the bill's effective date may request that the creator delete the post or remove the uniquely identifiable information. The content creator must comply with the request within 72 hours. If the content creator fails to comply after 30 days, the individual may sue for various types of relief, and the online hosting platform must review and take reasonable steps to remove the content unless certain exceptions apply.

The bill prohibits a person from financially benefiting from knowingly producing or distributing online content of a minor with the intent to sexually gratify or elicit a sexual response in the viewer. Exceptions apply for law enforcement, reporting unlawful activity, legal proceedings, and certain actions engaged in by online hosting platforms. Online hosting platforms are required to develop and implement a risk-based strategy to help mitigate risks related to the monetization of the intentional sexualization of known minors.

A civil action may be filed on behalf of a minor for damages, including actual damages, punitive damages, and attorney fees, if a content creator fails to comply with specified provisions of the bill.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 12.5 to
3 title 8 as follows:

4 **ARTICLE 12.5**

1 **Protection for Minors Featured in Digital Content**

2 **8-12.5-101. Definitions.**

3 AS USED IN THIS ARTICLE 12.5, UNLESS THE CONTEXT OTHERWISE
4 REQUIRES:

5 (1) "BANK" HAS THE MEANING SET FORTH IN SECTION 11-101-401
6 (5).

7 (2) (a) "CONTENT CREATOR" MEANS A PARENT OR LEGAL
8 GUARDIAN WHO CREATES ONLINE CONTENT IN EXCHANGE FOR
9 COMPENSATION. CONTENT CREATORS INCLUDE VLOGGERS, PODCASTERS,
10 ONLINE INFLUENCERS, AND STREAMERS.

11 (b) "CONTENT CREATOR" DOES NOT INCLUDE A MINOR WHO
12 PRODUCES THEIR OWN ONLINE CONTENT.

13 (3) "MINOR" MEANS AN INDIVIDUAL UNDER EIGHTEEN YEARS OLD.

14 (4) "ONLINE CONTENT" MEANS CONTENT IN AN AUDIO, IMAGE, OR
15 VIDEO FORMAT SHARED ON AN ONLINE HOSTING PLATFORM IN EXCHANGE
16 FOR COMPENSATION.

17 (5) "ONLINE HOSTING PLATFORM" MEANS A PUBLIC OR SEMIPUBLIC
18 INTERNET-BASED SERVICE OR APPLICATION THAT HAS ACCOUNT HOLDERS
19 IN COLORADO AND THAT MEETS THE FOLLOWING CRITERIA WITH RESPECT
20 TO ACCOUNT HOLDERS:

21 (a) THE SERVICE OR APPLICATION CONNECTS ACCOUNT HOLDERS
22 TO ALLOW THEM TO INTERACT WITH EACH OTHER WITHIN THE SERVICE OR
23 APPLICATION;

24 (b) THE SERVICE OR APPLICATION PERMITS PUBLIC POSTING OF
25 ACCOUNT HOLDER-GENERATED CONTENT WITHOUT VISIBILITY BEING
26 LIMITED TO A PARTICULAR SOCIAL GRAPH; AND

27 (c) THE SERVICE OR APPLICATION PERMITS INTERACTION WITH

1 OTHER ACCOUNT HOLDERS' CONTENT OUTSIDE A LIMITED SOCIAL GRAPH,
2 INCLUDING CONTENT RECOMMENDED FROM PERSONS THAT THE ACCOUNT
3 HOLDER DOES NOT FOLLOW.

4 (6) "SOCIAL GRAPH" MEANS THE LIST OF PERSONS THAT AN
5 ACCOUNT HOLDER IS CONNECTED TO USING A FRIENDING FUNCTION OR
6 SIMILAR FUNCTION ON AN ONLINE HOSTING PLATFORM. SUBSCRIBING TO
7 CONTENT FROM ANOTHER ACCOUNT HOLDER DOES NOT CONSTITUTE A
8 FRIENDING FUNCTION.

9 (7) "TRUST COMPANY" HAS THE MEANING SET FORTH IN SECTION
10 11-109-101 (11).

11 (8) "UNIQUELY IDENTIFIABLE" MEANS THAT AN INDIVIDUAL,
12 OTHER THAN THE INDIVIDUAL SUBMITTING A PRIVACY REMOVAL REQUEST,
13 COULD IDENTIFY THE INDIVIDUAL SUBMITTING THE REQUEST AS DISTINCT
14 FROM OTHER INDIVIDUALS BASED ON PERSONAL IDENTIFYING
15 INFORMATION, INCLUDING IMAGE, VOICE, NAME, OR CONTACT
16 INFORMATION.

17 **8-12.5-102. Compensation for content creation - minors**
18 **engaged in content creation - minor's own content creation - required**
19 **records - trust account.**

20 (1)(a) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A MINOR
21 IS CONSIDERED ENGAGED IN THE WORK OF CONTENT CREATION WHEN THE
22 FOLLOWING CRITERIA ARE MET AT ANY TIME DURING THE PREVIOUS
23 TWELVE-MONTH PERIOD:

24 (I) AT LEAST THIRTY PERCENT OF THE CONTENT CREATOR'S ONLINE
25 CONTENT PRODUCED WITHIN A THIRTY-DAY PERIOD INCLUDES THE
26 LIKENESS, NAME, OR PHOTOGRAPH OF THE MINOR. ONLINE CONTENT
27 PERCENTAGE IS MEASURED BY THE PERCENTAGE OF TIME THE LIKENESS,

1 NAME, OR PHOTOGRAPH OF THE MINOR VISUALLY APPEARS OR IS THE
2 SUBJECT OF AN ORAL NARRATIVE IN ONLINE CONTENT, AS COMPARED TO
3 THE TOTAL LENGTH OF TIME OF THE ONLINE CONTENT.

4 (II) THE NUMBER OF VIEWS RECEIVED PER SEGMENT OF ONLINE
5 CONTENT ON AN ONLINE HOSTING PLATFORM MEETS THE ONLINE HOSTING
6 PLATFORM'S THRESHOLD FOR THE GENERATION OF COMPENSATION OR THE
7 CONTENT CREATOR RECEIVES ACTUAL COMPENSATION FOR ONLINE
8 CONTENT EQUAL TO OR GREATER THAN TEN CENTS PER VIEW; AND

9 (III) THE CONTENT CREATOR RECEIVES ACTUAL COMPENSATION
10 FOR ONLINE CONTENT IN AN AMOUNT OF AT LEAST FIFTEEN THOUSAND
11 DOLLARS.

12 (b) A MINOR WHO IS FOURTEEN YEARS OLD OR OLDER MAY
13 PRODUCE, CREATE, AND PUBLISH THEIR OWN ONLINE CONTENT AND IS
14 ENTITLED TO ALL COMPENSATION FOR THEIR OWN CONTENT CREATION.

15 (2) (a) ALL CONTENT CREATORS WHOSE ONLINE CONTENT
16 FEATURES A MINOR ENGAGED IN THE WORK OF CONTENT CREATION AS
17 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION SHALL MAINTAIN THE
18 FOLLOWING RECORDS UNTIL THE MINOR TURNS EIGHTEEN YEARS OLD:

19 (I) THE NAME AND DOCUMENTARY PROOF OF THE AGE AT WHICH
20 THE MINOR WHO IS ENGAGED IN THE WORK OF CONTENT CREATION
21 STARTED ONLINE CONTENT CREATING;

22 (II) THE NUMBER OF POSTS FEATURING ONLINE CONTENT THAT
23 GENERATED COMPENSATION DURING THE REPORTING PERIOD;

24 (III) THE TOTAL NUMBER OF MINUTES OF THE POSTS FEATURING
25 ONLINE CONTENT THAT THE CONTENT CREATOR RECEIVED COMPENSATION
26 FOR DURING THE REPORTING PERIOD;

27 (IV) THE TOTAL NUMBER OF MINUTES THE MINOR WAS FEATURED

1 IN POSTS FEATURING ONLINE CONTENT DURING THE REPORTING PERIOD;

2 (V) THE TOTAL COMPENSATION GENERATED FROM POSTS
3 FEATURING ONLINE CONTENT THAT FEATURE THE MINOR DURING THE
4 REPORTING PERIOD; AND

5 (VI) THE AMOUNT DEPOSITED INTO THE TRUST ACCOUNT FOR THE
6 BENEFIT OF THE MINOR ENGAGED IN THE WORK OF CONTENT CREATION, AS
7 REQUIRED BY SUBSECTION (3) OF THIS SECTION.

8 (b) THE RECORDS REQUIRED BY THIS SUBSECTION (2) MUST BE
9 READILY ACCESSIBLE TO THE MINOR FOR REVIEW. THE CONTENT CREATOR
10 SHALL PROVIDE NOTICE TO THE MINOR OF THE EXISTENCE OF THE
11 RECORDS.

12 (c) IF A CONTENT CREATOR WHOSE POSTS FEATURING ONLINE
13 CONTENT FEATURE A MINOR ENGAGED IN THE WORK OF CONTENT
14 CREATION FAILS TO MAINTAIN THE RECORDS AS PROVIDED IN THIS
15 SUBSECTION (2), A CIVIL ACTION IN DISTRICT COURT MAY BE FILED ON
16 BEHALF OF THE MINOR TO ENFORCE THIS SECTION. THE COURT MAY
17 AWARD A MINOR WHO PREVAILS IN AN ACTION BROUGHT IN ACCORDANCE
18 WITH THIS SECTION THE FOLLOWING:

19 (I) INJUNCTIVE RELIEF;

20 (II) ACTUAL DAMAGES;

21 (III) PUNITIVE DAMAGES; AND

22 (IV) THE COSTS OF THE ACTION, INCLUDING ATTORNEY FEES AND
23 COURT COSTS.

24 (3)(a) A CONTENT CREATOR SHALL COMPENSATE A MINOR WHO IS
25 ENGAGED IN THE WORK OF CONTENT CREATION AS DESCRIBED IN
26 SUBSECTION (1)(a) OF THIS SECTION BY SETTING ASIDE GROSS EARNINGS
27 ON ONLINE CONTENT THAT INCLUDES THE LIKENESS, NAME, OR

1 PHOTOGRAPH OF THE MINOR INTO A TRUST ACCOUNT TO BE PRESERVED
2 FOR THE BENEFIT OF THE MINOR UPON REACHING THE AGE OF MAJORITY OR
3 UPON A DECLARATION THAT THE MINOR IS EMANCIPATED. THE GROSS
4 EARNINGS SHALL BE SET ASIDE ACCORDING TO THE FOLLOWING
5 DISTRIBUTION:

6 (I) IF ONLY ONE MINOR MEETS THE ONLINE CONTENT THRESHOLD
7 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION, THE PERCENTAGE OF
8 GROSS EARNINGS ON ANY ONLINE CONTENT THAT INCLUDES THE LIKENESS,
9 NAME, OR PHOTOGRAPH OF THE MINOR THAT IS EQUAL TO OR GREATER
10 THAN FIFTY PERCENT OF THE ONLINE CONTENT THAT INCLUDES THE MINOR,
11 AS DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION; OR

12 (II) IF MORE THAN ONE MINOR MEETS THE CONTENT THRESHOLD
13 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION AND ANY SEGMENT OF
14 ONLINE CONTENT INCLUDES MORE THAN ONE OF THE MINORS, THE
15 PERCENTAGE DESCRIBED IN SUBSECTION (3)(a)(I) OF THIS SECTION FOR
16 ALL MINORS IN ANY SEGMENT SHALL BE EQUALLY DIVIDED BETWEEN THE
17 MINORS, REGARDLESS OF DIFFERENCES IN PERCENTAGE OF CONTENT
18 PROVIDED BY THE INDIVIDUAL MINORS, AND PAID INTO A SEPARATE TRUST
19 ACCOUNT FOR EACH MINOR.

20 (b) A CONTENT CREATOR SHALL ENSURE THAT A TRUST ACCOUNT
21 REQUIRED UNDER THIS SECTION MEETS THE FOLLOWING REQUIREMENTS:

22 (I) THE MONEY IN THE ACCOUNT IS MADE AVAILABLE ONLY TO THE
23 MINOR ENGAGED IN THE WORK OF CONTENT CREATION;

24 (II) THE TRUST ACCOUNT IS HELD BY A BANK OR TRUST COMPANY;

25 (III) THE MONEY IN THE TRUST ACCOUNT WILL BECOME AVAILABLE
26 TO THE MINOR ENGAGED IN THE WORK OF CONTENT CREATION UPON THE
27 MINOR TURNING EIGHTEEN YEARS OLD OR UPON A DECLARATION THAT THE

1 MINOR IS EMANCIPATED; AND

2 (IV) THE ACCOUNT MEETS THE REQUIREMENTS OF THE
3 "COLORADO UNIFORM TRANSFERS TO MINORS ACT", ARTICLE 50 OF TITLE
4 11.

5 (c) IF A CONTENT CREATOR KNOWINGLY OR RECKLESSLY VIOLATES
6 THIS SECTION, A CIVIL ACTION IN DISTRICT COURT MAY BE FILED ON
7 BEHALF OF THE MINOR TO ENFORCE THIS SECTION. THE COURT MAY
8 AWARD A MINOR WHO PREVAILS IN AN ACTION BROUGHT IN ACCORDANCE
9 WITH THIS SECTION THE FOLLOWING:

10 (I) INJUNCTIVE RELIEF;

11 (II) ACTUAL DAMAGES;

12 (III) PUNITIVE DAMAGES; AND

13 (IV) THE COSTS OF THE ACTION, INCLUDING ATTORNEY FEES AND
14 COURT COSTS.

15 (d) THIS SECTION DOES NOT AFFECT A RIGHT OR REMEDY
16 AVAILABLE UNDER ANY OTHER LAW OF THE STATE.

17 (e) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT A
18 PARTY THAT IS NEITHER THE CONTENT CREATOR NOR THE MINOR ENGAGED
19 IN THE WORK OF CONTENT CREATION.

20 **8-12.5-103. Privacy removals - private right of action.**

21 (1) AN ADULT WHO WAS FEATURED IN A CONTENT CREATOR'S POST
22 FEATURING ONLINE CONTENT AS A MINOR ON OR AFTER THE EFFECTIVE
23 DATE OF THIS SECTION MAY REQUEST THAT THE CONTENT CREATOR
24 DELETE THE POST FROM THE ONLINE HOSTING PLATFORM OR EDIT THE POST
25 TO REMOVE THE INDIVIDUAL'S PRIVATE INFORMATION IF THE INDIVIDUAL
26 IS UNIQUELY IDENTIFIABLE.

27 (2) (a) AN ONLINE HOSTING PLATFORM SHALL PROVIDE AN EASILY

1 ACCESSIBLE MECHANISM THROUGH WHICH AN INDIVIDUAL CAN SUBMIT A
2 REQUEST PURSUANT TO SUBSECTION (1) OF THIS SECTION FOR THE
3 CONTENT CREATOR TO DELETE A POST FEATURING ONLINE CONTENT FROM
4 THE ONLINE HOSTING PLATFORM OR EDIT THE POST FEATURING ONLINE
5 CONTENT TO REMOVE THE INDIVIDUAL'S PRIVATE INFORMATION IF THE
6 INDIVIDUAL IS UNIQUELY IDENTIFIABLE.

7 (b) AN INDIVIDUAL SUBMITTING A REMOVAL REQUEST PURSUANT
8 TO THIS SECTION TO AN ONLINE HOSTING PLATFORM MUST INCLUDE ALL
9 INFORMATION REASONABLY REQUESTED BY THE ONLINE HOSTING
10 PLATFORM TO IDENTIFY THE MINOR AND THE POST FEATURING ONLINE
11 CONTENT, INCLUDING INFORMATION TO VERIFY THAT THE INDIVIDUAL
12 MAKING THE REMOVAL REQUEST IS THE INDIVIDUAL FEATURED IN THE
13 ONLINE CONTENT.

14 (c) AN ONLINE HOSTING PLATFORM SHALL NOTIFY THE
15 RESPONSIBLE CONTENT CREATOR WITHIN A REASONABLE TIME PERIOD
16 AFTER THE SUBMITTAL OF A REMOVAL REQUEST, AS SET BY THE ONLINE
17 HOSTING PLATFORM, WHICH TIME PERIOD MUST NOT EXCEED THIRTY DAYS.

18 (d) A CONTENT CREATOR SHALL DELETE A POST FEATURING
19 ONLINE CONTENT FROM AN ONLINE HOSTING PLATFORM OR EDIT THE POST
20 TO REMOVE THE INDIVIDUAL'S UNIQUELY IDENTIFIABLE INFORMATION
21 WITHIN SEVENTY-TWO HOURS AFTER RECEIVING NOTIFICATION OF THE
22 REMOVAL REQUEST FROM THE ONLINE HOSTING PLATFORM.

23 (3) (a) IF A CONTENT CREATOR FAILS TO COMPLY WITH
24 SUBSECTION (2)(d) OF THIS SECTION WITHIN THIRTY DAYS AFTER
25 RECEIVING THE REMOVAL REQUEST, THE INDIVIDUAL WHO SUBMITTED THE
26 REMOVAL REQUEST MAY INITIATE A CIVIL ACTION IN DISTRICT COURT TO
27 ENFORCE THIS SECTION. THE COURT MAY AWARD AN INDIVIDUAL WHO

1 PREVAILS IN AN ACTION BROUGHT IN ACCORDANCE WITH THIS SECTION THE
2 FOLLOWING:

- 3 (I) INJUNCTIVE RELIEF;
- 4 (II) ACTUAL DAMAGES;
- 5 (III) PUNITIVE DAMAGES; AND
- 6 (IV) THE COSTS OF THE ACTION, INCLUDING ATTORNEY FEES AND
7 COURT COSTS.

8 (b) IF A CONTENT CREATOR FAILS TO COMPLY WITH SUBSECTION
9 (2)(d) OF THIS SECTION WITHIN THIRTY DAYS AFTER RECEIVING THE
10 REMOVAL REQUEST, THE ONLINE HOSTING PLATFORM SHALL REVIEW AND
11 TAKE ALL REASONABLE STEPS TO REMOVE THE ONLINE CONTENT FROM THE
12 ONLINE HOSTING PLATFORM UNLESS:

13 (I) THE INDIVIDUAL WHO WAS FEATURED IN THE CONTENT
14 CREATOR'S POST AS A MINOR DOES NOT SUBMIT SUFFICIENT, ACCURATE
15 INFORMATION IN THE REQUEST TO REMOVE THE CONTENT; OR

16 (II) THE ONLINE HOSTING PLATFORM FINDS THAT THE POST
17 FEATURING ONLINE CONTENT IS SUFFICIENTLY NEWSWORTHY OR OF OTHER
18 PUBLIC INTEREST TO OUTWEIGH THE PRIVACY INTERESTS OF THE
19 INDIVIDUAL WHO WAS FEATURED IN THE ONLINE CONTENT AS A MINOR.

20 (4) THIS SECTION DOES NOT AFFECT A RIGHT OR REMEDY
21 AVAILABLE UNDER ANY OTHER LAW OF THE STATE.

22 **8-12.5-104. Intentional sexualization of minors featured in**
23 **content creation - exceptions - private right of action - risk-based**
24 **strategy.**

25 (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, A
26 PERSON SHALL NOT FINANCIALLY BENEFIT FROM KNOWINGLY PRODUCING
27 OR DISTRIBUTING PUBLICLY, INCLUDING BY COMPUTER, ONLINE CONTENT

1 OF A MINOR WITH THE INTENT TO SEXUALLY GRATIFY OR ELICIT A SEXUAL
2 RESPONSE IN THE VIEWER OR ANOTHER PERSON.

3 (2) (a) THIS SECTION DOES NOT APPLY TO:

4 (I) LAWFULLY AUTHORIZED INVESTIGATIVE, PROTECTIVE, OR
5 INTELLIGENCE ACTIVITY OF A LAW ENFORCEMENT AGENCY OF THE UNITED
6 STATES, A STATE, OR A POLITICAL SUBDIVISION OF A STATE OR OF AN
7 INTELLIGENCE AGENCY OF THE UNITED STATES;

8 (II) AN INDIVIDUAL WHO, ACTING IN GOOD FAITH:

9 (A) REPORTS UNLAWFUL ACTIVITY; OR

10 (B) ACTS IN PURSUANCE OF A LEGAL OR PROFESSIONAL OR OTHER
11 LAWFUL OBLIGATION;

12 (III) A DOCUMENT PRODUCTION OR FILING ASSOCIATED WITH A
13 LEGAL PROCEEDING; OR

14 (IV) AN ONLINE HOSTING PLATFORM WITH REGARD TO ONLINE
15 CONTENT PROVIDED BY CONTENT CREATORS UNLESS THE ONLINE HOSTING
16 PLATFORM INTENTIONALLY SOLICITS, OR KNOWINGLY AND
17 PREDOMINANTLY DISTRIBUTES, SUCH CONTENT.

18 (b) THIS SECTION SHALL NOT BE CONSTRUED TO IMPOSE LIABILITY
19 IN A MANNER THAT IS INCONSISTENT WITH THE FEDERAL
20 "COMMUNICATIONS DECENCY ACT OF 1996", 47 U.S.C. SEC. 230.

21 (3) (a) IF A PERSON VIOLATES OR ATTEMPTS OR CONSPIRES TO
22 VIOLATE SUBSECTION (1) OF THIS SECTION, A CIVIL ACTION IN DISTRICT
23 COURT MAY BE FILED ON BEHALF OF THE MINOR AGGRIEVED BY THE
24 VIOLATION TO ENFORCE THIS SECTION. THE COURT MAY AWARD A MINOR
25 WHO PREVAILS IN AN ACTION BROUGHT IN ACCORDANCE WITH THIS
26 SECTION THE FOLLOWING:

27 (I) ACTUAL DAMAGES;

1 (II) PUNITIVE DAMAGES; AND
2 (III) THE COSTS OF THE ACTION, INCLUDING ATTORNEY FEES AND
3 COURT COSTS.

4 (b) THIS SECTION DOES NOT AFFECT A RIGHT OR REMEDY
5 AVAILABLE UNDER ANY OTHER LAW OF THE STATE.

6 (4) (a) AN ONLINE HOSTING PLATFORM SHALL DEVELOP AND
7 IMPLEMENT A RISK-BASED STRATEGY TO HELP MITIGATE RISKS RELATED
8 TO MONETIZATION OF THE INTENTIONAL SEXUALIZATION OF KNOWN
9 MINORS ENGAGED IN CONTENT CREATION.

10 (b) AN ONLINE HOSTING PLATFORM SHALL DOCUMENT AND
11 REASSESS THE RISK-BASED STRATEGY DEVELOPED PURSUANT TO
12 SUBSECTION (4)(a) OF THIS SECTION ON A REASONABLE RECURRING BASIS
13 AND MAY INCLUDE AT THE SOLE DISCRETION OF THE ONLINE HOSTING
14 PLATFORM COMMERCIALLY REASONABLE:

15 (I) POLICIES THAT GOVERN CONTENT AND RELATED
16 MONETIZATION;

17 (II) RESTRICTIONS OF FEATURES ON ONLINE CONTENT FEATURING
18 MINORS;

19 (III) AUTOMATED SYSTEMS TO IDENTIFY AND ENFORCE AGAINST
20 POTENTIALLY PROBLEMATIC ONLINE CONTENT AND ACCOUNTS;

21 (IV) GUARDRAILS TO MITIGATE AGAINST A RECOMMENDATION
22 SYSTEM UTILIZED BY AN ONLINE HOSTING PLATFORM RECOMMENDING
23 ONLINE CONTENT CONTAINING SEXUALIZATION OF KNOWN MINORS; AND

24 (V) QUALITY ASSURANCE PROCESSES RECURRING AT REASONABLE
25 INTERVALS TO ENSURE THAT THE RISK-BASED STRATEGY DEVELOPED
26 PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION IS WORKING AS
27 INTENDED.

1 (c) AN ONLINE HOSTING PLATFORM SHALL ENSURE THAT
2 INFORMATION ABOUT ITS ONLINE CONTENT POLICIES, SETTINGS, AND BEST
3 PRACTICES FOR ONLINE CONTENT FEATURING MINORS IS PUBLICLY
4 AVAILABLE, UNDERSTANDABLE TO BOTH ADULTS AND MINORS, AND
5 INFORMED BY RESEARCH AND OUTSIDE EXPERTISE. THE INFORMATION
6 MUST INFORM CONTENT CREATORS THAT THEY MAY BE SUBJECT TO
7 VARIOUS LEGAL REQUIREMENTS AND EXPLAIN RISKS AND STEPS TO
8 PROTECT MINORS APPEARING IN POSTS FEATURING ONLINE CONTENT FROM
9 EXPLOITATION.

10 **SECTION 2. Act subject to petition - effective date -**
11 **applicability.** (1) This act takes effect June 1, 2027; except that, if a
12 referendum petition is filed pursuant to section 1 (3) of article V of the
13 state constitution against this act or an item, section, or part of this act
14 within the ninety-day period after final adjournment of the general
15 assembly, then the act, item, section, or part will not take effect unless
16 approved by the people at the general election to be held in November
17 2026 and, in such case, will take effect June 1, 2027.

18 (2) This act applies to conduct occurring on or after the applicable
19 effective date of this act.