

HB170 INTRODUCED



1 HB170
2 L5C9VWA-1
3 By Representative Robbins
4 RFD: Children and Senior Advocacy
5 First Read: 13-Jan-26



4 SYNOPSIS:

5 This bill would require a parent or guardian to
6 establish a trust for a minor 18 years of age or
7 younger who is a performer or featured in social media
8 content, if certain thresholds relating to the amount
9 the minor is featured in the social media content and
10 the amount the content creator and minor are
11 compensated are met.

12 This bill would require each content creator to
13 regularly determine whether any minors featured in his
14 or her content qualify for compensation or the
15 establishment of a trust and, if so, notify the minor's
16 parent or guardian.

17 This bill would provide for the calculation of
18 compensation which must be transferred to a minor's
19 trust, the timeline for the transfer, and would require
20 transfers to the trust to comply with the Uniform
21 Transfers to Minors Act.

22 This bill would allow a content creator to
23 petition the court for an exemption to the requirements
24 of this bill, and would allow a court to grant the
25 exemption if complying with the bill would cause an
26 undue hardship and the content creator presents an
27 alternative plan that is in the best interest of the
28 minor.



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29 This bill would allow the minor's parent or
30 guardian to serve as the trustee of the trust, unless
31 the average monthly balance of the trust exceeds
32 \$250,000, in which case the parent or guardian must
33 petition the court for the appointment of a trustee.

34 This bill would prohibit a minor's parent or
35 guardian from accessing the funds of the trust, and
36 require the beneficiary to be given access to the funds
37 on the day he or she turns 19 years of age.

38 This bill would require certain content creators
39 to maintain records relating to the earnings,
40 compensation, and trust transfers for minors featured
41 in their social media content.

42 This bill would create a cause of action for a
43 minor against a content creator, trustee, or parent or
44 guardian for failure to comply with the requirements of
45 this bill, provided that any such claims must be
46 brought not later than five years after the minor turns
47 19 years of age.

48 This bill would exempt represented minors who
49 maintain an employment contract with the content
50 creator from requirements relating to a trust.

51 This bill would require social media companies
52 to develop a procedure for individuals covered by this
53 bill, once they reach 19 years of age, to request that
54 content featuring them as a minor be deleted or edited
55 by the content creator.

56 This bill would allow such an individual to



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bring a cause of action against a content creator who refuses to delete or edit social media content that features the individual while he or she was a minor and would provide factors that a court must consider when determining whether to require the deletion or editing.

This bill would also not apply to represented minors who maintain an employment contract with the content creator.

A BILL
TO BE ENTITLED
AN ACT

Relating to consumer protection; to require a trust to be established for certain minors who are performers or featured in social media content; to provide for the calculation of compensation which must be transferred to the trust; to allow the parent or guardian of the minor to serve as trustee, with exceptions; to create a cause of action for an individual against another individual who fails to comply with trust requirements, subject to a statute of limitation; to require social media companies to develop a procedure for individuals to request the deletion or editing of social media content that features them as a minor; to create a cause of action for an individual against a content creator who refuses to delete or edit such content; to provide factors for a court to consider when determining to require the deletion or



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85 editing of such content; and to exclude certain represented
86 minors.

87 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

88 Section 1. For the purposes of this act, the following
89 terms have the following meanings:

90 (1) COMPENSATED CONTENT. Paid minutes that feature a
91 qualifying minor's personal content.

92 (2) CONTENT CREATOR. An individual who produces social
93 media content. The term does not include a minor who is the
94 sole producer of the minor's own social media content.

95 (3) CONTENT SHARE. The percentage of minutes of the
96 content creator's social media content that featured the
97 personal content of an individual other than the content
98 creator.

99 (4) EMOTIONAL HARM OR SUBSTANTIAL EMBARRASSMENT.
100 Psychological or emotional distress that a reasonable,
101 similarly situated individual would feel, resulting from the
102 individual's personal content appearing in a content creator's
103 social media content.

104 (5) INCOME FROM SOCIAL MEDIA. The net income a content
105 creator receives from creating social media content after
106 making reasonable deductions for administrative costs. The
107 term includes any income the content creator directly or
108 indirectly earns from social media content, including, but not
109 limited to, advertisement revenue, compensation from creator
110 funds, payments for brand partnerships, and money earned
111 through a subscription or tipping platform. For the purposes
112 of this subdivision, "administrative costs" includes



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reasonable costs that a content creator incurs when making social media content, such as expenses directly related to the production of social media content and a social media service fee, but does not include any income a content creator pays to himself or herself.

(6) MINOR. An individual who is under 19 years of age.

(7) MINOR CONTENT EARNINGS. Any portion of income from social media which resulted from paid minutes featuring a qualifying minor.

(8) PAID MINUTES. The total number of minutes of social media content that generates income from social media.

(9) PERFORMER. a. An individual who, either directly or through a third party, does any of the following:

1. Renders artistic or creative services in a motion picture, social media content, or a theatrical, radio, or television production in exchange for compensation under an employment contract.

2. Agrees to sell, lease, license, transfer, exchange, or otherwise dispose of any of the following for the purpose of use in motion pictures or theatrical, radio, or television productions:

(i) Literary, musical, artistic, or dramatic properties.

(ii) The use of the individual's name, likeness, recording, or performance.

(iii) The story of or the incidents in the life of the individual.

3. Appears in social media content as a market value



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141 compensated minor.

142 b. The term includes an individual who engages in an
143 activity described in subparagraphs 1. or 2. as an actor or
144 actress, a dancer, a musician, a stunt double, a writer, a
145 director, a producer, a choreographer, a composer, a
146 conductor, a designer, or a represented minor.

147 (10) PERSONAL CONTENT. Social media content that
148 features an individual's name, likeness, or photograph, or for
149 which an individual is the subject of an oral narrative.

150 (11) SOCIAL MEDIA COMPANY. An entity that owns or
151 operates a social media service.

152 (12) SOCIAL MEDIA CONTENT. Video content shared on a
153 social media service that meets the social media service's
154 threshold for the generation of income from social media.

155 (13) SOCIAL MEDIA SERVICE. a. A public website or
156 application that does all of the following:

157 1. Displays content that is primarily generated by
158 account holders and not by the social media company.

159 2. Permits an individual to register as an account
160 holder and create a profile that is made visible to the
161 general public or a set of other users as defined by the
162 account holder.

163 3. Makes available to each account holder a list or
164 lists of other account holders with whom the account holder
165 shares a connection within the system.

166 4. Allows account holders to post content viewable by
167 other users.

168 b. The term does not include email; cloud storage; or



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document viewing, sharing, or collaboration services.

Section 2. (a) On the first day of each calendar month, each content creator shall determine the content share for each individual, other than the content creator, who was featured in the content creator's social media content that was published in the immediately preceding calendar month.

(b) For the purposes of implementing the requirements of this act, the content creator shall use the content share to classify minors who are featured in the content creator's social media content as follows:

(1) As a market value compensated minor, if the minor meets all of the following criteria:

a. In the preceding calendar year, has an average monthly content share of at least 30 percent of a content creator's content.

b. Is featured in social media content where the content creator is the parent or guardian of the minor and received at least one hundred fifty thousand dollars (\$150,000) of income from social media in the preceding calendar year.

c. Receives compensation for appearing in a content creator's content which is substantially equivalent to the compensation that similarly situated represented minors would receive.

d. Is not represented in negotiations relating to the minor's appearance in the content creator's content.

e. Is not a qualified minor or a represented minor.

(2) As a qualifying minor, if both of the following are



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satisfied:

a. A content creator determines on January 1 of each year, that in the immediately preceding calendar year, the minor:

1. Had an average monthly content share of at least 30 percent of the content creator's content; and

2. Was featured in social media content where the content creator received income from social media of at least one hundred fifty thousand dollars (\$150,000) in the calendar year.

b. Is not a represented minor or market value compensated minor.

(3) As a represented minor, if the minor meets all of the following criteria:

a. In the preceding calendar year, has an average monthly content share of at least 30 percent of a content creator's content.

b. Is featured in social media content where the content creator received income from social media of at least one hundred fifty thousand dollars (\$150,000) in the preceding calendar year.

c. Is represented by a parent, guardian, attorney, or other individual with fiduciary duty to the minor and who is not the content creator in negotiations relating to a minor's appearance in a content creator's social media content.

d. The minor's parent, guardian, attorney, or other individual with a fiduciary duty to the minor enters into an employment agreement with the content creator.



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Section 3. (a) As used in this section, the term "employer," as it relates to a market value compensated minor, means the market value compensated minor's parent or guardian.

(b) On or before January 31 of each calendar year, if in the preceding calendar year a performer who is a minor earned income of twenty thousand dollars (\$20,000) or more, the performer's parent or guardian shall:

(1) Establish a trust for the benefit of the performer in accordance with Chapter 5A of Title 35, Code of Alabama 1975, unless such a trust is already established; and

(2) Unless the performer is a market value compensated minor, notify the performer's employer of the existence of the trust and any additional information required for the employer to transfer gross earnings to the trust.

(c) The performer's parent or guardian may serve as the trustee of the trust, subject to the following:

(1) If the average monthly balance of the trust exceeds two hundred fifty thousand dollars (\$250,000) for a consecutive period of at least six months:

a. The trustee of the trust shall petition a court to appoint a trustee to replace the parent or guardian as trustee; and

b. After receiving a petition under this subdivision, a court shall appoint a new trustee to replace the trustee.

(2) A performer's parent or guardian may not access the funds in the trust.

(3) A beneficiary of a trust established under this section may access the funds in the trust beginning the day on



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which the beneficiary turns 19 years of age.

(d)(1) The employer of a performer who is a minor shall transfer 15 percent of the performer's gross earnings into the trust as follows:

a. If the performer's term of employment is 30 days or fewer, not later than 30 days after the day on which the minor's employment terminates.

b. If the performer's term of employment is more than 30 days, on the same date that the employer makes payments in accordance with the employer's regular pay period.

(2) The performer's employer shall make the transfer described in this subsection in accordance with Chapter 5A of Title 35, Code of Alabama 1975.

(3) After the performer's employer completes the transfer described in this subsection, the performer's employer has no further obligations under this section.

(e)(1) Notwithstanding any other statute of limitation or repose that may be applicable to an action described in this section, an individual, for up to five years after the day on which the individual turns 19 years of age, has a right of action against all of the following:

a. An employer, if the employer fails to transfer funds to the individual's trust as required under this section.

b. An individual's parent or guardian, if the individual's parent or guardian fails to establish a trust as required under this section or notify the individual's employer of the existence of the trust as required under this section.



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c. The trustee of the individual's trust, if the trustee failed to appoint a trust company to serve as trustee of the trust as required under this section.

(2) If an individual brings a cause of action under this subsection, a court may award any of the following:

- a. Actual damages.
- b. Punitive damages.
- c. Reasonable costs and attorney fees.
- d. Any other remedy provided by law.

Section 4. (a) (1) On January 1 of each year, each content creator shall determine whether any portion of the content creator's social media content during the preceding calendar year contained a qualified minor.

(2) Not later than January 15 of each year, the content creator shall inform each qualifying minor's parent or guardian in writing that the minor is a qualifying minor and of the amount of compensation the content creator is required to pay to the qualifying minor in accordance with subsection (d), unless the content creator is the qualified minor's parent or guardian.

(3) If the total amount of compensation described in subdivision (2) equals or exceeds twenty thousand dollars (\$20,000) for the preceding calendar year, not later than February 1 of each year, the qualifying minor's parent or guardian shall do all of the following:

a. Establish a trust for the benefit of the qualifying minor in accordance with Chapter 5A of Title 35, Code of Alabama 1975, unless such a trust is already established.



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b. Notify the content creator of the existence of the trust.

c. Provide any additional information required for the content creator to make transfers of gross earnings into the trust.

(b) (1) A content creator that produces social media content featuring a qualifying minor shall maintain a monthly record of all of the following:

a. The content creator's income from social media.

b. The qualifying minor's name and documentation of the qualifying minor's age.

c. The content creator's paid minutes.

d. The content earnings of any qualifying minor featured in the content creator's social media content.

e. The compensated content of any qualifying minor featured in the content creator's social media content.

f. The funds transferred into a trust for the benefit of a qualifying minor, as described in subsection (d).

(2) The content creator shall:

a. Retain the records described in this subsection for at least two years after the day on which the content creator creates the records;

b. Provide notice to the qualifying minor of the existence of the records; and

c. Make the records readily available to the minor for review upon request from the qualifying minor.

(c) The qualifying minor's parent or guardian may serve as the trustee of the trust, subject to the following:



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(1) If the average monthly balance of the trust exceeds two hundred fifty thousand dollars (\$250,000) for a consecutive period of at six least months:

a. The trustee of the trust shall petition a court to appoint a trustee to replace the parent or guardian as trustee; and

b. After receiving a petition under this subdivision, a court shall appoint a new trustee to replace the trustee.

(2) The qualifying minor's parent or guardian may not access the funds in the trust.

(3) A beneficiary of a trust established under this section may access the funds of the trust beginning the day on which the beneficiary turns 19 years of age.

(d) (1) If a content creator's content had minor content earnings during the preceding month, the content creator shall use the formula $E = (A/T) * (Q/S) * (M/2)$ or the formula $E = (A/T) * (1/X) * (M/2)$ to determine how much of the earnings must be transferred to each qualifying minor. For the purposes of the formula, the following letters equal the following amounts:

a. E = a qualifying minor's earnings.

b. A = all paid minutes featuring any qualifying minor.

c. T = total paid minutes.

d. Q = paid minutes featuring the qualifying minor.

e. S = the sum of paid minutes for all qualifying minors.

f. M = the preceding month's income from social media.

g. X = the total number of qualifying minors.



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(2) The content creator shall transfer the minor's earnings described in subdivision (1) directly to the qualifying minor, except that after the qualifying minor's parent or guardian establishes a trust as described in subsection (a), the trustee shall transfer the qualifying minor's earnings calculated to each qualifying minor's trust.

(e)(1) The content creator shall make a transfer described in subsection (d) in accordance with Chapter 5A of Title 35, Code of Alabama 1975.

(2) The content creator shall make the calculations and the transfers described in subsection (d) before the end of the month following the month in which the content creator received minor content earnings.

(f)(1) A content creator may petition a court for an exception to subsection (d) if all of the following apply:

a. The content creator shows that complying with subsection (d) causes undue hardship.

b. The content creator provides an alternative plan to distribute compensation to a qualifying minor.

c. The content creator commits to establishing an alternative trust that complies with the requirements of this section.

(2) A court shall issue an order granting an exception to subsection (d) if the court determines both of the following:

a. The content creator adequately shows that complying with subsection (d) causes undue hardship.

b. The alternative plan provided by the content creator



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is in the best interest of the qualifying minor.

(g) (1) Notwithstanding any other statute of limitation or repose that may be applicable to an action described in this section, an individual, for up to five years after the day on which the individual turns 19 years of age, has a right of action against each of the following:

a. A content creator, if the content creator fails to transfer funds to the individual's trust during the time the individual was a qualifying minor as required under this section.

b. The individual's parent or guardian, if the parent or guardian fail to establish a trust as required under this section or notify the content creator of the existence of the trust as required under this section.

c. A trustee, if the trustee fails to appoint a trust company to serve as the trustee as required under this section.

(2) An individual retains a right of action under this subsection only if a court did not issue an order granting an exception as described in subsection (f).

(h) If an individual brings a cause of action under subsection (g), a court may award any of the following:

(1) Actual damages.

(2) Punitive damages.

(3) Reasonable costs and attorney fees.

(4) Any other remedy provided by law.

(i) A minor who creates, produces, or publishes the minor's own social media content is entitled to all



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compensation resulting from the social media content.

(j) The provisions of this section supersede any agreement related to venue, arbitration, or mediation in a contract entered into after the effective date of this act, between a qualifying minor and a content creator.

Section 5. (a) (1) An individual who is at least 19 years of age may make a request to a social media company that a content creator delete or edit any social media content that the content creator posted featuring the individual as a qualifying minor or a market value compensated minor. The social media company may verify the age of the individual when the individual submits the request.

(2) Each social media company shall provide a readily apparent process for an individual to submit a request under subdivision (1).

(3) An individual submitting a request under this subsection shall include all information reasonably requested by the social media company to identify the individual and the social media content featuring the individual as a qualifying minor or a market value compensated minor which the individual requests to delete or edit.

(b) (1) A social media company shall inform the content creator of a request under subsection (a) not later than three business days after receipt of the request.

(2) Not later than ten business days after the content creator receives the notice, the content creator shall either:

a. Delete or edit the social media content described in the request.



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b. Notify the social media company of the content creator's decision to not delete or edit the social media content and the content creator's reason for not deleting or editing the social media content.

(3) The social media company shall inform the individual making the request of the content creator's decision under this subsection not later than three business days after the social media company receives notification from the content creator.

(c)(1) Subject to subdivision (4), an individual who was a qualifying minor or a market value compensated minor has a right of action under this section against a content creator if the content creator does not edit or delete social media content that features the individual after being requested to do so pursuant to subsection (a).

(2) If an individual brings an action in accordance with subdivision (1), a court shall consider all of the following:

a. Any emotional harm or substantial embarrassment the social media content causes the individual.

b. The interests of the content creator in the social media content.

c. The public interest served by the social media content.

(3) If the court issues an order requiring the content creator to delete or edit the social media content that is the subject of the individual's request, the court shall award the individual as follows:



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477 a. If the content creator's social media content
478 featured the individual as a qualifying minor, actual damages
479 and reasonable costs and attorney fees.

480 b. If the content creator's social media content
481 featured the individual as a market value compensated minor,
482 actual damages that occurred after the day on which the
483 individual turned 19 years of age.

484 (4) An individual who was a market value compensated
485 minor may bring an action under this subsection up to three
486 years after the day on which the individual turns 19 years of
487 age or three years after the day on which the individual knew
488 or should have known that the social media content inflicted
489 emotional harm or substantial embarrassment, whichever is
490 later.

491 (d) The provisions of this section supersede any
492 agreement related to venue, arbitration, or mediation in a
493 contract entered into after the effective date of this act,
494 between an individual petitioning a court to edit or delete
495 the social media content and a social media service.

496 Section 6. This act shall become effective on October
497 1, 2026.