

HB170 INTRODUCED



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



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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



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

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

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66

67 A BILL

68 TO BE ENTITLED

69 AN ACT

70

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



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



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

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

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

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

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

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

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

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

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

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

140 3. Appears in social media content as a market value



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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169 document viewing, sharing, or collaboration services.

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

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

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

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

184 b. Is featured in social media content where the
185 content creator is the parent or guardian of the minor and
186 received at least one hundred fifty thousand dollars
187 (\$150,000) of income from social media in the preceding
188 calendar year.

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

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

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

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



197 satisfied:

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

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

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

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

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

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

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

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

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



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

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

232 (1) Establish a trust for the benefit of the performer
233 in accordance with Chapter 5A of Title 35, Code of Alabama
234 1975, unless such a trust is already established; and

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

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

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

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

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

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

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



253 which the beneficiary turns 19 years of age.

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

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

260 b. If the performer's term of employment is more than
261 30 days, on the same date that the employer makes payments in
262 accordance with the employer's regular pay period.

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

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

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

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

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



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

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

286 a. Actual damages.
287 b. Punitive damages.
288 c. Reasonable costs and attorney fees.
289 d. Any other remedy provided by law.

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

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

301 (3) If the total amount of compensation described in
302 subdivision (2) equals or exceeds twenty thousand dollars
303 (\$20,000) for the preceding calendar year, not later than
304 February 1 of each year, the qualifying minor's parent or
305 guardian shall do all of the following:

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



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

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

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

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

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

320 c. The content creator's paid minutes.

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

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

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

327 (2) The content creator shall:

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

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

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

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



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

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

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

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

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

350 (d) (1) If a content creator's content had minor content
351 earnings during the preceding month, the content creator shall
352 use the formula $E = (A/T) * (Q/S) * (M/2)$ or the formula $E =$
353 $(A/T) * (1/X) * (M/2)$ to determine how much of the earnings
354 must be transferred to each qualifying minor. For the purposes
355 of the formula, the following letters equal the following
356 amounts:

357 a. E = a qualifying minor's earnings.

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

359 c. T = total paid minutes.

360 d. Q = paid minutes featuring the qualifying minor.

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

362 minors.

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

364 q. x = the total number of qualifying minors.



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

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

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

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

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

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

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

392 b. The alternative plan provided by the content creator



393 is in the best interest of the qualifying minor.

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

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

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

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

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

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

415 (1) Actual damages.

416 (2) Punitive damages.

417 (3) Reasonable costs and attorney fees.

418 (4) Any other remedy provided by law.

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



421 compensation resulting from the social media content.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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.