

Advertising + Marketing

New Laws Protecting Child Influencers: What Marketers and Influencers Need To Know

The Bottom Line

- Illinois's new child influencer law (effective as of July 1, 2024) requires vloggers that include children in their content to set aside a portion of the compensation they receive from that content into a trust for the minor.
- Minnesota passed a similar bill (effective July 1, 2025) that also prohibits children under the age of 14 from "engaging in the work of content creation" and requires adult content creators to delete content if a minor appearing in the content requests removal.
- Eight other states have similar bills under consideration, and it is likely more states will follow suit.

With the start of a new school year, parents and children across the country are purchasing new clothes and school supplies, while marketers and agencies are working hard to develop new "back to school" campaigns to ensure their brands are top of mind for shoppers. Family-focused influencers including children in their content are an increasingly important tool for marketers to accomplish this goal.

As this marketing approach becomes more and more common, there has been increased debate over whether children appearing in influencer content should be compensated for their work.

State legislatures are leading the charge to ensure that children appearing in influencer content are being fairly compensated for their work and use of their likeness. Illinois and Minnesota currently have laws on the books requiring payment by vloggers or content creators to the children appearing in their content, while eight other states have similar bills pending.

Illinois Law

In 2023, Illinois became the first state in the United States to pass a law that protects the earnings of minors under 16 who are featured in online influencer content.

The law, which went into effect on July 1st of this year, amends Illinois's Child Labor Law by requiring that vloggers showcasing children in influencer content set aside a portion of the compensation they receive in connection with content they create if the content contains the name, image or likeness of a minor. The percentage of earnings allocated to the minor is based on how heavily the minor is featured in the content. The funds must be set aside in a trust for the minor and made available when the minor turns 18 or is declared emancipated.

The obligation to set aside funds for a minor appearing in influencer content becomes effective if, at any time in the previous 12-month period, 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, and the number of views received per video segment met the online platform's threshold for the generation of compensation or the vlogger received actual compensation equal to or greater than \$0.10 per view.

Under the new law, vloggers must also provide minors appearing in their content records to enable the calculation of the amounts that should be put into trust for the child under the law, as well as records confirming all amounts deposited into the trust account.

Minors are entitled to a private right of action to enforce this law against the adults who included the minor in their influencer content if these requirements are not met.

Minnesota Law

Minnesota has also passed a law governing the inclusion of children in influencer content, which becomes effective on July 1, 2025. The Minnesota law requirements obligating content creators to place funds in trusts for minors appearing in their content are generally in line with the Illinois law requirements, however, the Minnesota law has some important additional provisions.

The Minnesota law *prohibits* minors under the age of 14 from "engaging in the work of content creation". Like in Illinois, a minor is considered "engaged in the work of content creation" if the minor appears in at least 30% of a content creator's content in a 30-day period, and if the number of views received per video segment meets the online platform's threshold for the generation of compensation or the content creator received actual compensation equal to or greater than \$0.10 per view.

The law also contains an obligation for content creators to delete content containing the likeness of a child when the child (or an adult who was a child when appearing in the content) requests removal of the content.

Other State Bills

Eight other states – Arizona, California, Georgia, Maryland, Missouri, Ohio, Pennsylvania and Washington – have similar bills introduced in their state legislatures. Given the amount of attention focused on the issue of child influencers, it is likely that more states will follow suit.

For More Information

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