

House Bill 968

By: Representatives Schofield of the 63rd, Carpenter of the 4th, Tran of the 80th, Gilliard of the 162nd, and Holland of the 54th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 39 of the Official Code of Georgia Annotated, relating to
2 regulation of employment of minors, so as to require the establishment of blocked trust
3 accounts for minors rendering artistic or creative services in this state; to provide for
4 definitions; to provide for the Commissioner of Labor to investigate and determine
5 conditions of employment of child performers prior to the commencement of such
6 employment; to provide for requirements related to blocked trust accounts for child
7 performers; to provide for requirements related to such accounts for minors engaged in video
8 content on online platforms; to provide for civil actions; to require the conditions of
9 employment for a child performer to not be detrimental to such minor's health, well-being,
10 and education; to provide for scheduling restrictions and for discretionary exceptions; to
11 provide for related matters; to provide for a short title; to provide for an effective date; to
12 repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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40 choreographer, composer, conductor, or designer. Such term includes a minor engaged
 41 in the work of vlogging as provided for in Code Section 39-2-18.2.

42 (4) 'Gross earnings' means the total compensation payable to the child performer under
 43 the contract or payable to a third-party individual for the services of the child performer.

44 (5) 'Online platform' means a digital service that uses the internet to facilitate interactions
 45 between two or more separate but interdependent users. Such term includes any
 46 public-facing website, web application, digital application, mobile application, social
 47 network, advertising network, mobile operating system, search engine, email service, or
 48 internet access service.

49 (6) 'Vlog' means video content shared on an online platform in exchange for
 50 compensation.

51 (b) Before the Commissioner of Labor shall give his written consent, ~~as provided in~~
 52 ~~subsection (a) of this Code section, he~~ for a child performer to be employed by or permitted
 53 to work rendering artistic or creative services in this state, he or she shall investigate and
 54 determine that:

55 (1) ~~The That the~~ environment in which the work is to be performed is proper for the
 56 minor;

57 (2) ~~The That the~~ conditions of employment are not detrimental to the health of the minor
 58 and are compliant with the scheduling restrictions as provided for in Code
 59 Section 39-2-18.3;

60 (3) ~~The That the~~ minor's education will not be neglected or hampered by his or her
 61 participation in any of the activities referred to in subsection (a); and as a child performer;

62 (4) ~~The That the~~ minor will not be used for pornographic purposes; and

63 (5) The minor's parent or legal guardian has established a blocked trust account
 64 designating the minor as the beneficiary as provided for in Code Section 39-2-18.1."

65 **SECTION 3.**

66 Said chapter is further amended by adding three new Code sections to read as follows:

67 "39-2-18.1.

68 (a) A blocked trust account required to be established by a child performer's parent or legal
69 guardian shall provide, at a minimum, that:

70 (1) Except as provided in Code Section 39-2-18.2, at least 15 percent of the gross
71 earnings of the child performer shall be deposited into the account;

72 (2) The funds in the account shall be available only to the child performer;

73 (3) The account shall be held by a trust company, as defined in Code Section 44-5-111;

74 (4) The funds in the account shall become available to the child performer when the
75 minor reaches the age of majority or is declared emancipated; and

76 (5) The account meets the requirements of Article 5 of Chapter 5 of Title 44, the 'Georgia
77 Transfers to Minors Act.'

78 (b) The child performer's parent or legal guardian shall provide the child performer's
79 employer with the information necessary to transfer funds into the blocked trust account.
80 Once such employer deposits the funds into the account, such employer shall have no
81 further obligation or duty to monitor or account for such funds, and only the trustee shall
82 be obligated to monitor and account for such funds.

83 (c) If the child performer's parent or legal guardian fails to provide the child performer's
84 employer with the information necessary to transfer funds into the blocked trust account
85 within 30 days after the start of employment, funds that were to be transferred to the
86 account shall be reported and remitted to the commissioner of revenue in accordance with
87 Code Section 44-12-214 of the 'Disposition of Unclaimed Property Act.'

88 39-2-18.2.

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

91 (1) At least 30 percent of the vlogger's video content for which he or she received
92 compensation produced within a 30 day period included the likeness, name, or image of
93 the minor. Such content percentage is measured by the percentage of time the likeness,
94 name, or image of the minor visually appears or is the subject of an oral narrative in a
95 video segment as compared to the total length of the segment; and

96 (2) The number of views received per video segment on any online platform met the
97 online platform's threshold for the generation of compensation or the vlogger received
98 actual compensation for video content equal to or greater than 10¢ per view.

99 (b) All vloggers whose content features a minor engaged in the work of vlogging shall
100 maintain the following records and shall provide them to the minor or such minor's parent
101 or legal guardian on an ongoing basis:

102 (1) The name and documented proof of the age of the minor engaged in the work of
103 vlogging;

104 (2) The number of vlogs that generated compensation as provided for in subsection (a)
105 of this Code section during the reporting period;

106 (3) The total number of minutes of the vlogs for which the vlogger received
107 compensation during the reporting period;

108 (4) The total number of minutes each minor was featured in vlogs during the reporting
109 period;

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

112 (6) The amount deposited into the blocked trust account for the benefit of the minor
113 engaged in the work of vlogging.

114 (c) If a vlogger whose content features any minors engaged in the work of vlogging fails
115 to maintain the records as provided in subsection (b) of this Code section, the minor or such
116 minor's parent or legal guardian may commence a civil action to enforce such subsection.

117 (d) A minor satisfying the criteria provided in subsection (a) of this Code section shall be
118 compensated by the vlogger. The vlogger shall set aside gross earnings on the video
119 content including the likeness, name, or image of the minor in a blocked trust account
120 according to the following distribution:

121 (1) When only one minor meets the content threshold described in subsection (a) of this
122 Code section, the percentage of total gross earnings on any video segment including the
123 likeness, name, or image of the minor that is equal to or greater than half of the content
124 percentage that includes the minor; or

125 (2) When more than one minor meets the content threshold described in subsection (a)
126 of this Code section and a video segment includes more than one such minor, the
127 percentage described in subsection (a) of this Code section for all minors in any segment
128 must be equally divided between the minors, regardless of differences in percentage of
129 content provided by the individual minors.

130 (e) If a vlogger knowingly or recklessly violates the requirements provided for in
131 subsection (d) of this Code section, the minor or such minor's parent or legal guardian may
132 commence a civil action to enforce the provisions of such subsection. The court may
133 award to a minor who prevails in any action brought in accordance with this Code section
134 actual damages, punitive damages, and the costs of such action, including attorney's fees
135 and litigation costs.

136 39-2-18.3.

137 (a) The conditions of employment, including work schedules, for a child performer shall
138 not be detrimental to such minor's health, well-being, and education.

139 (b) Notwithstanding any other provisions of this chapter to the contrary, the scheduling
140 restrictions for a child performer employed or permitted to work rendering artistic or
141 creative services shall be, at a minimum, as follows:

- 142 (1) No infants between birth and 15 days shall be permitted to be employed or permitted
143 to work;
- 144 (2) A minor between 15 days and six months old shall not start work before 9:30 A.M.,
145 shall not work more than 20 minutes per day, shall not be at a location for more than two
146 hours per day, and shall not work past 8:00 P.M.;
- 147 (3) A minor between six months and two years old shall not start work before 7:00 A.M.,
148 shall not work more than two hours per day, shall not be at a location for more than four
149 hours per day, and shall not work past 7:00 P.M.;
- 150 (4) A minor between two and six years old shall not start work before 7:00 A.M., shall
151 not work more than three hours per day, shall not be at a location for more than six hours
152 per day, and shall not work past 7:00 P.M.;
- 153 (5) A minor between six and nine years old shall not start work before 7:00 A.M., shall
154 not work more than four hours per day, shall not be at a location for more than eight
155 hours per day, and shall not work past 10:00 P.M.;
- 156 (6) A minor between nine and 16 years old shall not start work before 7:00 A.M., shall
157 not work more than five hours per day, shall not be at a location for more than ten hours
158 per day, and shall not work past 10:00 P.M. on a school night or 12:30 A.M. on a
159 nonschool night; and
- 160 (7) A minor who is 16 or 17 years old shall not start work before 7:00 A.M., shall not
161 work more than eight hours per day, shall not be at a location for more than 12 hours per
162 day, and shall not work past 10:00 P.M. on a school night or 12:30 A.M. on a nonschool
163 night.
- 164 (c) The commissioner is authorized to make limited exceptions to the scheduling
165 restrictions provided for in subsection (b) of this Code section for unique child performers,
166 circumstances, or events."

167 **SECTION 4.**

168 This Act shall become effective upon its approval by the Governor or upon its becoming law
169 without such approval.

170 **SECTION 5.**

171 All laws and parts of laws in conflict with this Act are repealed.