



ready, set, vlog! new california laws protect the rights of child vloggers

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A pair of new California laws (AB 1880 and SB 764) will go into effect on January 1, 2025 and together greatly expand the protections that apply to child vloggers in California.

AB 1880 is meant to curb the potential abuse and exploitation of child vloggers by expanding California's "Coogan Law" (as further explained below) to now include minors who are employed as "Content Creators" on "Online Platforms." Under the new law, Content Creators are defined as "an individual who creates, posts, shares, or otherwise interacts with digital content on an online platform and engages in a direct contractual relationship with third parties." The definition of Content Creators is specifically intended to include "vloggers, podcasters, social media influencers, and streamers." AB 1880 also adds a broad definition of "Online Platforms," which covers "any public-facing internet website, web application, or digital application, including, but not limited to, social media platforms as defined in" California's Business and Professions Code. Platforms such as YouTube, Instagram, and TikTok would fall within this definition.

Expansion of California's "Coogan Law"

The Coogan Law is named for famous child actor Jackie Coogan, who was discovered in 1919 by Charlie Chaplin. At the time, a minor's earnings belonged solely to the minor's parent and by his 21st birthday, Jackie Coogan learned that he was left with none of the earnings from his career as a child actor, as his parents had spent it all. Coogan eventually sued his mother and his former manager for his earnings. As a result, the Coogan Law was put into effect in 1939. The modern Coogan Law has been in effect since 1999 and applies to California's entertainment industry and requires special blocked trust accounts known as "Coogan Accounts" to be established for child performers. The Coogan Law requires 15% of the child performer's gross earnings to be withheld by the employer and placed into a Coogan trust account. As mentioned above, this requirement now applies to child vloggers.

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A New "Child Vlogger Bill of Rights"

Meanwhile SB 764, which is known as the "Child Vlogger Bill of Rights," protects child vloggers by requiring adult vloggers whose content features a minor to compensate the minor and maintain records such as the number of vlogs that generated compensation, the total compensation generated from vlogs featuring the minor, and the amount of compensation deposited for the benefit of the minor.

SB 764 defines a "Vlogger" as a "parent, legal guardian, or family residing in California that creates image or video content that is performed in California in exchange for compensation," but does not include any minor who produces their own content. The new law also includes a definition for "Vlog," which means "content shared on an online platform in exchange for compensation." SB 764's definition of "Online Platform" is similar to AB 1880's.

Under SB 764, a child is considered "engaged in the work of vlogging" where during any month: 1) 30% of a Vlogger's compensated content includes the likeness, name, or photograph of the minor; 2) the number of views received for any photo or video meet's the online platform's threshold for compensation, or if the Vlogger received actual compensation of at least 10¢ per view; or 3) the Vlogger received actual compensation for content of at least \$1,250 during the month.

AB 1880 and SB 764 greatly change the landscape for child vlogging and adult vloggers who include minors in their content. Parents who earn money from including their children in their online content or whose children are vloggers should familiarize themselves with the laws' new requirements before they go into effect on January 1, 2025 and contact their trusted adviser for more information on how the new laws could impact them.