

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the digital Coogan law.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/17/2025</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>1/17/2025</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>	<i>1/31/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act relative to the digital Coogan law.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 149 of the General Laws, as appearing in the 2022 Official Edition,
2 is hereby amended by inserting after section 203 the following new sections:-

3 Section 204. (a)For the purposes of this section, the following words shall have the
4 following meanings:-

5 ‘Compensation’ shall mean any monetary payment or other valuable consideration
6 received in exchange for video content.

7 ‘Minor’ shall mean an individual under the age of 16 years old.

8 ‘Online platform’ shall mean any public-facing website, web application, or digital
9 application, including a mobile application. ‘Online platform’ includes a social network,
10 advertising network, mobile operating system, search engine, email service, or internet access
11 service.

12 'Vlogger' shall mean an individual or family that creates video content, performed in the
13 Commonwealth, in exchange for compensation, and includes any proprietorship, partnership,
14 company, or other corporate entity assuming the name or identity of a particular individual or
15 family for the purposes of that content creation. "Vlogger" does not include any person under the
16 age of 16 who produces his or her own vlogs.

17 (b) A minor under the age of 16 shall be considered engaged in the work of vlogging
18 when the following criteria are met at any time during the previous 12-month period:

19

20 (1) At least 30 per cent of the vlogger's compensated video content produced within a 30-
21 day period included the likeness, name, or photograph of the minor. Content percentage shall be
22 measured by the percentage of time the likeness, name, or photograph of the minor visually
23 appears or is the subject of an oral narrative in a video segment, as compared to the total length
24 of the segment; and

25 (2) The number of views received per video segment on any online platform met the
26 online platform's threshold for the generation of compensation or the vlogger received actual
27 compensation for video content equal to or greater than \$0.10 per view.

28 (c) With the exception of subsection (b), the provisions of this section shall not apply to a
29 minor engaged in the work of vlogging.

30 (d) All vloggers whose content features a minor under the age of 16 engaged in the work
31 of vlogging shall maintain the following records and shall provide them to the minor on an
32 ongoing basis:

33

34 (1) The name and documentary proof of the age of the minor engaged in the work of
35 vlogging;

36 (2) The number of vlogs that generated compensation as described in subsection (b)
37 during the reporting period;

38 (3) The total number of minutes of the vlogs that the vlogger received compensation for
39 during the reporting period;

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

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

44 (6) The amount deposited into the trust account for the benefit of the minor engaged in
45 the work of vlogging, as required by section 204A.

46 (e) If a vlogger whose vlog content features minors under the age of 16 engaged in the
47 work of vlogging fails to maintain the records as provided in subsection (d), the minor may
48 commence a civil action to enforce the provisions of this section.

49 Section 204A. (a) A minor satisfying the criteria described in subsection (b) of section
50 204 shall be compensated by the vlogger. The vlogger shall set aside gross earnings on the video
51 content, including the likeness, name, or photograph of the minor, in a trust account to be
52 preserved for the benefit of the minor upon reaching the age of majority, according to the
53 following distribution:

54 (1) Where only one minor meets the content threshold as defined in subsection (b) of
55 section 204, the percentage of total gross earnings on any video segment, including the likeness,
56 name, or photograph of the minor, that is equal to or greater than half of the content percentage
57 that includes the minor as described in subsection (b) of section 204; or

58 (2) Where more than one minor meets the content threshold as defined in subsection (b)
59 of section 204 and a video segment includes more than one of those minors, the percentage
60 described in paragraph (1) for all minors in any segment shall be equally divided between the
61 minors, regardless of differences in percentage of content provided by the individual minors.

62 (b) A trust account required under this section shall provide, at a minimum, the
63 following:

64 (1) That the funds in the account shall be available only to the minor engaged in the work
65 of vlogging;

66 (2) That the account shall be held by a bank, corporate fiduciary, or trust company; and

67 (3) That the funds in the account shall become available to the minor engaged in the work
68 of vlogging upon the minor attaining the age of 18 years or until the minor is declared
69 emancipated.

70 (c) If a vlogger knowingly or recklessly violates this section, a minor satisfying the
71 criteria described in subsection (b) of section 204 may commence a civil action to enforce the
72 provisions of this section regarding the trust account. The court may award, to a minor who
73 prevails in any action brought in accordance with this section, the following damages:

74 (1) Actual damages;

75 (2) Punitive damages; and

76 (3) The costs of the action, including attorney's fees and litigation costs.

77 (d) Nothing in this section shall affect any party that is neither the vlogger nor the minor

78 engaged in the work of vlogging.