

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Robyn K. Kennedy

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 relating to protecting the interests of minor children featured on for-profit family vlogs.

PETITION OF:

NAME:

Robyn K. Kennedy

DISTRICT/ADDRESS:

First Worcester

SENATE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act relating to protecting the interests of minor children featured on for-profit family vlogs.

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: The General Laws are hereby amended by inserting after chapter 155 the
2 following chapter:-

3 CHAPTER 156

4 PROTECTING THE INTEREST OF MINOR CHILDREN FEATURED ON FOR-
5 PROFIT FAMILY VLOGS

6 Section 1. As used in this chapter the following words shall, unless the context clearly
7 requires otherwise, have the following meanings:-

8 "Age of majority," as defined in section 85P of chapter 231.

9 "Deceased individual," any individual, regardless of the individual's place of domicile,
10 residence, or citizenship at the time of death or otherwise, who has died within ten years before
11 January 1, 1998, or thereafter.

12 "Deceased personality," any individual, regardless of the personality's place of domicile,
13 residence, or citizenship at the time of death or otherwise, whose name, voice, signature,
14 photograph, or likeness had commercial value at the time of his or her death, whether or not
15 during the lifetime of that individual he or she used his or her name, voice, signature,
16 photograph, or likeness on or in products, merchandise or goods, or for purposes of advertising
17 or selling, or soliciting the purchase or sale of, products, merchandise, goods, or services. A
18 "deceased personality" includes, without limitation, any such individual who has died within
19 fifty years before January 1, 1998, or thereafter.

20 "Fund-raising," an organized activity to solicit donations of money or other goods or
21 services from persons or entities by an organization, company, or public entity. A fundraising
22 activity does not include a live, public performance by an individual or group of individuals for
23 which money is received in solicited or unsolicited gratuities.

24 "Individual," a natural person, living or dead.

25 "Likeness," an image, painting, sketching, model, diagram, or other clear representation,
26 other than a photograph, of an individual's face, body, or parts thereof, or the distinctive
27 appearance, gestures, or mannerisms of an individual.

28 "Minor," a person under the age of 18 whose principal place of residence is in the
29 commonwealth.

30 "Name," the actual or assumed name, or nickname, of a living or deceased individual that
31 is intended to identify that individual.

32 "Person," any natural person, firm, association, partnership, corporation, joint stock
33 company, syndicate, receiver, common law trust, conservator, statutory trust, or any other
34 concern by whatever name known or however organized, formed, or created, and includes not-
35 for-profit corporations, associations, educational and religious institutions, political parties, and
36 community, civic, or other organizations.

37 "Personality," any individual whose name, voice, signature, photograph, or likeness has
38 commercial value, whether or not that individual uses his or her name, voice, signature,
39 photograph, or likeness on or in products, merchandise, or goods, or for purposes of advertising
40 or selling, or solicitation of purchase of, products, merchandise, goods, or services.

41 "Photograph," any photograph or photographic reproduction, still or moving, or any
42 videotape, online or live television transmission, of any individual, so that the individual is
43 readily identifiable.

44 "Signature," the one handwritten or otherwise legally binding form of an individual's
45 name, written or authorized by that individual, that distinguishes the individual from all others.

46 "Vlogger," an individual or family that creates video content in exchange for
47 compensation, and includes any proprietorship, partnership, company, or other corporate
48 entity assuming the name or identity of a particular individual or family for purposes of that
49 content creation.

50 Section 2. (a) A vlogger meeting the criteria under section 1 of this chapter must
51 compensate the vlogger's minor child whose likeness, name, or photograph constitutes the video

52 content meeting the criteria in section 1 of this chapter, in accordance with subsection (b) of this
53 section.

54 (b) This section applies to a vlogger meeting the following criteria at any time within the
55 previous 12-month period:

56 (i) The number of views received per video segment on any internet platform or network
57 met the platform or network's threshold for generation of compensation; or

58 (ii) (A) The vlogger received actual compensation for video content equal to or greater
59 than \$0.10 per view; and

60 (B) At least 30 percent of the vlogger's compensated video content produced within a 30-
61 day period included the likeness, name, or photograph of the vlogger's minor child. Content
62 percentage is measured by the percentage of time the likeness, name, or photograph of the
63 vlogger's minor child visually appears or is the subject of an oral narrative in a video segment, as
64 compared to the total length of the segment.

65 (c) A vlogger meeting the criteria in subsection (b) of this section must set aside gross
66 earnings on the video content including the likeness, name, or photograph of the vlogger's minor
67 child in a trust, to be preserved for the benefit of the minor upon reaching the age of majority,
68 according to the following distribution:

69 (i) Where only one minor child meets the content threshold described in subsection (b)(ii)
70 of this section, the percentage of 20 total gross earnings on any video segment including the
71 likeness, name, or photograph of the vlogger's minor child that is equal to or greater than the
72 content percentage that includes the minor child as described in subsection (2) of this section; or

73 (ii) Where more than one minor child meets the content threshold described in subsection
74 (b)(ii) of this section and a video segment includes more than one of those children, the additive
75 percentage described in (i) of this subsection for all minor children in any segment must be
76 equally divided between the children, regardless of differences in percentage of content provided
77 by the individual children.

78 Section 3. (a) Upon the age of majority, any individual to whom as a minor child section
79 2 of this act previously applied may request the permanent deletion of any video segment
80 including the likeness, name, or photograph of the individual from any internet platform or
81 network that provided compensation to the individual's parent or parents in
82 exchange for that video content.

83 (b) An internet platform or network must take all reasonable steps to permanently delete
84 the video segment for which a request described in subsection (a) of this section has been made.

85 (c) Any contract with an internet platform or network for the exchange or use of video
86 content that would reasonably be anticipated to include greater than a de minimis use of a
87 vlogger's minor child must include notification to the internet platform or network of the minor
88 child's future rights as provided in this section.

89 Section 4. (a) For individuals, except to the extent that the individual may have assigned
90 or licensed such rights, the rights protected in this chapter are exclusive to the individual, subject
91 to the assignment or licensing of such rights, during such individual's lifetime and are exclusive
92 to the persons entitled to such rights for a period of ten years after the death of the individual
93 except to the extent that the persons entitled to such rights may have assigned or licensed such
94 rights to others.

95 (b) For personalities, except to the extent that the personality may have assigned or
96 licensed such rights, the rights protected in this chapter are exclusive to the personality, subject
97 to the assignment or licensing of such rights, during such personality's lifetime and to the persons
98 entitled to such rights for a period of seventy-five years after the death of the personality except
99 to the extent that the persons entitled to such rights may have assigned or licensed such rights to
100 others.

101 (c) The rights granted in this chapter may be exercised by a personal representative,
102 attorney-in-fact, parent of a minor child except as limited in section 3 of this act, or guardian, or
103 as authorized by a court of competent jurisdiction.