

**Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0230.01 Josh Schultz x5486

**HOUSE BILL 26-1058**

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**HOUSE SPONSORSHIP**

**Slaugh and Lukens,**

**SENATE SPONSORSHIP**

**Ball,**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING PROTECTIONS FOR MINORS WHO ARE FEATURED IN**  
102     **DIGITAL CONTENT.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill creates new requirements and civil remedies beginning June 1, 2027, related to minors who are featured in compensated content on online hosting platforms (online content).

A minor is considered to be engaged in content creation work if, over a 12-month period, the following 3 criteria are met:

- At least 30% of a content creator's online content produced

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.

within a 30-day period includes the minor's likeness, name, or photograph;

- The number of views of the online content meets the online hosting platform's compensation threshold or the content creator receives \$0.10 or more per view; and
- The content creator receives at least \$15,000 in actual compensation from the online content.

Content creators whose online content features a minor engaged in content creation work must maintain specific records, including:

- Proof of the minor's age;
- The total compensation generated; and
- The total number of minutes the minor was featured in posts featuring online content.

A content creator shall compensate a minor engaged in content creation work by setting aside a portion of the gross earnings into a trust account for the minor until the minor reaches the age of majority or is declared emancipated.

An adult who was featured as a uniquely identifiable minor in a content creator's post featuring online content on or after the bill's effective date may request that the creator delete the post or remove the uniquely identifiable information. The content creator must comply with the request within 72 hours. If the content creator fails to comply after 30 days, the individual may sue for various types of relief, and the online hosting platform must review and take reasonable steps to remove the content unless certain exceptions apply.

The bill prohibits a person from financially benefiting from knowingly producing or distributing online content of a minor with the intent to sexually gratify or elicit a sexual response in the viewer. Exceptions apply for law enforcement, reporting unlawful activity, legal proceedings, and certain actions engaged in by online hosting platforms. Online hosting platforms are required to develop and implement a risk-based strategy to help mitigate risks related to the monetization of the intentional sexualization of known minors.

A civil action may be filed on behalf of a minor for damages, including actual damages, punitive damages, and attorney fees, if a content creator fails to comply with specified provisions of the bill.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 12.5 to  
3 title 8 as follows:

4 **ARTICLE 12.5**

1                   **Protection for Minors Featured in Digital Content**

2                   **8-12.5-101. Definitions.**

3                   AS USED IN THIS ARTICLE 12.5, UNLESS THE CONTEXT OTHERWISE  
4                   REQUIRES:

5                   (1) "BANK" HAS THE MEANING SET FORTH IN SECTION 11-101-401  
6                   (5).

7                   (2) (a) "CONTENT CREATOR" MEANS A PARENT OR LEGAL  
8                   GUARDIAN WHO CREATES ONLINE CONTENT IN EXCHANGE FOR  
9                   COMPENSATION, INCLUDING A PARENT OR LEGAL GUARDIAN WHO IS A  
10                  VLOGGER, PODCASTER, ONLINE INFLUENCER, OR STREAMER.

11                  (b) "CONTENT CREATOR" DOES NOT INCLUDE A MINOR WHO  
12                  PRODUCES THEIR OWN ONLINE CONTENT.

13                  (3) "MINOR" MEANS AN INDIVIDUAL UNDER EIGHTEEN YEARS OLD.

14                  (4) "NEWS ORGANIZATION" MEANS AN ENTITY WHOSE PRIMARY  
15                  PURPOSE IS THE PUBLICATION OR DISSEMINATION OF NEWS, SPORTS, OR  
16                  OTHER EDITORIAL CONTENT SELECTED BY THE PUBLISHER, RATHER THAN  
17                  USER-GENERATED CONTENT.

18                  (5) "ONLINE CONTENT" MEANS CONTENT IN AN AUDIO, IMAGE, OR  
19                  VIDEO FORMAT SHARED ON AN ONLINE HOSTING PLATFORM IN EXCHANGE  
20                  FOR COMPENSATION.

21                  (6) (a) "ONLINE HOSTING PLATFORM" MEANS A PUBLIC OR  
22                  SEMIPUBLIC INTERNET-BASED SERVICE OR APPLICATION THAT HAS  
23                  ACCOUNT HOLDERS IN COLORADO AND THAT MEETS THE FOLLOWING  
24                  CRITERIA WITH RESPECT TO ACCOUNT HOLDERS:

25                  (I) THE SERVICE OR APPLICATION CONNECTS ACCOUNT HOLDERS  
26                  TO ALLOW THEM TO INTERACT WITH EACH OTHER WITHIN THE SERVICE OR  
27                  APPLICATION;

1 (II) THE SERVICE OR APPLICATION PERMITS PUBLIC POSTING OF  
2 ACCOUNT HOLDER-GENERATED CONTENT WITHOUT VISIBILITY BEING  
3 LIMITED TO A PARTICULAR SOCIAL GRAPH; AND

4 (III) THE SERVICE OR APPLICATION PERMITS INTERACTION WITH  
5 OTHER ACCOUNT HOLDERS' CONTENT OUTSIDE A LIMITED SOCIAL GRAPH,  
6 INCLUDING CONTENT RECOMMENDED FROM PERSONS THAT THE ACCOUNT  
7 HOLDER DOES NOT FOLLOW.

8 (b) "ONLINE HOSTING PLATFORM" DOES NOT INCLUDE AN  
9 INTERNET-BASED SERVICE OR APPLICATION OPERATED BY A NEWS  
10 ORGANIZATION IN FURTHERANCE OF THE NEWS ORGANIZATION'S PRIMARY  
11 PURPOSE.

12 (7) "SOCIAL GRAPH" MEANS THE LIST OF PERSONS THAT AN  
13 ACCOUNT HOLDER IS CONNECTED TO USING A FRIENDING FUNCTION OR  
14 SIMILAR FUNCTION ON AN ONLINE HOSTING PLATFORM. SUBSCRIBING TO  
15 CONTENT FROM ANOTHER ACCOUNT HOLDER DOES NOT CONSTITUTE A  
16 FRIENDING FUNCTION.

17 (8) "TRUST COMPANY" HAS THE MEANING SET FORTH IN SECTION  
18 11-109-101 (11).

19 (9) "UNIQUELY IDENTIFIABLE" MEANS THAT AN INDIVIDUAL,  
20 OTHER THAN THE INDIVIDUAL SUBMITTING A PRIVACY REMOVAL REQUEST,  
21 COULD IDENTIFY THE INDIVIDUAL SUBMITTING THE REQUEST AS DISTINCT  
22 FROM OTHER INDIVIDUALS BASED ON PERSONAL IDENTIFYING  
23 INFORMATION, INCLUDING IMAGE, VOICE, NAME, OR CONTACT  
24 INFORMATION.

25 **8-12.5-102. Compensation for content creation - minors**  
26 **engaged in content creation - minor's own content creation - required**  
27 **records - trust account.**

1           (1)(a) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A MINOR  
2 IS CONSIDERED ENGAGED IN THE WORK OF CONTENT CREATION WHEN THE  
3 FOLLOWING CRITERIA ARE MET AT ANY TIME DURING THE PREVIOUS  
4 TWELVE-MONTH PERIOD:

5           (I) AT LEAST THIRTY PERCENT OF THE CONTENT CREATOR'S ONLINE  
6 CONTENT PRODUCED WITHIN A THIRTY-DAY PERIOD INCLUDES THE  
7 LIKENESS, NAME, OR PHOTOGRAPH OF THE MINOR. ONLINE CONTENT  
8 PERCENTAGE IS MEASURED BY THE PERCENTAGE OF TIME THE LIKENESS,  
9 NAME, OR PHOTOGRAPH OF THE MINOR VISUALLY APPEARS OR IS THE  
10 SUBJECT OF AN ORAL NARRATIVE IN ONLINE CONTENT, AS COMPARED TO  
11 THE TOTAL LENGTH OF TIME OF THE ONLINE CONTENT.

12           (II) THE NUMBER OF VIEWS RECEIVED PER SEGMENT OF ONLINE  
13 CONTENT ON AN ONLINE HOSTING PLATFORM MEETS THE ONLINE HOSTING  
14 PLATFORM'S THRESHOLD FOR THE GENERATION OF COMPENSATION OR THE  
15 CONTENT CREATOR RECEIVES ACTUAL COMPENSATION FOR ONLINE  
16 CONTENT EQUAL TO OR GREATER THAN TEN CENTS PER VIEW; AND

17           (III) THE CONTENT CREATOR RECEIVES ACTUAL COMPENSATION  
18 FOR ONLINE CONTENT IN AN AMOUNT OF AT LEAST FIFTEEN THOUSAND  
19 DOLLARS.

20           (b) A MINOR WHO IS FOURTEEN YEARS OLD OR OLDER MAY  
21 PRODUCE, CREATE, AND PUBLISH THEIR OWN ONLINE CONTENT AND IS  
22 ENTITLED TO ALL COMPENSATION FOR THEIR OWN CONTENT CREATION.

23           (2) (a) ALL CONTENT CREATORS WHOSE ONLINE CONTENT  
24 FEATURES A MINOR ENGAGED IN THE WORK OF CONTENT CREATION AS  
25 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION SHALL MAINTAIN THE  
26 FOLLOWING RECORDS UNTIL THE MINOR TURNS EIGHTEEN YEARS OLD:

27           (I) THE NAME AND DOCUMENTARY PROOF OF THE AGE AT WHICH

1 THE MINOR WHO IS ENGAGED IN THE WORK OF CONTENT CREATION  
2 STARTED ONLINE CONTENT CREATING;

3 (II) THE NUMBER OF POSTS FEATURING ONLINE CONTENT THAT  
4 GENERATED COMPENSATION DURING THE REPORTING PERIOD;

5 (III) THE TOTAL NUMBER OF MINUTES OF THE POSTS FEATURING  
6 ONLINE CONTENT THAT THE CONTENT CREATOR RECEIVED COMPENSATION  
7 FOR DURING THE REPORTING PERIOD;

8 (IV) THE TOTAL NUMBER OF MINUTES THE MINOR WAS FEATURED  
9 IN POSTS FEATURING ONLINE CONTENT DURING THE REPORTING PERIOD;

10 (V) THE TOTAL COMPENSATION GENERATED FROM POSTS  
11 FEATURING ONLINE CONTENT THAT FEATURE THE MINOR DURING THE  
12 REPORTING PERIOD; AND

13 (VI) THE AMOUNT DEPOSITED INTO THE TRUST ACCOUNT FOR THE  
14 BENEFIT OF THE MINOR ENGAGED IN THE WORK OF CONTENT CREATION, AS  
15 REQUIRED BY SUBSECTION (3) OF THIS SECTION.

16 (b) THE RECORDS REQUIRED BY THIS SUBSECTION (2) MUST BE  
17 READILY ACCESSIBLE TO THE MINOR FOR REVIEW. THE CONTENT CREATOR  
18 SHALL PROVIDE NOTICE TO THE MINOR OF THE EXISTENCE OF THE  
19 RECORDS.

20 (c) IF A CONTENT CREATOR WHOSE POSTS FEATURING ONLINE  
21 CONTENT FEATURE A MINOR ENGAGED IN THE WORK OF CONTENT  
22 CREATION FAILS TO MAINTAIN THE RECORDS AS PROVIDED IN THIS  
23 SUBSECTION (2), A CIVIL ACTION IN DISTRICT COURT MAY BE FILED ON  
24 BEHALF OF THE MINOR TO ENFORCE THIS SECTION. THE COURT MAY  
25 AWARD A MINOR WHO PREVAILS IN AN ACTION BROUGHT IN ACCORDANCE  
26 WITH THIS SECTION THE FOLLOWING:

27 (I) INJUNCTIVE RELIEF;

1           (II) ACTUAL DAMAGES;  
2           (III) PUNITIVE DAMAGES; AND  
3           (IV) THE COSTS OF THE ACTION, INCLUDING ATTORNEY FEES AND  
4 COURT COSTS.

5           (3) (a) A CONTENT CREATOR SHALL COMPENSATE A MINOR WHO IS  
6 ENGAGED IN THE WORK OF CONTENT CREATION AS DESCRIBED IN  
7 SUBSECTION (1)(a) OF THIS SECTION BY SETTING ASIDE GROSS EARNINGS  
8 ON ONLINE CONTENT THAT INCLUDES THE LIKENESS, NAME, OR  
9 PHOTOGRAPH OF THE MINOR INTO A TRUST ACCOUNT TO BE PRESERVED  
10 FOR THE BENEFIT OF THE MINOR UPON REACHING THE AGE OF MAJORITY OR  
11 UPON A DECLARATION THAT THE MINOR IS EMANCIPATED. THE GROSS  
12 EARNINGS SHALL BE SET ASIDE ACCORDING TO THE FOLLOWING  
13 DISTRIBUTION:

14           (I) IF ONLY ONE MINOR MEETS THE ONLINE CONTENT THRESHOLD  
15 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION, THE PERCENTAGE OF  
16 GROSS EARNINGS ON ANY ONLINE CONTENT THAT INCLUDES THE LIKENESS,  
17 NAME, OR PHOTOGRAPH OF THE MINOR THAT IS EQUAL TO OR GREATER  
18 THAN FIFTY PERCENT OF THE ONLINE CONTENT THAT INCLUDES THE MINOR,  
19 AS DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION; OR

20           (II) IF MORE THAN ONE MINOR MEETS THE CONTENT THRESHOLD  
21 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION AND ANY SEGMENT OF  
22 ONLINE CONTENT INCLUDES MORE THAN ONE OF THE MINORS, THE  
23 PERCENTAGE DESCRIBED IN SUBSECTION (3)(a)(I) OF THIS SECTION FOR  
24 ALL MINORS IN ANY SEGMENT SHALL BE EQUALLY DIVIDED BETWEEN THE  
25 MINORS, REGARDLESS OF DIFFERENCES IN PERCENTAGE OF CONTENT  
26 PROVIDED BY THE INDIVIDUAL MINORS, AND PAID INTO A SEPARATE TRUST  
27 ACCOUNT FOR EACH MINOR.

1 (b) A CONTENT CREATOR SHALL ENSURE THAT A TRUST ACCOUNT  
2 REQUIRED UNDER THIS SECTION MEETS THE FOLLOWING REQUIREMENTS:

3 (I) THE MONEY IN THE ACCOUNT IS MADE AVAILABLE ONLY TO THE  
4 MINOR ENGAGED IN THE WORK OF CONTENT CREATION;

5 (II) THE TRUST ACCOUNT IS HELD BY A BANK OR TRUST COMPANY;

6 (III) THE MONEY IN THE TRUST ACCOUNT WILL BECOME AVAILABLE  
7 TO THE MINOR ENGAGED IN THE WORK OF CONTENT CREATION UPON THE  
8 MINOR TURNING EIGHTEEN YEARS OLD OR UPON A DECLARATION THAT THE  
9 MINOR IS EMANCIPATED; AND

10 (IV) THE ACCOUNT MEETS THE REQUIREMENTS OF THE  
11 "COLORADO UNIFORM TRANSFERS TO MINORS ACT", ARTICLE 50 OF TITLE  
12 11.

13 (c) IF A CONTENT CREATOR KNOWINGLY OR RECKLESSLY VIOLATES  
14 THIS SECTION, A CIVIL ACTION IN DISTRICT COURT MAY BE FILED ON  
15 BEHALF OF THE MINOR TO ENFORCE THIS SECTION. THE COURT MAY  
16 AWARD A MINOR WHO PREVAILS IN AN ACTION BROUGHT IN ACCORDANCE  
17 WITH THIS SECTION THE FOLLOWING:

18 (I) INJUNCTIVE RELIEF;

19 (II) ACTUAL DAMAGES;

20 (III) PUNITIVE DAMAGES; AND

21 (IV) THE COSTS OF THE ACTION, INCLUDING ATTORNEY FEES AND  
22 COURT COSTS.

23 (d) THIS SECTION DOES NOT AFFECT A RIGHT OR REMEDY  
24 AVAILABLE UNDER ANY OTHER LAW OF THE STATE.

25 (e) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT A  
26 PARTY THAT IS NEITHER THE CONTENT CREATOR NOR THE MINOR ENGAGED  
27 IN THE WORK OF CONTENT CREATION.



1                   **8-12.5-103. Privacy removals - private right of action.**

2                   (1) AN ADULT WHO WAS FEATURED IN A CONTENT CREATOR'S POST  
3                   FEATURING ONLINE CONTENT AS A MINOR ON OR AFTER THE EFFECTIVE  
4                   DATE OF THIS SECTION MAY REQUEST THAT THE CONTENT CREATOR  
5                   DELETE THE POST FROM THE ONLINE HOSTING PLATFORM OR EDIT THE POST  
6                   TO REMOVE THE INDIVIDUAL'S PRIVATE INFORMATION IF THE INDIVIDUAL  
7                   IS UNIQUELY IDENTIFIABLE.

8                   (2) (a) AN ONLINE HOSTING PLATFORM SHALL PROVIDE AN EASILY  
9                   ACCESSIBLE MECHANISM THROUGH WHICH AN INDIVIDUAL CAN SUBMIT A  
10                  REQUEST PURSUANT TO SUBSECTION (1) OF THIS SECTION FOR THE  
11                  CONTENT CREATOR TO DELETE A POST FEATURING ONLINE CONTENT FROM  
12                  THE ONLINE HOSTING PLATFORM OR EDIT THE POST FEATURING ONLINE  
13                  CONTENT TO REMOVE THE INDIVIDUAL'S PRIVATE INFORMATION IF THE  
14                  INDIVIDUAL IS UNIQUELY IDENTIFIABLE.

15               (b) AN INDIVIDUAL SUBMITTING A REMOVAL REQUEST PURSUANT  
16               TO THIS SECTION TO AN ONLINE HOSTING PLATFORM MUST INCLUDE ALL  
17               INFORMATION REASONABLY REQUESTED BY THE ONLINE HOSTING  
18               PLATFORM TO IDENTIFY THE MINOR AND THE POST FEATURING ONLINE  
19               CONTENT, INCLUDING INFORMATION TO VERIFY THAT THE INDIVIDUAL  
20               MAKING THE REMOVAL REQUEST IS THE INDIVIDUAL FEATURED IN THE  
21               ONLINE CONTENT.

22               (c) AN ONLINE HOSTING PLATFORM SHALL NOTIFY THE  
23               RESPONSIBLE CONTENT CREATOR WITHIN A REASONABLE TIME PERIOD  
24               AFTER THE SUBMITTAL OF A REMOVAL REQUEST, AS SET BY THE ONLINE  
25               HOSTING PLATFORM, WHICH TIME PERIOD MUST NOT EXCEED THIRTY DAYS.

26               (d) A CONTENT CREATOR SHALL DELETE A POST FEATURING  
27               ONLINE CONTENT FROM AN ONLINE HOSTING PLATFORM OR EDIT THE POST

1 TO REMOVE THE INDIVIDUAL'S UNIQUELY IDENTIFIABLE INFORMATION  
2 WITHIN SEVENTY-TWO HOURS AFTER RECEIVING NOTIFICATION OF THE  
3 REMOVAL REQUEST FROM THE ONLINE HOSTING PLATFORM.

4 (3) (a) IF A CONTENT CREATOR FAILS TO COMPLY WITH  
5 SUBSECTION (2)(d) OF THIS SECTION WITHIN THIRTY DAYS AFTER  
6 RECEIVING THE REMOVAL REQUEST, THE INDIVIDUAL WHO SUBMITTED THE  
7 REMOVAL REQUEST MAY INITIATE A CIVIL ACTION IN DISTRICT COURT TO  
8 ENFORCE THIS SECTION. THE COURT MAY AWARD AN INDIVIDUAL WHO  
9 PREVAILS IN AN ACTION BROUGHT IN ACCORDANCE WITH THIS SECTION THE  
10 FOLLOWING:

- 11 (I) INJUNCTIVE RELIEF;
- 12 (II) ACTUAL DAMAGES;
- 13 (III) PUNITIVE DAMAGES; AND
- 14 (IV) THE COSTS OF THE ACTION, INCLUDING ATTORNEY FEES AND  
15 COURT COSTS.

16 (b) IF A CONTENT CREATOR FAILS TO COMPLY WITH SUBSECTION  
17 (2)(d) OF THIS SECTION WITHIN THIRTY DAYS AFTER RECEIVING THE  
18 REMOVAL REQUEST, THE ONLINE HOSTING PLATFORM SHALL REVIEW AND  
19 TAKE ALL REASONABLE STEPS TO REMOVE THE ONLINE CONTENT FROM THE  
20 ONLINE HOSTING PLATFORM UNLESS:

21 (I) THE INDIVIDUAL WHO WAS FEATURED IN THE CONTENT  
22 CREATOR'S POST AS A MINOR DOES NOT SUBMIT SUFFICIENT, ACCURATE  
23 INFORMATION IN THE REQUEST TO REMOVE THE CONTENT; OR

24 (II) THE ONLINE HOSTING PLATFORM FINDS THAT THE POST  
25 FEATURING ONLINE CONTENT IS SUFFICIENTLY NEWSWORTHY OR OF OTHER  
26 PUBLIC INTEREST TO OUTWEIGH THE PRIVACY INTERESTS OF THE  
27 INDIVIDUAL WHO WAS FEATURED IN THE ONLINE CONTENT AS A MINOR.

1           (4) THIS SECTION DOES NOT AFFECT A RIGHT OR REMEDY  
2 AVAILABLE UNDER ANY OTHER LAW OF THE STATE.

3           **8-12.5-104. Intentional sexualization of minors featured in**  
4 **content creation - exceptions - private right of action - risk-based**  
5 **strategy.**

6           (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, A  
7 PERSON SHALL NOT FINANCIALLY BENEFIT FROM KNOWINGLY PRODUCING  
8 OR DISTRIBUTING PUBLICLY, INCLUDING BY COMPUTER, ONLINE CONTENT  
9 OF A MINOR WITH THE INTENT TO SEXUALLY GRATIFY OR ELICIT A SEXUAL  
10 RESPONSE IN THE VIEWER OR ANOTHER PERSON.

11           (2) (a) THIS SECTION DOES NOT APPLY TO:

12           (I) LAWFULLY AUTHORIZED INVESTIGATIVE, PROTECTIVE, OR  
13 INTELLIGENCE ACTIVITY OF A LAW ENFORCEMENT AGENCY OF THE UNITED  
14 STATES, A STATE, OR A POLITICAL SUBDIVISION OF A STATE OR OF AN  
15 INTELLIGENCE AGENCY OF THE UNITED STATES;

16           (II) AN INDIVIDUAL WHO, ACTING IN GOOD FAITH:

17           (A) REPORTS UNLAWFUL ACTIVITY; OR

18           (B) ACTS IN PURSUANCE OF A LEGAL OR PROFESSIONAL OR OTHER  
19 LAWFUL OBLIGATION;

20           (III) A DOCUMENT PRODUCTION OR FILING ASSOCIATED WITH A  
21 LEGAL PROCEEDING; OR

22           (IV) AN ONLINE HOSTING PLATFORM WITH REGARD TO ONLINE  
23 CONTENT PROVIDED BY CONTENT CREATORS UNLESS THE ONLINE HOSTING  
24 PLATFORM INTENTIONALLY SOLICITS, OR KNOWINGLY AND  
25 PREDOMINANTLY DISTRIBUTES, SUCH CONTENT.

26           (b) THIS SECTION SHALL NOT BE CONSTRUED TO IMPOSE LIABILITY  
27 IN A MANNER THAT IS INCONSISTENT WITH THE FEDERAL

1 "COMMUNICATIONS DECENCY ACT OF 1996", 47 U.S.C. SEC. 230.

2 (3) (a) IF A PERSON VIOLATES OR ATTEMPTS OR CONSPIRES TO  
3 VIOLATE SUBSECTION (1) OF THIS SECTION, A CIVIL ACTION IN DISTRICT  
4 COURT MAY BE FILED ON BEHALF OF THE MINOR AGGRIEVED BY THE  
5 VIOLATION TO ENFORCE THIS SECTION. THE COURT MAY AWARD A MINOR  
6 WHO PREVAILS IN AN ACTION BROUGHT IN ACCORDANCE WITH THIS  
7 SECTION THE FOLLOWING:

8 (I) ACTUAL DAMAGES;

9 (II) PUNITIVE DAMAGES; AND

10 (III) THE COSTS OF THE ACTION, INCLUDING ATTORNEY FEES AND  
11 COURT COSTS.

12 (b) THIS SECTION DOES NOT AFFECT A RIGHT OR REMEDY  
13 AVAILABLE UNDER ANY OTHER LAW OF THE STATE.

14 (4) (a) AN ONLINE HOSTING PLATFORM SHALL DEVELOP AND  
15 IMPLEMENT A RISK-BASED STRATEGY TO HELP MITIGATE RISKS RELATED  
16 TO MONETIZATION OF THE INTENTIONAL SEXUALIZATION OF KNOWN  
17 MINORS ENGAGED IN CONTENT CREATION.

18 (b) AN ONLINE HOSTING PLATFORM SHALL DOCUMENT AND  
19 REASSESS THE RISK-BASED STRATEGY DEVELOPED PURSUANT TO  
20 SUBSECTION (4)(a) OF THIS SECTION ON A REASONABLE RECURRING BASIS  
21 AND MAY INCLUDE AT THE SOLE DISCRETION OF THE ONLINE HOSTING  
22 PLATFORM COMMERCIALLY REASONABLE:

23 (I) POLICIES THAT GOVERN CONTENT AND RELATED  
24 MONETIZATION;

25 (II) RESTRICTIONS OF FEATURES ON ONLINE CONTENT FEATURING  
26 MINORS;

27 (III) AUTOMATED SYSTEMS TO IDENTIFY AND ENFORCE AGAINST

1 POTENTIALLY PROBLEMATIC ONLINE CONTENT AND ACCOUNTS;

2 (IV) GUARDRAILS TO MITIGATE AGAINST A RECOMMENDATION  
3 SYSTEM UTILIZED BY AN ONLINE HOSTING PLATFORM RECOMMENDING  
4 ONLINE CONTENT CONTAINING SEXUALIZATION OF KNOWN MINORS; AND

5 (V) QUALITY ASSURANCE PROCESSES RECURRING AT REASONABLE  
6 INTERVALS TO ENSURE THAT THE RISK-BASED STRATEGY DEVELOPED  
7 PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION IS WORKING AS  
8 INTENDED.

9 (c) AN ONLINE HOSTING PLATFORM SHALL ENSURE THAT  
10 INFORMATION ABOUT ITS ONLINE CONTENT POLICIES, SETTINGS, AND BEST  
11 PRACTICES FOR ONLINE CONTENT FEATURING MINORS IS PUBLICLY  
12 AVAILABLE, UNDERSTANDABLE TO BOTH ADULTS AND MINORS, AND  
13 INFORMED BY RESEARCH AND OUTSIDE EXPERTISE. THE INFORMATION  
14 MUST INFORM CONTENT CREATORS THAT THEY MAY BE SUBJECT TO  
15 VARIOUS LEGAL REQUIREMENTS AND EXPLAIN RISKS AND STEPS TO  
16 PROTECT MINORS APPEARING IN POSTS FEATURING ONLINE CONTENT FROM  
17 EXPLOITATION.

18 **SECTION 2. Act subject to petition - effective date -**  
19 **applicability.** (1) This act takes effect June 1, 2027; except that, if a  
20 referendum petition is filed pursuant to section 1 (3) of article V of the  
21 state constitution against this act or an item, section, or part of this act  
22 within the ninety-day period after final adjournment of the general  
23 assembly, then the act, item, section, or part will not take effect unless  
24 approved by the people at the general election to be held in November  
25 2026 and, in such case, will take effect June 1, 2027.

26 (2) This act applies to conduct occurring on or after the applicable  
27 effective date of this act.