

Amendment - 1st Reading/2nd House-blue - Requested by: Emma Kerr-Carpenter - (S)
Energy, Technology & Federal Relations

- 2025

69th Legislature 2025

Drafter: Jason Mohr,

HB0392.002.001

HOUSE BILL NO. 392

INTRODUCED BY K. ZOLNIKOV

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE CHILD DIGITAL PROTECTION ACT;
GENERALLY REVISING LAWS RELATED TO THE CREATION OF PROFITABLE FAMILY VIDEO CONTENT
FEATURING MINOR CHILDREN; PROVIDING FOR TRUST CONTRIBUTIONS OF PROFITS MADE FROM
VIDEO CONTENT FEATURING MINOR CHILDREN; PROVIDING A RIGHT TO REQUEST REMOVAL OF
CONTENT; PROVIDING A PRIVATE RIGHT OF ACTION; AND PROVIDING DEFINITIONS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Short title.** [Sections 1 through 7] may be cited as the "Child Digital
Protection Act".

NEW SECTION. **Section 2. Legislative findings and purpose.** (1) The legislature finds that social
media influencers can make significant amounts of money from digital content. Some influencers use the
influencers' minor children as subjects of the content. The children featured in family-produced video content
generate interest in and revenue for the content but receive no financial compensation for participation. Unlike
in child acting, the children are not playing a part and lack legal protections in the state.

(2) The legislature further finds that social media influencers who market video content of the
influencers' families, or "content creators", can profit from the personal property rights of the influencers'
children without restriction. Some children are filmed from birth, with highly personal details of the children's
lives shared on the internet for compensation. In addition to severe loss of privacy, the children receive no
consideration for the use and exchange of the children's personal property rights.

(3) The purpose of [sections 1 through 7] is to allow minors to receive proportional compensation
for the use of specified personal property rights in which the minor's parent or parents have reached a specified
profit threshold from the use. Further, the purpose of [sections 1 through 7] is to provide for minors to exercise

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1 actual damages under subsection (2)(b).

2 (2) To prove profits under this section, an individual shall submit proof of gross revenues
3 attributable to the violation and the violating party shall prove the party's deductible expenses.

4 (3) An individual shall bring a cause of action under this section within 7 years of the discovery of
5 the violation or before the individual reaches 26 years of age, whichever is later.

6
7 **NEW SECTION. Section 7. Duty to maintain and provide information -- injunctive relief.** (1) A

8 content creator whose content meets the criteria under [section 4(2)] shall maintain the following records

9 annually and shall provide the records to the minor on ~~an ongoing ANNUAL basis request~~:

10 (a) the name and documentary proof of the age of the minor engaged in the work of content
11 creation;

12 (b) the number of video segments that generated compensation as described in [section 4(2)];

13 (c) the total number of minutes of the video segments for which the content creator received
14 compensation;

15 (d) the total number of minutes each minor was featured in video segments;

16 (e) the total compensation generated from video segments featuring the minor; and

17 (f) the amount deposited in the trust fund established under the requirements of [section 4(3)] for
18 the benefit of the minor.

19 (2) The records provided for in subsection (1) must be retained and maintained by a content
20 creator until the minor reaches the age of majority, at which time the content creator shall provide the records to
21 the individual previously covered by [section 4].

22 ~~(2)(3)~~ If a content creator whose video segment meets the criteria under [section 4(2)] fails to
23 maintain the records as provided in subsection (1), the minor may maintain a civil action under [section 6].

24
25 **NEW SECTION. Section 8. Codification instruction.** [Sections 1 through 7] are intended to be
26 codified as a new part in a new chapter in Title 30, and the provisions of Title 30 apply to [sections 1 through 7].

27 - END -