

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

HOUSE SPONSORSHIP

Slaugh and Lukens, Camacho, Clifford, Duran, Froelich, Hamrick, Lieder, Lindsay, McCluskie, Nguyen, Paschal, Rutinel, Smith

SENATE SPONSORSHIP

Ball,

House Committees
Judiciary

Senate Committees
Judiciary

A BILL FOR AN ACT

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

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.

HOUSE
3rd Reading Unamended
March 2, 2026

HOUSE
Amended 2nd Reading
February 26, 2026

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.

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:

9 (I) AN INTERNET-BASED SERVICE OR APPLICATION OPERATED BY
10 A NEWS ORGANIZATION IN FURTHERANCE OF THE NEWS ORGANIZATION'S
11 PRIMARY PURPOSE;

12 (II) A TELECOMMUNICATIONS SERVICE, AS DEFINED IN 47 U.S.C.
13 SEC. 153 (53); OR

14 (III) A BROADBAND INTERNET ACCESS SERVICE, AS DEFINED IN 47
15 CFR 54.400 (I). _____

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

21 (8) "TRUST COMPANY" HAS THE MEANING SET FORTH IN SECTION
22 11-109-101 (11).

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

1 INFORMATION.

2 **8-12.5-102. Compensation for content creation - minors**
3 **engaged in content creation - minor's own content creation - required**
4 **records - trust account.**

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

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

16 (II) THE NUMBER OF VIEWS RECEIVED PER SEGMENT OF ONLINE
17 CONTENT ON AN ONLINE HOSTING PLATFORM MEETS THE ONLINE HOSTING
18 PLATFORM'S THRESHOLD FOR THE GENERATION OF COMPENSATION OR THE
19 CONTENT CREATOR RECEIVES ACTUAL COMPENSATION, INCLUDING
20 COMPENSATION FROM SPONSORSHIPS, FOR ONLINE CONTENT EQUAL TO OR
21 GREATER THAN TEN CENTS PER VIEW; AND

22 (III) THE CONTENT CREATOR RECEIVES ACTUAL COMPENSATION
23 FOR ONLINE CONTENT IN AN AMOUNT OF AT LEAST FORTY THOUSAND
24 DOLLARS.

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

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

5 (I) THE NAME AND DOCUMENTARY PROOF OF THE AGE AT WHICH
6 THE MINOR WHO IS ENGAGED IN THE WORK OF CONTENT CREATION
7 STARTED ONLINE CONTENT CREATING;

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

10 (III) THE TOTAL NUMBER OF MINUTES OF THE POSTS FEATURING
11 ONLINE CONTENT THAT THE CONTENT CREATOR RECEIVED COMPENSATION
12 FOR DURING THE REPORTING PERIOD;

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

15 (V) THE TOTAL COMPENSATION GENERATED FROM POSTS
16 FEATURING ONLINE CONTENT THAT FEATURE THE MINOR DURING THE
17 REPORTING PERIOD; AND

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

21 (b) THE RECORDS REQUIRED BY THIS SUBSECTION (2) MUST BE
22 READILY ACCESSIBLE TO THE MINOR FOR REVIEW. THE CONTENT CREATOR
23 SHALL PROVIDE NOTICE TO THE MINOR OF THE EXISTENCE OF THE
24 RECORDS.

25 (c) IF A CONTENT CREATOR WHOSE POSTS FEATURING ONLINE
26 CONTENT FEATURE A MINOR ENGAGED IN THE WORK OF CONTENT
27 CREATION FAILS TO MAINTAIN THE RECORDS AS PROVIDED IN THIS

1 SUBSECTION (2), A CIVIL ACTION IN DISTRICT COURT MAY BE FILED ON
2 BEHALF OF THE MINOR TO ENFORCE THIS SECTION. THE COURT MAY
3 AWARD A MINOR WHO PREVAILS IN AN ACTION BROUGHT IN ACCORDANCE
4 WITH THIS SECTION THE FOLLOWING:

- 5 (I) INJUNCTIVE RELIEF;
- 6 (II) ACTUAL DAMAGES;
- 7 (III) PUNITIVE DAMAGES; AND
- 8 (IV) THE COSTS OF THE ACTION, INCLUDING ATTORNEY FEES AND
9 COURT COSTS.

10 (3) (a) A CONTENT CREATOR SHALL COMPENSATE A MINOR WHO IS
11 ENGAGED IN THE WORK OF CONTENT CREATION AS DESCRIBED IN
12 SUBSECTION (1)(a) OF THIS SECTION BY SETTING ASIDE GROSS EARNINGS
13 ON ONLINE CONTENT THAT INCLUDES THE LIKENESS, NAME, OR
14 PHOTOGRAPH OF THE MINOR INTO A TRUST ACCOUNT TO BE PRESERVED
15 FOR THE BENEFIT OF THE MINOR UPON REACHING THE AGE OF MAJORITY OR
16 UPON A DECLARATION THAT THE MINOR IS EMANCIPATED, EXCEPT FOR ANY
17 MONEY DISTRIBUTED PURSUANT TO SUBSECTION (3)(d) OF THIS SECTION.
18 THE GROSS EARNINGS SHALL BE SET ASIDE ACCORDING TO THE FOLLOWING
19 DISTRIBUTION:

- 20 (I) IF ONLY ONE MINOR MEETS THE ONLINE CONTENT THRESHOLD
21 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION, THE PERCENTAGE OF
22 GROSS EARNINGS ON ANY ONLINE CONTENT THAT INCLUDES THE LIKENESS,
23 NAME, OR PHOTOGRAPH OF THE MINOR THAT IS EQUAL TO OR GREATER
24 THAN FORTY PERCENT OF THE ONLINE CONTENT THAT INCLUDES THE
25 MINOR, AS DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION; OR
- 26 (II) IF MORE THAN ONE MINOR MEETS THE CONTENT THRESHOLD
27 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION AND ANY SEGMENT OF

1 ONLINE CONTENT INCLUDES MORE THAN ONE OF THE MINORS, THE
2 PERCENTAGE DESCRIBED IN SUBSECTION (3)(a)(I) OF THIS SECTION FOR
3 ALL MINORS IN ANY SEGMENT SHALL BE EQUALLY DIVIDED BETWEEN THE
4 MINORS, REGARDLESS OF DIFFERENCES IN PERCENTAGE OF CONTENT
5 PROVIDED BY THE INDIVIDUAL MINORS, AND PAID INTO A SEPARATE TRUST
6 ACCOUNT FOR EACH MINOR.

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

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

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

12 (III) THE MONEY IN THE TRUST ACCOUNT WILL BECOME AVAILABLE
13 TO THE MINOR ENGAGED IN THE WORK OF CONTENT CREATION UPON THE
14 MINOR TURNING EIGHTEEN YEARS OLD OR UPON A DECLARATION THAT THE
15 MINOR IS EMANCIPATED;

16 (IV) THE TRUST IS NOT REVOCABLE BY THE CONTENT CREATOR
17 WITHOUT THE CONSENT OF THE MINOR ENGAGED IN THE WORK OF
18 CONTENT CREATION; AND

19 (V) THE ACCOUNT MEETS THE REQUIREMENTS OF THE "COLORADO
20 UNIFORM TRANSFERS TO MINORS ACT", ARTICLE 50 OF TITLE 11.

21 (c) IF A CONTENT CREATOR KNOWINGLY OR RECKLESSLY VIOLATES
22 THIS SECTION, A CIVIL ACTION IN DISTRICT COURT MAY BE FILED ON
23 BEHALF OF THE MINOR TO ENFORCE THIS SECTION. THE COURT MAY
24 AWARD A MINOR WHO PREVAILS IN AN ACTION BROUGHT IN ACCORDANCE
25 WITH THIS SECTION THE FOLLOWING:

26 (I) INJUNCTIVE RELIEF;

27 (II) ACTUAL DAMAGES;

1 (III) PUNITIVE DAMAGES; AND

2 (IV) THE COSTS OF THE ACTION, INCLUDING ATTORNEY FEES AND
3 COURT COSTS.

4 (d) IF, IN THE PRECEDING CALENDAR YEAR, A MINOR IS ENGAGED
5 IN THE WORK OF CONTENT CREATION AND MEETS THE CRITERIA DESCRIBED
6 IN SUBSECTION (1)(a) OF THIS SECTION FOR THE FIRST TIME, THE CONTENT
7 CREATOR SHALL ESTABLISH THE TRUST REQUIRED BY SUBSECTION (3)(a)
8 OF THIS SECTION ON OR BEFORE JANUARY 30 OF THE CALENDAR YEAR.

9 (e) A COURT OF COMPETENT JURISDICTION MAY DISTRIBUTE
10 MONEY FROM A TRUST ACCOUNT REQUIRED BY SUBSECTION (3)(a) OF THIS
11 SECTION TO A CONTENT CREATOR PRIOR TO THE MINOR WHO IS THE
12 BENEFICIARY OF THE TRUST ACCOUNT REACHING THE AGE OF MAJORITY OR
13 A DECLARATION THAT THE MINOR IS EMANCIPATED UPON:

14 (I) PETITION OF THE TRUSTEE; AND

15 (II) A SUBSEQUENT FINDING BY THE COURT THAT THE MONEY WILL
16 ONLY BE USED FOR SPECIFIC EXPENSES THAT SOLELY BENEFIT THE MINOR
17 WHO IS THE BENEFICIARY OF THE TRUST ACCOUNT.

18 (f) THIS SECTION DOES NOT AFFECT A RIGHT OR REMEDY
19 AVAILABLE UNDER ANY OTHER LAW OF THE STATE.

20 (g) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT A
21 PARTY THAT IS NEITHER THE CONTENT CREATOR NOR THE MINOR ENGAGED
22 IN THE WORK OF CONTENT CREATION.

23 **8-12.5-103. Privacy removals - private right of action.**

24 (1) AN ADULT OR AN EMANCIPATED MINOR WHO WAS FEATURED
25 IN A CONTENT CREATOR'S POST FEATURING ONLINE CONTENT AS A MINOR
26 ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION MAY REQUEST THAT
27 THE CONTENT CREATOR DELETE THE POST FROM THE ONLINE HOSTING

1 PLATFORM OR EDIT THE POST TO REMOVE THE INDIVIDUAL'S PRIVATE
2 INFORMATION IF THE INDIVIDUAL IS UNIQUELY IDENTIFIABLE.

3 (2) (a) AN ONLINE HOSTING PLATFORM SHALL PROVIDE AN EASILY
4 ACCESSIBLE MECHANISM THROUGH WHICH AN INDIVIDUAL CAN SUBMIT A
5 REQUEST PURSUANT TO SUBSECTION (1) OF THIS SECTION FOR THE
6 CONTENT CREATOR TO DELETE A POST FEATURING ONLINE CONTENT FROM
7 THE ONLINE HOSTING PLATFORM OR EDIT THE POST FEATURING ONLINE
8 CONTENT TO REMOVE THE INDIVIDUAL'S PRIVATE INFORMATION IF THE
9 INDIVIDUAL IS UNIQUELY IDENTIFIABLE. THE MECHANISM MAY INCLUDE
10 TOOLS THAT ENABLE AN INDIVIDUAL TO SUBMIT A REQUEST DIRECTLY TO
11 THE CONTENT CREATOR.

12 (b) AN INDIVIDUAL SUBMITTING A REMOVAL REQUEST PURSUANT
13 TO THIS SECTION [REDACTED] MUST INCLUDE ALL INFORMATION REASONABLY
14 REQUESTED [REDACTED] TO IDENTIFY THE MINOR AND THE POST FEATURING ONLINE
15 CONTENT, INCLUDING INFORMATION TO VERIFY THAT THE INDIVIDUAL
16 MAKING THE REMOVAL REQUEST IS THE INDIVIDUAL FEATURED IN THE
17 ONLINE CONTENT.

18 (c) AN ONLINE HOSTING PLATFORM THAT DOES NOT PROVIDE A
19 MECHANISM TO ENABLE INDIVIDUALS TO SUBMIT A REQUEST DIRECTLY TO
20 THE CONTENT CREATOR SHALL NOTIFY THE RESPONSIBLE CONTENT
21 CREATOR WITHIN A REASONABLE TIME PERIOD AFTER THE SUBMITTAL OF
22 A REMOVAL REQUEST, AS SET BY THE ONLINE HOSTING PLATFORM, WHICH
23 TIME PERIOD MUST NOT EXCEED THIRTY DAYS.

24 (d) A CONTENT CREATOR SHALL DELETE A POST FEATURING
25 ONLINE CONTENT FROM AN ONLINE HOSTING PLATFORM OR EDIT THE POST
26 TO REMOVE THE INDIVIDUAL'S UNIQUELY IDENTIFIABLE INFORMATION
27 WITHIN SEVENTY-TWO HOURS.

1 (3) (a) IF A CONTENT CREATOR FAILS TO COMPLY WITH
2 SUBSECTION (2)(d) OF THIS SECTION WITHIN THIRTY DAYS AFTER
3 RECEIVING THE REMOVAL REQUEST, THE INDIVIDUAL WHO SUBMITTED THE
4 REMOVAL REQUEST MAY INITIATE A CIVIL ACTION AGAINST THE CONTENT
5 CREATOR IN DISTRICT COURT TO ENFORCE THIS SECTION. AN ONLINE
6 HOSTING PLATFORM IS NOT LIABLE FOR A VIOLATION OF SUBSECTION (2)(d)
7 OF THIS SECTION IF THE ONLINE HOSTING PLATFORM COMPLIES WITH
8 SUBSECTIONS (2)(a) AND (2)(c) OF THIS SECTION. THE COURT MAY AWARD
9 AN INDIVIDUAL WHO PREVAILS IN AN ACTION BROUGHT IN ACCORDANCE
10 WITH THIS SECTION THE 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) (I) 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 CONSISTENT WITH THE ONLINE HOSTING
20 PLATFORM'S POLICIES TO REMOVE THE ONLINE CONTENT FROM THE ONLINE
21 HOSTING PLATFORM UNLESS:

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

25 (B) THE ONLINE HOSTING PLATFORM FINDS THAT THE POST
26 FEATURING ONLINE CONTENT IS SUFFICIENTLY NEWSWORTHY OR OF OTHER
27 PUBLIC INTEREST TO OUTWEIGH THE PRIVACY INTERESTS OF THE

1 INDIVIDUAL WHO WAS FEATURED IN THE ONLINE CONTENT AS A MINOR.
2 FOR THE PURPOSES OF THIS SUBSECTION (3)(b)(II), CONTENT PUBLISHED
3 BY A NEWS ORGANIZATION IS PRESUMED TO BE NEWSWORTHY OR OF
4 OTHER PUBLIC INTEREST.

5 (II) AN ONLINE HOSTING PLATFORM IS NOT LIABLE FOR A GOOD
6 FAITH DETERMINATION MADE IN RESPONSE TO THIS SUBSECTION (3)(b).

7 (III) AN ONLINE HOSTING PLATFORM IS NOT LIABLE FOR ACTIONS
8 TAKEN IN RESPONSE TO THIS SUBSECTION (3)(b) BASED ON THE ONLINE
9 HOSTING PLATFORM'S GOOD FAITH RELIANCE ON THE INFORMATION
10 SUBMITTED AND REMOVAL OF CONTENT IDENTIFIED BY THE REQUESTING
11 INDIVIDUAL, REGARDLESS OF WHETHER THE INDIVIDUAL MADE THE
12 REQUEST IN ERROR OR BAD FAITH.

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

15 (b) THIS SECTION SHALL NOT BE CONSTRUED TO IMPOSE LIABILITY
16 IN A MANNER THAT IS INCONSISTENT WITH THE FEDERAL
17 "COMMUNICATIONS DECENCY ACT OF 1996", 47 U.S.C. SEC. 230.

18 **8-12.5-104. Intentional sexualization of minors featured in**
19 **content creation - exceptions - private right of action - risk-based**
20 **strategy.**

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

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

27 (I) LAWFULLY AUTHORIZED INVESTIGATIVE, PROTECTIVE, OR

1 INTELLIGENCE ACTIVITY OF A LAW ENFORCEMENT AGENCY OF THE UNITED
2 STATES, A STATE, OR A POLITICAL SUBDIVISION OF A STATE OR OF AN
3 INTELLIGENCE AGENCY OF THE UNITED STATES;

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

5 (A) REPORTS UNLAWFUL ACTIVITY; OR

6 (B) ACTS IN PURSUANCE OF A LEGAL OR PROFESSIONAL OR OTHER
7 LAWFUL OBLIGATION;

8 (III) A DOCUMENT PRODUCTION OR FILING ASSOCIATED WITH A
9 LEGAL PROCEEDING; OR

10 (IV) AN ONLINE HOSTING PLATFORM WITH REGARD TO ONLINE
11 CONTENT PROVIDED BY CONTENT CREATORS UNLESS THE ONLINE HOSTING
12 PLATFORM INTENTIONALLY SOLICITS, OR KNOWINGLY AND
13 PREDOMINANTLY DISTRIBUTES, SUCH CONTENT.

14 (b) THIS SECTION SHALL NOT BE CONSTRUED TO IMPOSE LIABILITY
15 IN A MANNER THAT IS INCONSISTENT WITH THE FEDERAL
16 "COMMUNICATIONS DECENCY ACT OF 1996", 47 U.S.C. SEC. 230.

17 (c) THIS SECTION DOES NOT IMPOSE LIABILITY ON AN ONLINE
18 HOSTING PLATFORM FOR CONTENT CREATED BY A THIRD PARTY AND DOES
19 NOT REQUIRE PROACTIVE MONITORING OF USER-GENERATED CONTENT.

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

26 (I) ACTUAL DAMAGES;

27 (II) PUNITIVE DAMAGES; AND

1 (III) THE COSTS OF THE ACTION, INCLUDING ATTORNEY FEES AND
2 COURT COSTS.

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

5 (4) (a) AN ONLINE HOSTING PLATFORM SHALL DEVELOP AND
6 IMPLEMENT A RISK-BASED STRATEGY TO HELP MITIGATE RISKS RELATED
7 TO MONETIZATION OF THE INTENTIONAL SEXUALIZATION OF KNOWN
8 MINORS ENGAGED IN CONTENT CREATION. AN ONLINE HOSTING PLATFORM
9 MAY LEVERAGE EXISTING TRUST AND SAFETY SYSTEMS AND POLICIES TO
10 SATISFY THE REQUIREMENTS OF THIS SUBSECTION (4)(a).

11 (b) AN ONLINE HOSTING PLATFORM SHALL DOCUMENT AND
12 REASSESS THE RISK-BASED STRATEGY DEVELOPED PURSUANT TO
13 SUBSECTION (4)(a) OF THIS SECTION ON A REASONABLE RECURRING BASIS
14 AND MAY INCLUDE AT THE SOLE DISCRETION OF THE ONLINE HOSTING
15 PLATFORM COMMERCIALY REASONABLE:

16 (I) POLICIES THAT GOVERN CONTENT AND RELATED
17 MONETIZATION;

18 (II) RESTRICTIONS OF FEATURES ON ONLINE CONTENT FEATURING
19 MINORS;

20 (III) AUTOMATED SYSTEMS TO IDENTIFY AND ENFORCE AGAINST
21 POTENTIALLY PROBLEMATIC ONLINE CONTENT AND ACCOUNTS;

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

25 (V) QUALITY ASSURANCE PROCESSES RECURRING AT REASONABLE
26 INTERVALS TO ENSURE THAT THE RISK-BASED STRATEGY DEVELOPED
27 PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION IS WORKING AS

1 INTENDED.

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

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

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