

SENATE PRIVACY, DIGITAL TECHNOLOGIES, AND CONSUMER PROTECTION COMMITTEE
Senator Christopher Cabaldon, Chair
2025-2026 Regular Session

SB 1247 (Padilla)
Version: February 19, 2026
Hearing Date: April 6, 2026
Fiscal: No
Urgency: No
BH

SUBJECT

Social media platforms: child influencers

DIGEST

This bill allows a child Influencer, who is at least 18 years of age and is featured as a minor in paid content on a social media platform, to have that content edited or removed.

EXECUTIVE SUMMARY

Ever since the advent of the image capturing cell phone, the number of online images and videos of family members has skyrocketed. In an increasing number of cases, parents, legal guardians, or other family members of children may share these images on social media platforms and receive compensation in return, referred to as “vloggers” in some instances.

Previous legislation established financial protections for minors whose images are used by vloggers to receive compensation. Under this bill, a young person upon reaching the age of 18 may take control of content featuring images and videos of them as a minor by requesting they be edited or removed. The bill requires social media platforms to provide a clear mechanism for child influencers to request such action, and if certain criteria is met, the platforms must notify the relevant vlogger of the request. The vlogger is thereafter required to delete or edit the paid content, as provided. Vloggers who fail to carry this obligation are subject to civil actions for specified remedies.

This is an author sponsored bill. The bill is supported by several advocacy groups, including the National Child Protection Task Force and Quit Clicking Kids. The bill is opposed by the Civil Justice Association of California. Should the bill pass out of this Committee, it will next be heard by the Senate Judiciary Committee.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Places obligations on adult “vloggers,” creators of online content for compensation, whose online content features minors “engaging in vlogging” to set aside a certain amount of gross earnings in a trust account to be established in a California financial institution. A child is “engaged in vlogging” when a certain percentage of the content includes the minor and the related compensation reaches a certain threshold. Such vloggers are also required to maintain and share records related to the amount of relevant content produced and the compensation received therefrom. (Fam. Code § 6650 et seq.)
- 2) Regulates the following contracts entered into between an unemancipated minor and a third party:
 - a. A contract pursuant to which a minor is employed or agrees to render artistic or creative services, either directly or through a third party. “Artistic or creative services” includes services as an actor, actress, dancer, musician, comedian, singer, stuntperson, voice-over artist, or other performer or entertainer, or as a songwriter, musical producer or arranger, writer, director, producer, production executive, choreographer, composer, conductor, or designer.
 - b. A contract pursuant to which a minor agrees to purchase, or otherwise secure, sell, lease, license, or otherwise dispose of literary, musical, or dramatic properties, or use of a person’s likeness, voice recording, performance, or story of or incidents in the person’s life, either tangible or intangible, or any rights therein for use in motion pictures, television, the production of sound recordings in any format now known or hereafter devised, the legitimate or living stage, or otherwise in the entertainment field.
 - c. A contract pursuant to which a minor is employed or agrees to render services as a participant or player in a sport. (Fam. Code § 6750.)

This bill:

- 1) Provides the following definitions:
 - a) “Child influencer” means a person who is at least 18 years of age who is featured as a minor in paid content on a social media platform.
 - b) “Paid content” means image or video content shared on a social media platform by a vlogger for which the vlogger receives compensation.
 - c) “Social media platform” has the meaning defined in Section 22675 of the Business and Professions Code.
 - d) “Vlogger” means a person who shared images or video content featuring a child influencer as a minor, who received compensation for sharing that content on a

social media platform, and who is a parent, legal guardian, or family member of the child influencer.

- 2) Requires a social media platform to provide a clear and conspicuous mechanism by which a child influencer can request a vlogger to delete or edit paid content as specified. The request must meet the following criteria:
 - a) The paid content is adequately identified by the child influencer so that the social media platform is able to notify the vlogger who is able to remove the paid content from the social media platform.
 - b) The paid content features the child influencer as a minor.
- 3) Requires the social media platform to notify the vlogger of the request within three business days of its receipt through the specified mechanism.
- 4) Requires a vlogger to delete paid content or edit paid content within 10 business days of receiving a notice pursuant to 3) above.
- 5) Provides that a child influencer may bring a civil action against a vlogger who violates the chapter for all of the following relief:
 - a) Actual damages.
 - b) Statutory damages in the amount of three thousand dollars (\$3,000) for each day that a vlogger is in violation of the chapter.
 - c) Injunctive relief.
 - d) Reasonable attorney's fees and costs.
- 6) Provides that when a civil action is brought pursuant to this section, a court shall consider all of the following:
 - a) Emotional harm or substantial embarrassment the paid content causes the child influencer.
 - b) Increased risk to the child influencer of harassment or compromised safety.
 - c) Loss of control of personal information.
 - d) Harm to future opportunities.

COMMENTS

1. Measures to protect children

Jackie Coogan was a famous child actor of the early 20th Century. Charlie Chaplin discovered Coogan in 1919 and subsequently featured him in Chaplin's film, *The Kid*. Coogan's rise to fame in the 1920's created opportunities for the sale of merchandise dedicated to his image. After a life as a child star, Jackie Coogan, upon turning 21, found himself with dwindling film opportunities. After the death of his father, Coogan realized he was left with none of the earnings he had worked so hard for. At the time, California law required the earnings of a minor to belong solely to the parent.

In response, California passed its “Coogan law,” which requires funds to be set aside in specified trusts for the benefit of minor actors. Similar protections were subsequently created in other states. However, these protections do not extend to minors appearing in content posted on online platforms.

The dramatic rise of content created and monetized by social media influencers, and specifically content heavily featuring minors, has drawn attention to a gap in these laws. A series of infamous examples of family members exploiting minors appearing in their content has raised calls for legislation to protect the interests of these children. Mirroring a law enacted in Illinois, SB 764 (Padilla, Ch. 611, Stats. 2024) responded to this gap. That law places obligations on adult “vloggers,” creators of online content for compensation, whose online content features minors “engaging in vlogging” to set aside a certain amount of gross earnings in a trust account to be established in a California financial institution. A child is “engaged in vlogging” when a certain percentage of the content includes the minor and the related compensation reaches a certain threshold. Such vloggers are also required to maintain and share records related to the amount of relevant content produced and the compensation received therefrom.

2. Establishing control and privacy rights.

Under this bill, a young person upon reaching the age of 18 may take control of paid content featuring images and videos of them as a minor by requesting they be edited or removed. Current law allows for the financial protection of child influencers (see above) but does not give control of their images and videos to those child influencers upon reaching adulthood. The author seeks to establish a process whereby child influencers can take control of their online paid content and secure privacy rights as adults.

This process requires a social media platform to provide a “clear and conspicuous mechanism” for a child influencer to request edits or deletion of vloggers’ paid content featuring them. This provision establishes unambiguous communication between the parties to ensure any child influencer can easily access this mechanism to make a privacy request.

Once the paid content that features the child influencer as a minor has been adequately identified, the child influencer may use the communication mechanism to make a request. Upon receiving this request, the social media platform must inform the vlogger of the request. Within ten business days of receiving the privacy request from the social media platform, the vlogger must delete or edit the paid content in such a way that the child influencer is no longer featured in the paid content. Violations are subject to a civil action, to be brought by the child influencer.

According to the author:

Children featured in family videos lose the ability to control their image at a young age and face privacy and security concerns growing up in the public eye. SB 1247 would give children who were monetized online the ability to exert privacy rights by giving child influencers the ability to delete content featuring them as minors once they reach adulthood.

The need for more control for those who are featured in such content as kids is made clear by reporting showing such minors are often sought out by predators online:

The ominous messages began arriving in Elissa's inbox early last year.

"You sell pics of your underage daughter to pedophiles," read one. "You're such a naughty sick mom, you're just as sick as us pedophiles," read another. "I will make your life hell for you and your daughter."

Elissa has been running her daughter's Instagram account since 2020, when the girl was 11 and too young to have her own. Photos show a bright, bubbly girl modeling evening dresses, high-end workout gear, and dance leotards. She has more than 100,000 followers, some so enthusiastic about her posts that they pay \$9.99 a month for more photos.

Over the years, Elissa has fielded all kinds of criticism and knows full well that some people think she is exploiting her daughter. She has even gotten used to receiving creepy messages, but these — from "Instamodelfan" — were extreme. "I think they're all pedophiles," she said of the many online followers obsessed with her daughter and other young girls.

Elissa and her daughter inhabit the world of Instagram influencers whose accounts are managed by their parents. Although the site prohibits children under 13, parents can open so-called mom-run accounts for them, and they can live on even when the girls become teenagers.¹

3. Stakeholder positions

The National Child Protection Task Force (a committee of SAG-AFTRA) writes in support:

¹ Jennifer Valentino-DeVries and Michael H. Keller, *A Marketplace of Girl Influencers Managed by Moms and Stalked by Men* (February 22, 2024) The New York Times, <https://www.nytimes.com/2024/02/22/us/instagram-child-influencers.html> [as of March 29, 2026].

With the rise of social media, specifically YouTube, family vloggers have exploded in popularity, many filming their daily lives and raking in thousands of dollars in ad revenue, sponsorships, and advertising. Many family vloggers include their young children in their content, filming intimate details of their personal lives for their audience of millions to see. The rise of so many family vloggers raises questions about cases of child abuse and exploitation by parents, and the issue that children lose their privacy as they are filmed without consent and without compensation. . . .

SB 1247 would allow children who were monetized on social media to request deletion of content featuring them after they turn 18.

The Civil Justice Association of California writes in opposition:

SB 1247 . . . creates a new private right of action, allowing a child influencer to bring a civil action against a parent, legal guardian, or family member for violating the bill's provisions. The bill would impose penalties of a set \$3,000 per day for each day of noncompliance. CJAC is concerned about the creation of a private right of action in this manner, as such claims can be readily brought and, when paired with significant statutory penalties, may invite abusive litigation and further burden already strained courts without providing a commensurate public benefit.

SUPPORT

National Child Protection Task Force (a Committee of SAG-AFTRA)
No Affiliation
Quit Clicking Kids
1 Individual

OPPOSITION

Civil Justice Association of California

RELATED LEGISLATION

SB 764 (Padilla, Ch. 611, Stats. 2024) *See* Comment 1.
