SENATE THIRD READING
SB 1247 (Padilla)
As Amended August 10, 2026
Majority vote

SUMMARY

Requires social media platforms to provide a clear and conspicuous mechanism to allow child influencers, once they reach 18 years old, to request vloggers to delete or edit out footage of them as a minor. *Recent amendments relocate the bill's provisions from the Business and Professions Code to Family Code.*

Major Provisions

1) Defines the following terms:

   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) A "vlogger" means a person who both is a parent, legal guardian, or family member of a child influencer who shared images or video content featuring that child influencer constituting at least 30% of the person's content shared on social media platforms and the person received compensation for sharing the content featuring 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 if the content meets the following standards:

   a) The paid content is adequately identified by the child influencer so that the social media platform is able to notify the vlogger to remove the paid content from the social media platform.

   b) The paid content features the child influencer as a minor.

3) Requires that if a social media platform does not provide a mechanism that enables the child influencer to submit a request directly to the vlogger, the social media platform must notify the vlogger of the request within three business days of its receipt.

4) Mandates that a vlogger must delete the paid content or edit the paid content in such a way that the child influencer is no longer featured in the paid content within ten business days of receiving a notice or direct request to delete or edit the paid content.

5) Provides that a child influencer may bring a civil action against a vlogger who violates the bill for all of the following:

   a) Actual damages.

   b) Statutory damages up to $3,000 for each day that a vlogger is in violation of the bill.

c) Injunctive relief.

d) Reasonable attorney's fees and costs.

6) Requires a court, in an action under 5), to 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

Social media has shifted how many of us engage with the world, serving as an important avenue for connection, commerce, and even job prospects. As millions of people dedicate hours to scrolling social media, the market for influencers – people who amass thousands of followers to sell or promote paid content to – has skyrocketed. The influencer industry is worth roughly $250 billion according to Forbes, a number that is forecasted to nearly double by 2027.[1]

Children, many of whom are the intended audiences for these influencers, can be drawn to these potentially lucrative careers. A 2019 poll conducted by Harris Polls on behalf of Lego found that one-third of children surveyed between the ages of eight and 12 aspire to be a vlogger or YouTuber when they grow up, likely due in part to the increased exposure to vloggers and influencers on common platforms like YouTube.[2]

However, young influencers face particular challenges online, especially if they begin producing content as minors. For one, social media can have negative impacts on developing minds, leading to body image issues and negative self-image. Additionally, child labor laws do not apply to influencers and vloggers, who often work around the clock producing videos and content. Child influencers are also at risk for privacy violations, as being raised in a generation where everyone has a camera in their back pocket with access to the internet can lead to a near incessant stream of content. As noted by a 2022 *Wired* article:

> [T]hose of us who were introduced to social media during adulthood were still able to carve out our online presence from scratch, whether it be as an anonymous lurker on Reddit or a brazen oversharer on Instagram. The next generation are not afforded this freedom of choice; they simply have to lie in utero and pray that the first thing they see upon exiting isn't the

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[1] Danielle Chemtob, "Forbes Daily: The $250 Billion Influencer Economy Is Booming," *Forbes,* (Oct. 28, 2024), https://www.forbes.com/sites/daniellechemtob/2024/10/28/forbes-daily-the-250-billion-influencer-economy-is-booming/.
[2] Yelena Dzhanova, "Forget law school, these kids want to be a YouTube star," *CNBC News,* (Aug. 3, 2019),

> glare of a smartphone camera lens, set to an ear-splitting shriek of, "Don't forget to like and subscribe!"[3]

1939, California enacted the famous Coogan Law, named after child actor Jackie Coogan. Coogan was discovered in 1919 by Charlie Chaplin and became a household name after starring in Chaplin's film, The Kid.[4] Despite his fame, Coogan discovered as a young adult that his father, who had since passed, had legally squandered most of his earnings, leaving Coogan penniless. In response, the California legislature passed Coogan's law, which requires that 15% of a minor's earnings from entertainment work be placed in a blocked trust account, often referred to as a "Coogan account." These protections applied only in employment settings and did not extend to children who are directly monetized by their families on social media.

To address these gaps in protections for child influencers, SB 764 (Padilla), Chapter 611, Statutes of 2024 required vlogger parents or guardians that film content with minors to maintain records detailing the compensation generated from vlogs to be provided to the minor monthly. Additionally, vloggers who earn more than $15,000 annually are required to set aside specified portions of their gross earnings in a secure fund for the minor based on the percentage of compensated content in which the minor is featured. SB 764 also provided child influencers with a private right to action against the vlogger who knowingly violates these provisions.

SB 1247 builds upon SB 764 by allowing child influencers the right to request footage of them as a minor be deleted. SB 1247 allows child influencers to request that paid content featuring them as a minor be deleted or edited out by the vlogger parents or guardians. The bill requires social media platforms to provide a clear and conspicuous mechanism for child influencers to request that paid content of them be deleted or edited in such a way that the minor is no longer featured. If a mechanism does not send the deletion request to the vlogger directly, the social media platform must notify the vlogger of the request within three business days. Upon receiving the deletion request, the vlogger will then have ten days to delete or edit the paid content. SB 1247 also provides a private right of action for child influencers against the vlogger to pursue actual damages, statutory damages for $3,000 for each day that the vlogger is in violation, injunctive relief, and reasonable attorney's fees and costs.

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.

Arguments in Support

Quit Clicking Kids write in support:

> California's previous SB 764 ensured that a percentage of this profit was maintained for a child in escrow, following the precedent set by California's groundbreaking Coogan laws. However, child influencers also face a loss of privacy and related risks. Scholar Charlotte Yates lists five central consequences of this loss: 1) Identity theft; 2) Digital kidnapping; 3)

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[3] Ellen Walker, "Nothing Is Protecting Child Influencers From Exploitation," *Wired*, (Aug. 25, 2022), https://www.wired.com/story/child-influencers-exploitation-legal-protection/.

[4] SAG-AFTRA, "Coogan Law," https://www.sagaftra.org/membership-benefits/young-performers/coogan-law.

> Exposure to child predators; 4) Emotional trauma; and 5) Social isolation. These and other risks have been noted by a wide variety of scholars.
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> In particular, one risk to note is that of a lasting digital footprint: children cannot consent to their name, image, or likeness being used online, and having a publicly accessible profile that catalogues their childhood may come back to haunt them. Imagine if everyone could access, at any time, every mistake and meltdown from your childhood— including your friends, colleagues, and superiors. Children deserve the chance to regain control over their digital record.

Arguments in Opposition
In opposition to the bill, the Civil Justice Association of California (CJAC) argues:

> SB 1247 also 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.

FISCAL COMMENTS

According to the Senate Appropriations Committee:

> Unknown, potentially significant cost pressure to the courts to the extent there are additional civil filings for new violations created by this bill. Actual costs would depend on the number of child influencers seeking to edit or remove content and subsequent civil actions and injunctive relief. Although courts are not funded based on workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts. The proposed FY 2026-07 Governor's budget would provide $70 million General Fund support (Trial Court Trust Fund, General Fund).

VOTES

SENATE FLOOR: 39-0-1
YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener
ABS, ABST OR NV: Niello

ASM PRIVACY AND CONSUMER PROTECTION: 15-0-0
YES: Bauer-Kahan, Macedo, Bryan, DeMaio, Hoover, Irwin, Lowenthal, McKinnor, Ortega, Patterson, Pellerin, Petrie-Norris, Ward, Wicks, Wilson

ASM JUDICIARY: 12-0-0
YES: Kalra, Macedo, Bauer-Kahan, Bryan, Connolly, Dixon, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur

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