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LIU BILL TO PROTECT CHILD SOCIAL MEDIA INFLUENCERS PASSES NY STATE SENATE

Bill would require parents of kid influencers to create trust fund to be turned over at 18 years old

Albany, NY – NY State Senator John C. Liu announced the State Senate passed his bill, S825, to protect child social media influencers by requiring their parents to create trust funds, ensuring their kids get their fair share when they turn 18 years old.

Under the bill, minors whose likeness, name, or image appears in a substantial portion of monetized social media content would be entitled to a set aside in a “Minor Influencer Trust Account.” The account would be required if the child is in at least 30 percent of the monetized content within a 30-day period and the content meets certain viewership and earning thresholds. Minors would also have the right to request the removal of content once they turn 13 years old, and adults would also have this right if they were previously featured in content as a minor. If the influencers fail to comply, the victim would have the right to sue for damages.

State Senator John Liu stated, “We live in an era when children are no longer just simple passive consumers of online content, but often the unwitting stars cast by their own parents. Family vlogging and other forms of content creation featuring children has become a lucrative profession that too often leads to the exploitation, abuse and trauma for children. This legislation seeks to protect the earnings of children who have no control over how their image is used, ensures they receive their fair share, and hopefully acts as a deterrent to those seeking to take advantage of children for profit.”

Assembly Member Linda Rosenthal stated, “Children should not have to carry the weight of being the household breadwinner. For years, the writing has been on the wall that social media content featuring kids is becoming big business. Since I first introduced the bill, countless kids have been put to work, creating online content and earning millions of dollars in the process. Kids working in traditional entertainment roles are shielded by child labor laws and have their earnings set aside in a trust. It is time that New York State give kid influencers the same protections. I look forward to passing this legislation in the Assembly.”

Chris McCarty, Executive Director of Quick Clicking Kids, stated, “New York is set to be a leader in tech policy while safeguarding child safety. This bill allows a child to access the earnings that they help to generate as a star on their family’s social media channel, and allows them the right to be forgotten. Both provisions are important in a world where developing technologies, such as artificial intelligence, make the internet an increasingly dangerous place for today’s children.”

Marissa Edmund, State Policy Lead at the Family Online Safety Institute, stated, “The Family Online Safety Institute applauds the New York State Senate for the passage of S825, a bill providing economic safeguards for child influencers. For minors, creating online content can often blur the lines between work and play - especially when parents are the producers. We’ve seen the most extreme cases of this exploitation and how children can ultimately pay the price. We want to encourage children to safely create and explore online while protecting their privacy and autonomy. Ensuring children are compensated for revenue they have helped generate is a great first step. The bill would also allow individuals to request the deletion of the content they were featured in, giving them agency over their digital footprint.”

Jessica Maddox, Associate Professor of Digital Media, The University of Alabama, stated, “I’m thrilled to see New York state make this progress in protecting child social media labor. As New York is a huge hub for the entertainment, influencing, and content creation industries, S825 is a long overdue bill to ensure minors in New York are treated and compensated fairly for their work. Social media have changed what labor means, and I applaud Senator Liu for helping to ensure laws catch up to our new realities.”

Statement from DDO Artists Agency, “At DDO Artists Agency, we have represented and supported young performers across all forms of media—including influencers. While the content these minors produced often appeared lighthearted, the harmful effects of unregulated work environments have now come to light and cannot go ignored. It is time for protections to be put in place for minors working in social media, therefore DDO Artists Agency strongly supports this legislation. We believe this bill is an important first step toward ensuring a safer, more accountable working environment for all children in the entertainment industry.”

The legislation cites the case of Myka and James Stauffer, who rose to Internet fame as they chronicled their family’s journey to adopt a special needs child named Huxley from China. Huxley’s participation in the content created by the Stauffers yielded lucrative results, including sponsorships and millions of loyal viewers. Unfortunately, the couple shockingly revealed their decision to “rehome” Huxley nearly 2 and ½ years after his adoption. It is unclear whether the child reaped any financial benefit from the franchise he had no choice in creating.

While similar laws exist throughout the country to protect child performers in other forms of traditional media, “kid influencers” are not guaranteed any financial benefit from the content they help create. The legislation would not apply to children who create their own content, but only to those who are featured as part of another’s monetized video. It is supported by child advocacy groups and industry professionals across the country.

The companion bill, A774, is in the Assembly Labor Committee.

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