CHAPTER 181A

CHILD LABOR

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181A.01 CITATION.

Sections 181A.01 to 181A.12 may be cited as the "Child Labor Standards Act."

History: *1974 c 432 s 1*

181A.02 PURPOSE.

The purpose of sections 181A.01 to 181A.12 is to aid in the economic, social and educational development of young people through employment. Work is an integral factor in providing a sense of purpose, direction, and self-esteem necessary to the overall physical and mental health of an individual. Young people, especially those who have completed high school or occupational training, should not be denied employment opportunities. Work, however, must be coordinated with schooling and safety considerations in order to serve the best interest of the young.

History: *1974 c 432 s 2*

181A.03 DEFINITIONS.

Subdivision 1. **General.** As used in sections 181A.01 to 181A.12, the terms defined in this section shall have the following meanings.

Subd. 2. **Department.** "Department" means the Minnesota Department of Labor and Industry.

Subd. 3. **Division.** "Division" means the Division of Labor Standards within the department.

Subd. 4. **Commissioner.** "Commissioner" means the commissioner of the department or designees.

Subd. 4a. **Content creation.** "Content creation" means content shared on an online platform in exchange for compensation.

Subd. 4b. **Content creator.** "Content creator" means an individual or individuals 18 years of age or older, including family members, who create video content performed in Minnesota in exchange for compensation, and includes any proprietorship, partnership, company, or other corporate entity assuming the name or identity of a particular individual or individuals, or family members, for the purposes of that content creator. Content creator does not include a person under the age of 18 who produces their own video content.

Subd. 5. **Employment.** "Employment" means any occupation engaged in for compensation in money or other valuable consideration, whether paid to the minor or to some other person, including, but not limited to, occupation as a servant, agent, or independent contractor.

Subd. 5a. **Online platform.** "Online platform" means any public-facing website, web application, or digital application, including a mobile application. Online platform includes a social network, advertising network, mobile operating system, search engine, email service, monetization platform to sell digital services, streaming service, paid subscription, or Internet access service.

Subd. 6. **School days.** "School days" means any day when normal classes are in session during the regular school year in the school district.

Subd. 7. **School hours.** "School hours" means that period during which the student is required to be in school in the school district.

History: *1974 c 432 s 3; 1986 c 444; 2024 c 103 s 1-3*

181A.04 MINIMUM AGE AND MAXIMUM HOURS.

Subdivision 1. **Minimum age.** No minors under the age of 14 shall be permitted employment in this state except as authorized by section 181A.07.

Subd. 2. **During school.** On school days, during school hours, no minor under the age of 16 years shall be permitted employment except as provided in section 181A.05.

Subd. 3. **Time of day, under 16.** No minor under the age of 16 shall be permitted to work any day before 7:00 a.m. or after 9:00 p.m.

Subd. 4. **Maximum hours.** No employer shall be permitted to work a minor under the age of 16 more than 40 hours a week or more than eight hours in any 24-hour period.

Subd. 5. **Hazardous occupations.** No minor under the age of 18 shall be permitted to work in any occupation which the commissioner shall find to be particularly hazardous for the employment of children under 18 years of age or detrimental to their well-being. A list of such occupations shall be established and promulgated by rule pursuant to section 181A.09. Notwithstanding any law or rule to the contrary, this subdivision does not apply to minors employed in retail stores that are nonseasonal and are of a nontransient nature and which sell or offer for sale explosives or pyrotechnics.

Subd. 6. **Time of day, high school students.** A high school student must not be permitted to work after 11:00 p.m. on an evening before a school day or before 5:00 a.m. on a school day, except:

(1) as permitted by section 181A.07, subdivisions 1, 2, 3, and 4;

(2) this subdivision does not apply to a high school student age 18 or older, unless the student provides a written request for the hours restrictions to the employer at least two weeks before any restricted hours begin; or

(3) if a high school student under the age of 18 has supplied the employer with a note signed by the parent or guardian of the student, the student may be permitted to work until 11:30 p.m. on the evening before a school day and beginning at 4:30 a.m. on a school day.

For the purpose of this subdivision, a high school student does not include a student enrolled in an alternative education program approved by the commissioner of education or an area learning center, including area learning centers under sections 123A.05 to 123A.08.

Subd. 7. **Amusement rides.** (a) Minors 16 or 17 years of age may be employed in the operation of amusement rides or loading and unloading of passengers from amusement rides if all of the requirements of this subdivision are met. For the purposes of this subdivision, "operation of an amusement ride" does not include maintenance, testing, repair, erection, or dismantling of an amusement ride.

(b) The following requirements must be met in order for an employer to employ a minor under this exception:

(1) employers shall comply with:

(i) all other applicable child labor standards in chapter 181A and Minnesota Rules, chapter 5200; and

(ii) all requirements of chapter 184B;

(2) the amusement ride or rides to be operated by minors 16 or 17 years of age must be located in a fixed site amusement park;

(3) the minor shall not operate or load and unload passengers on more than one amusement ride at a time;

(4) at any time during which a minor is operating an amusement ride or loading and unloading passengers on an amusement ride, the employer shall ensure that a supervisor is present on the employer's premises and is supervising the minor in accordance with the employer's written supervision policy. Supervision required by the policy shall address, at a minimum, the type and design of the ride, the location of the ride in the employer's facility, the location of assigned ride operators on the ride, and the distance between rides in the facility. Notwithstanding the specific job title assigned by the employer, for purposes of this subdivision, "supervisor" is defined as any employee, at least 18 years of age, trained in the operation of the ride being operated by a minor, and who has been assigned by the employer the responsibility of supervising a ride operator's operation of the amusement ride or loading and unloading of passengers on the amusement ride; and

(5) the incident report log and reporting required by section 184B.045 shall apply to minors allowed to be employed under this subdivision for injuries or illnesses, other than minor injuries and illnesses, resulting from their operation or loading and unloading passengers on an amusement ride.

History: *1974 c 432 s 4; 1985 c 248 s 70; 1Sp1985 c 13 s 294; 1993 c 261 s 1; 1994 c 465 art 2 s 1; 1998 c 397 art 11 s 3; 1998 c 398 art 5 s 55; 2000 c 489 art 10 s 18; 2003 c 130 s 12; 2012 c 266 s 1; 2017 c 68 art 1 s 1; 2017 c 94 art 2 s 18; 2018 c 182 art 1 s 40; 2020 c 98 s 1*

181A.05 EMPLOYMENT CERTIFICATES.

Subdivision 1. **When issued.** Any minor 14 or 15 years of age who wishes to work on school days during school hours shall first secure an employment certificate. The certificate shall be issued only by the school district superintendent, the superintendent's agent, or some other person designated by the Board of Education. The employment certificate shall be issued only for a specific position with a designated employer and shall be issued only in the following circumstances:

(1) if a minor is to be employed in an occupation not prohibited by rules promulgated under section 181A.09 and as evidence thereof presents a signed statement from the prospective employer; and

(2) if the parent or guardian of the minor consents to the employment; and

(3) if the issuing officer believes the minor is physically capable of handling the job in question and further believes the best interests of the minor will be served by permitting the minor to work.

Subd. 2. **Content of certificates.** The employment certificate shall show the name, address, date of birth and description of the minor, the name and address of the employer, the kind of work to be performed, the hours of exemption, and shall also require the signature of the parent or guardian and the minor in the presence of the issuing officer.

Subd. 3. **Consulting requirement.** If the issuing officer is in doubt about whether the proposed employment is in accordance with these provisions, the officer shall consult with the division before issuing the certificate.

Subd. 4. **Termination.** Upon termination for any reason of the employment authorized, the employer shall return the employment certificate directly to the issuing officer with a notation showing the date of termination.

Subd. 5. **Cancellation.** The issuing officer is authorized to cancel an employment certificate, if the issuing officer determines that such action would be in the best interest of the minor.

History: *1974 c 432 s 5; 1985 c 248 s 70; 1986 c 444*

181A.06 AGE CERTIFICATES.

Subdivision 1. **Proof of age.** Every employer shall require proof of the age of any minor employee or prospective employee by requiring the minor to submit an age certificate, a copy of the minor's birth record, a copy of the minor's driver's license, or a United States Department of Homeland Security Citizenship and Immigration Services Employment Eligibility Verification Form I-9. Upon the request of a minor, an age certificate shall be issued by or under the authority of the school superintendent of the district in which the applicant resides. Superintendents, principals, or headmasters of independent or parochial schools shall issue age certificates to minors who attend such schools.

Subd. 2. **Content of certificates.** The age certificate shall show the age of the minor, the date of birth, the date of issuance of the certificate, the name and position of the issuing officer, the name, address, and description of the minor, and what evidence was accepted as proof of age. The age certificate shall also show the name of the employer, the proposed occupation, and shall state that a separate employment certificate is required for minors under 16 to work on regular school days during school hours. It shall be signed by the issuing officer and by the minor in the officer's presence.

Subd. 3. **When issued.** An age certificate shall not be issued unless the minor's birth record or photocopy or extract thereof is exhibited to the issuing officer, or unless such evidence was previously examined by the school authorities and the information is shown on the school records. If a birth record is not available, other documentary evidence shall be accepted only as provided by the rules or orders of the department.

Subd. 4. **Filing requirements.** The employer shall keep an age certificate for the duration of the minor's employment and shall keep on file all age certificates, copies of birth records or copies of drivers' licenses presented to the employer pursuant to subdivision 1, where they may be readily examined by an agent of the Division of Labor Standards.

History: *1974 c 432 s 6; 1985 c 248 s 70; 1986 c 444; 2001 c 82 s 1; 1Sp2001 c 9 art 15 s 32; 2007 c 13 art 1 s 25*

181A.07 EXEMPTIONS.

Subdivision 1. **Agricultural operations.** Minors employed in corn detasseling operations and other agricultural operations, with the permission of their parents or guardian, shall be exempt from the provisions of section 181A.04, subdivision 4. Such minors 12 years of age or older are exempt from the age provision of section 181A.04, subdivision 1.

Subd. 2. **Entertainers and models.** Any minor employed as an actor, model, or performer shall be exempt from the minimum age provisions of section 181A.04, subdivision 1.

Subd. 3. **Newspaper carriers.** Newspaper carriers shall be exempt from the minimum age provision of section 181A.04, subdivisions 1 and 3. Such carriers shall be at least 11 years of age.

Subd. 4. **Home chores; babysitters.** Any minor employed to do home chores, to babysit, or employed by a parent shall be exempt from all provisions of sections 181A.01 to 181A.12.

Subd. 4a. **Youth athletic program referees.** A minor at least 11 years of age and less than 14 years of age shall be exempt from the minimum age provisions of section 181A.04, subdivision 1, if employed as a youth athletic program referee, umpire, or official for an age bracket younger than the minor's own age if an adult representing the state or local athletic program is on the premises at which the athletic program event is occurring and a person responsible for the state or local athletic program possesses a written acknowledgment signed by the minor's parent or guardian consenting to the minor's employment as a referee, umpire, or official.

Subd. 5. **Commissioner exemptions.** The commissioner may grant exemptions from any provisions of sections 181A.01 to 181A.12 for an individual minor if the commissioner finds that such an exemption would be in the best interest of the minor involved. Such exemptions shall be granted only in accordance with the established rules of the department.

Subd. 6. **Requests for commissioner exemption.** Any minor's parent or guardian, school official, or youth employment specialist may request an exemption as provided in subdivision 5.

Subd. 7. **Approved training programs.** The commissioner may grant exemptions from any provisions of sections 181A.01 to 181A.12 for minors participating in training programs approved by the commissioner; or students in a valid apprenticeship program taught by or required by a trade union, the commissioner of education, the commissioner of employment and economic development, the Board of Trustees of the Minnesota State Colleges and Universities, or the Board of Regents of the University of Minnesota.

History: *1974 c 432 s 7; 1975 c 204 s 78; 1976 c 2 s 72; 1985 c 248 s 70; 1986 c 444; 2003 c 26 s 1; 2003 c 31 s 1; 2009 c 86 art 1 s 90; 2014 c 312 art 3 s 9*

181A.08 POWERS AND DUTIES OF THE DEPARTMENT.

Subdivision 1. **Inspections.** The commissioner, an authorized representative, or any truant officer may enter and inspect the place of business or employment and may interview any employees, of any employer of employees in any occupation in the state, all for the purpose of ascertaining whether any minors are employed contrary to the provisions of sections 181A.01 to 181A.12. Such authorized persons may require that employment certificates, age certificates, and lists of minors employed shall be produced for their inspection.

Subd. 2. **Compliance orders.** The commissioner or an authorized representative may issue an order requiring an employer to comply with the provisions of sections 181A.01 to 181A.12 or with any rules

promulgated under the provisions of section 181A.09. Any such order shall be served by the department upon the employer or an authorized representative in person or by certified mail at the employers place of business. If an employer wishes to contest the order for any reason, the employer shall file written notice of objection with the commissioner within 15 calendar days after service of said order upon said employer. Thereafter, a public hearing shall be held in accordance with the provisions of sections 14.57 to 14.69, and such rules consistent therewith as the commissioner shall make. If, within 15 calendar days after being served with the order, the employer fails to file a written notice of objection with the commissioner, the order becomes a final order of the commissioner.

Subd. 2a. **Employer liability.** If an employer is found by the commissioner to have violated any provision of sections 181A.01 to 181A.12, or any rules promulgated under section 181A.09, and the commissioner issues an order to comply under subdivision 2, the commissioner shall order the employer to cease and desist from engaging in the violative practice and to take affirmative steps that in the judgment of the commissioner will effectuate the purposes of the section or rule violated. The commissioner may order the employer to reimburse the department and the attorney general for appropriate litigation and hearing costs expended in preparation for and in conducting the contested case proceeding, unless payment of costs would impose extreme financial hardship on the employer. If the employer is able to establish extreme financial hardship, then the commissioner may order the employer to pay a percentage of the total costs that will not cause extreme financial hardship. Costs include but are not limited to the costs of services rendered by the attorney general, private attorneys if engaged by the department, administrative law judges, court reporters, and expert witnesses as well as the cost of transcripts. Interest shall accrue on, and be added to, the unpaid balance of a commissioner's order from the date the order is signed by the commissioner until it is paid, at an annual rate provided in section 549.09, subdivision 1, paragraph (c).

Subd. 3. **Restraining orders.** The commissioner or an authorized representative may apply to any court of competent jurisdiction for an order restraining the violation of an order issued by the commissioner pursuant to subdivision 2, or for an order enjoining and restraining violations of this chapter or rules adopted pursuant to section 181A.09.

History: *1974 c 432 s 8; 1979 c 202 s 1; 1982 c 424 s 130; 1985 c 248 s 70; 1986 c 444; 1987 c 384 art 2 s 1; 2024 c 110 art 2 s 13*

181A.09 POWER TO MAKE RULES.

Subdivision 1. **General.** The commissioner shall make, revise and promulgate such rules, including definitions of terms, as the commissioner shall deem appropriate to carry out the purposes of sections 181A.01 to 181A.12 and to prevent the circumvention or evasion thereof.

Subd. 2. **List of hazardous occupations.** The commissioner shall, by rule, establish a list of those occupations which the commissioner finds to be particularly hazardous for the employment of children, or detrimental to their health or well-being.

Subd. 3. **Public hearing; publication.** Rules shall be adopted by the department only after a public hearing held upon due publication of notice, at which any interested person may be heard and of which a record shall be made. Rules shall be published by the department and shall take effect upon publication and filing with the secretary of state and the Department of Administration. Such rules shall have the force and effect of law upon filing as provided herein.

History: *1974 c 432 s 9; 1985 c 248 s 70; 1986 c 444*

181A.10 JUDICIAL REVIEW.

Subdivision 1. **Petition.** Any person who may be aggrieved by any administrative rule issued pursuant to section 181A.09 may obtain a review thereof in the district court for Ramsey County, by filing in such court a written petition for declaratory judgment praying that the rule be modified or set aside. A copy of such petition shall be served upon the department. The department's findings of fact, if any, shall be conclusive upon the court if supported by substantial evidence. The court shall determine whether the rule is in accordance with law.

If the court determines that such rule is not in accordance with law, it shall remand the case to the department with directions to modify or revoke such rule. If application is made to the court by any aggrieved party for leave to adduce additional evidence, such party shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence before the department. If the court finds that such evidence is material and that reasonable grounds exist for the failure to the aggrieved party to adduce such evidence in prior proceedings, the court may remand the case to the department with directions that such additional evidence be taken by the department. The department may modify its findings and conclusions, in whole or in part, by reason of such additional evidence.

Subd. 2. **Hearings; review.** Hearings in the district court on all appeals taken under subdivision 1 shall be privileged and take precedence over all matters, except matters of the same character. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final except that the same shall be subject to review on appeal as in other civil cases.

Subd. 3. **Effect.** The commencement of proceedings under subdivision 1 shall not, unless specifically ordered by the court, operate as a stay of an administrative rule issued pursuant to section 181A.09.

History: *1974 c 432 s 10; 1983 c 247 s 79; 1985 c 248 s 70*

181A.11 AGRICULTURAL EMPLOYMENT.

Nothing in sections 181A.01 to 181A.12 shall prohibit a person from employing a child in any agricultural pursuit permitted under the United States Code, title 29, section 213(c)(2).

History: *1974 c 432 s 11*

181A.112 DATA ON INDIVIDUALS WHO ARE MINORS.

(a) When the commissioner collects, creates, receives, maintains, or disseminates the following data on individuals who the commissioner knows are minors, the data are considered private data on individuals, as defined in section 13.02, subdivision 12, except for data classified as public data according to section 13.43:

(1) name;

(2) date of birth;

(3) Social Security number;

(4) telephone number;

(5) email address;

(6) physical or mailing address;

(7) location data;

(8) online account access information; and

(9) other data that would identify participants who have registered for events, programs, or classes sponsored by the Department of Labor and Industry.

(b) Data about minors classified under this section maintain their classification as private data on individuals after the individual is no longer a minor.

History: *1Sp2021 c 10 art 3 s 4*

181A.115 PROHIBITED EMPLOYMENT RELATING TO PRESENCE OF LIQUOR.

No minor under the age of 18 shall be employed in any rooms constituting the place in which intoxicating liquors or 3.2 percent malt liquors are served or consumed or in any tasks involving the serving, dispensing, or handling of such liquors that are consumed on the premises except that:

(1) minors who have reached the age of 16 may be employed to perform busing, dishwashing, or hosting services in those rooms or areas of a restaurant, hotel, motel, or resort where the presence of intoxicating liquor is incidental to food service or preparation;

(2) minors who have reached the age of 16 may be employed to perform busing, dishwashing, or hosting services or to provide waiter or waitress service in rooms or areas where the presence of 3.2 percent malt liquor is incidental to food service or preparation;

(3) minors who have reached the age of 16 may be employed to provide musical entertainment in those rooms or areas where the presence of intoxicating liquor and 3.2 percent malt liquor is incidental to food service or preparation; and

(4) minors are not prevented from working at tasks which are not prohibited by law in establishments where liquor is sold, served, dispensed, or handled in those rooms or areas where no liquor is consumed or served.

History: *2007 c 135 art 2 s 21*

181A.116 OPERATION OF LAWN CARE EQUIPMENT.

(a) Notwithstanding section 181A.04, subdivision 5, minors of at least 16 years of age may be employed to operate lawn care equipment. For the purposes of this section, "lawn care equipment" means lawn trimmers, weed cutters, and machines designed to cut grass and weeds that meet safety specifications of the American National Standards Institute/Outdoor Power Equipment Institute's (ANSI/OPEI) B71.1 2017 definition of pedestrian-controlled mowers and ride-on mowers.

(b) A 16- or 17-year-old employed under this section must:

(1) prior to operating lawn care equipment, be trained in the safe operation of each type of lawn care equipment listed in paragraph (a) to be operated by the 16- or 17-year-old; and

(2) wear personal protective equipment, including, but not limited to, safety glasses, hearing protection, gloves, safety vest, and work boots, as necessary, at all times when operating the lawn care equipment listed in paragraph (a).

(c) An employer employing a 16- or 17-year-old under this section shall:

(1) ensure that lawn care equipment operators that are ages 16 or 17 follow all safety rules and instructions provided in the equipment's operator manual, including prohibiting the operation of lawn care equipment on a slope greater than is recommended by the operator's manual; and

(2) ensure required safety equipment is in place and operational on all lawn care equipment, including roll-over protection, seat belts, operator presence control systems, interlocks, guards, and shields.

(d) The exception under this section allowing minors 16 and 17 years of age to be employed to operate lawn care equipment is limited to the following:

(1) minors who are directly employed by a golf course, resort, or municipality to perform lawn care on golf courses, resort grounds, and municipal grounds; and

(2) minors who are directly employed by a rental property owner and the minor performs lawn care on the owner's rental property.

History: *2020 c 98 s 2*

181A.12 PENALTIES.

Subdivision 1. **Fines; penalty.** (a) Any employer who hinders or delays the department or its authorized representative in the performance of its duties under sections 181A.01 to 181A.12 or refuses to admit the commissioner or an authorized representative to any place of employment or refuses to make certificates or lists available as required by sections 181A.01 to 181A.12, or otherwise violates any provisions of sections 181A.01 to 181A.12 or any rules issued pursuant thereto shall be assessed a fine to be paid to the commissioner for deposit in the general fund. The fine may be recovered in a civil action in the name of the department brought in the district court of the county where the violation is alleged to have occurred or the district court where the commissioner has an office. Fines are up to the amounts as follows for each violation:

(1)	employment of minors under the age of 14 (each employee)	$	500
(2)	employment of minors under the age of 16 during school hours while school is in session (each employee)		500
(3)	employment of minors under the age of 16 before 7:00 a.m. (each employee)		500
(4)	employment of minors under the age of 16 after 9:00 p.m. (each employee)		500
(5)	employment of a high school student under the age of 18 in violation of section 181A.04, subdivision 6 (each employee)		1,000
(6)	employment of minors under the age of 16 over eight hours a day (each employee)		500
(7)	employment of minors under the age of 16 over 40 hours a week (each employee)		500

(8)	employment of minors under the age of 18 in occupations hazardous or detrimental to their well-being as defined by rule (each employee)	1,000
(9)	employment of minors under the age of 16 in occupations hazardous or detrimental to their well-being as defined by rule (each employee)	1,000
(10)	minors under the age of 18 injured in hazardous employment (each employee)	5,000
(11)	minors employed without proof of age (each employee)	250

(b) An employer who refuses to make certificates or lists available as required by sections 181A.01 to 181A.12 shall be assessed a $500 fine.

(c) Notwithstanding the factors in section 14.045, subdivision 3, the commissioner need only consider the size of the business of the employer, the gravity of the violation, and the history of previous violations when determining the total amount of fines to issue under this subdivision.

Subd. 2. **Misdemeanor.** An employer or other person violating any provision of sections 181A.01 to 181A.12 excluding section 181A.04, subdivision 6, or any rules issued pursuant thereto or assisting another in such violation is guilty of a misdemeanor.

Subd. 3. **Gross misdemeanor.** An employer who engages in repeated violations of sections 181A.01 to 181A.12 excluding section 181A.04, subdivision 6, is also guilty of a gross misdemeanor. An employer who engages in a single violation of sections 181A.01 to 181A.12 excluding section 181A.04, subdivision 6, is guilty of a gross misdemeanor if the violation results in the death of the minor or substantial bodily harm to the minor. For purposes of this subdivision, "substantial bodily harm" has the meaning given in section 609.02, subdivision 7a.

Subd. 4. **Liquidated damages.** An employer who employs a minor in violation of section 181A.04, subdivision 5, may be liable to the minor for an amount equal to the minor's regular rate of pay for all hours worked in violation of section 181A.04, subdivision 5, as liquidated damages, in addition to the wages earned by the minor.

Subd. 5. **Retaliation.** An employer shall not discharge, discipline, penalize, interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate against an employee for asserting rights or remedies under sections 181A.01 to 181A.12 or any rules promulgated under section 181A.09, including but not limited to filing a complaint with the department, informing the employer of the employee's intention to file a complaint, or participating in an investigation by the department. In addition to any other remedies provided by law, the commissioner may order an employer in violation of this subdivision to provide back pay, compensatory damages, reinstatement, and any other appropriate relief to the aggrieved employee.

History: *1974 c 432 s 12; 1983 c 301 s 154; 1984 c 608 s 2; 1985 c 248 s 70; 1Sp1985 c 13 s 295; 1986 c 444; 1993 c 261 s 2; 2000 c 488 art 2 s 10; 2024 c 110 art 2 s 14-16*

181A.13 COMPENSATION FOR INTERNET CONTENT CREATION.

Subdivision 1. **Minors featured in content creation.** (a) Except as otherwise provided in this section, a minor is considered engaged in the work of content creation when the following criteria are met at any time during the previous 12-month period:

(1) at least 30 percent of the content creator's compensated video content produced within a 30-day period included the likeness, name, or photograph of any minor. Content percentage is measured by the percentage of time the likeness, name, or photograph of a minor or if more than one minor regularly appears in the creator's content, any of the minors, visually appears or is the subject of an oral narrative in a video segment as compared to the total length of the segment; and

(2) the number of views received per video segment on any online platform met the online platform's threshold for generating compensation or the content creator received actual compensation for video content equal to or greater than $0.01 per view.

(b) A minor under the age of 14 is prohibited from engaging in the work of content creation as provided in paragraph (a). If a minor under the age of 14 is featured by a content creator, the minor shall receive 100 percent of the proceeds of the creator's compensation for the content they have appeared in, less any amount owed to another minor.

(c) A minor who is under the age of 18 and over the age of 13 may produce, create, and publish their own content and is entitled to all compensation for their own content creation. A minor engaged in the work of content creation as the producer, creator, and publisher of content must also follow the requirements in paragraph (b).

(d) A minor who appears incidentally in a video that depicts a public event that a reasonable person would know to be broadcast, including a concert, competition, or sporting event, and is published by a content creator is not considered a violation of this section.

Subd. 2. **Records required.** (a) All video content creators whose content features a minor engaged in the work of content creation shall maintain the following records and retain the records until the minor reaches the age of 21:

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

(2) the amount of content creation that generated compensation as described in subdivision 1 during the reporting period;

(3) the total number of minutes of content creation for which the content creator received compensation during the reporting period;

(4) the total number of minutes a minor was featured in content creation during the reporting period;

(5) the total compensation generated from content creation featuring a minor during the reporting period; and

(6) the amount deposited into the trust account for the benefit of the minor engaged in the work of content creation as required by subdivision 3.

(b) The records required by this subdivision must be readily accessible to the minor for review. The content creator shall provide notice to the minor of the existence of the records.

Subd. 3. **Trust required.** (a) A minor who is engaged in the work of content creation consistent with this section must be compensated by the content creator. The content creator must set aside gross earnings on the video content that includes the likeness, name, or photograph of the minor in a trust account to be preserved for the benefit of the minor until the minor reaches the age of majority, according to the following distribution:

(1) if only one minor meets the content threshold described in subdivision 1, the percentage of total gross earnings on any video segment, including the likeness, name, or photograph of the minor that is equal to or greater than half of the content percentage that includes the minor as described in subdivision 1; or

(2) if more than one minor meets the content threshold described in subdivision 1 and a video segment includes more than one of those minors, the percentage described in clause (1) for all minors in any segment must be equally divided between the minors regardless of differences in percentage of content provided by the individual minors.

(b) A trust account required under this section must, at a minimum, provide that:

(1) the money in the account is available only to the minor engaged in the work of content creation;

(2) the account is held by a bank, corporate fiduciary, or trust company, as those terms are defined in chapter 48A;

(3) the money in the account becomes available to the minor engaged in the work of content creation upon the minor attaining the age of 18 years or upon a declaration that the minor is emancipated; and

(4) that the account meets the requirements of chapter 527, the Uniform Transfers to Minors Act.

(c) If a content creator knowingly or recklessly violates this section, a minor satisfying the criteria described in subdivision 1 may commence a civil action to enforce the provisions of this section regarding the trust account. In any action brought in accordance with this section, the court may award the following damages:

(1) actual damages including any compensation owed under this section;

(2) punitive damages; and

(3) the costs of the action, including attorney fees and litigation costs.

(d) This section does not affect a right or remedy available under any other law of the state.

(e) Nothing in this section shall be interpreted to have any effect on a party that is neither the content creator nor the minor who engaged in the work of content creation.

Subd. 4. **Civil cause of action; violations.** (a) Along with the civil action provided in subdivision 3, paragraph (c), the minor may commence a civil action against the content creator for damages, injunctive relief, and any other relief the court finds just and equitable to enforce this section.

(b) The attorney general may enforce subdivision 1, pursuant to section 8.31, and may recover costs and fees.

Subd. 5. **Content removal.** Content containing the likeness of a child must be deleted and removed from any online platform by the individual who posted the content, the account owner, or another person who has control over the account when the request is made by a minor age 13 or older whose likeness appears in the content, or by an adult who was under the age of 18 when their likeness was used in the content.

Subd. 6. **Minimum age exemption.** A minor age 14 or over compensated under this section is exempt from the minimum age provisions of section 181A.04, subdivision 1.

History: *2024 c 103 s 4*