

Assembly Bill No. 1880

CHAPTER 610

An act to amend Section 6750 of the Family Code, relating to minors.

[Approved by Governor September 26, 2024. Filed with
Secretary of State September 26, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1880, Alanis. Minors: artistic employment.

Existing law regulates certain contracts for artistic employment between an unemancipated minor and third parties, including employment as an actor, dancer, musician, comedian, singer, stuntperson, voice-over artist, or other performer or entertainer, or sports participant. Existing law provides for the establishment of a Coogan Trust Account, as specified, for the purpose of preserving for the benefit of the minor 15% of the minor's gross earnings or a greater percentage, if requested by the minor's parent or guardian.

This bill would specifically include a content creator in these provisions and would define "content creator" as an individual who creates, posts, shares, or otherwise interacts with digital content on an online platform and engages in a direct contractual relationship with third parties, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 6750 of the Family Code is amended to read:

6750. (a) This chapter applies to the following types of contracts entered into between an unemancipated minor and a third party on or after January 1, 2000:

(1) A contract pursuant to which a minor is employed or agrees to render artistic or creative services, either directly or through a third party, including, but not limited to, a personal services corporation (loan-out company), or through a casting agency. "Artistic or creative services" includes, but is not limited to, services as an actor, actress, dancer, musician, comedian, singer, stuntperson, voice-over artist, content creator, or other performer or entertainer, or as a songwriter, musical producer or arranger, writer, director, producer, production executive, choreographer, composer, conductor, or designer.

(2) 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.

(3) A contract pursuant to which a minor is employed or agrees to render services as a participant or player in a sport.

(b) (1) If a minor is employed or agrees to render services directly for a person or entity, that person or entity shall be considered the minor's employer for purposes of this chapter.

(2) If a minor's services are being rendered through a third-party individual or personal services corporation (loan-out company), the person to whom or entity to which that third party is providing the minor's services shall be considered the minor's employer for purposes of this chapter.

(3) If a minor renders services as an extra, background performer, or in a similar capacity through an agency or service that provides one or more of those performers for a fee (casting agency), the agency or service shall be considered the minor's employer for the purposes of this chapter.

(c) For purposes of this chapter, the following definitions apply:

(1) "Content creator" means an individual who creates, posts, shares, or otherwise interacts with digital content on an online platform and engages in a direct contractual relationship with third parties. Content creators include, but are not limited to, vloggers, podcasters, social media influencers, and streamers.

(2) "Online platform" means any public-facing internet website, web application, or digital application, including, but not limited to, social media platforms as defined in Section 22675 of the Business and Professions Code, advertising networks, mobile applications, mobile operating systems, search engines, email services, and internet access services.

(d) (1) For purposes of this chapter, the minor's "gross earnings" means the total compensation payable to the minor under the contract or, if the minor's services are being rendered through a third-party individual or personal services corporation (loan-out company), the total compensation payable to that third party for the services of the minor.

(2) Notwithstanding paragraph (1), with respect to contracts pursuant to which a minor is employed or agrees to render services as a musician, singer, songwriter, musical producer, or arranger only, for purposes of this chapter, the minor's "gross earnings" means the total amount paid to the minor pursuant to the contract, including the payment of any advances to the minor pursuant to the contract, but excluding deductions to offset those advances or other expenses incurred by the employer pursuant to the contract, or, if the minor's services are being rendered through a third-party individual or personal services corporation (loan-out company), the total amount payable to that third party for the services of the minor.