

CHAPTER 355

AN ACT concerning compensation for minors of family vloggers and amending and supplementing P.L.1940, c.153.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1940, c.153 (C.34:2-21.1) is amended to read as follows:

C.34:2-21.1 Definitions.

1. (a) (Deleted by amendment, P.L.2022, c.63.)

(b) (Deleted by amendment, P.L.2022, c.63.)

(c) (Deleted by amendment, P.L.2022, c.63.)

(d) "School district" means any geographical area having authority over the public schools within that area.

(e) "Agriculture" includes farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in subsection (g) of section 15 of the Agricultural Marketing Act, 46 Stat. 11 (12 U.S.C. s. 141 et seq.), as amended); the planting, transplanting, and care of trees, shrubs, and plants; the raising of livestock, bees, fur-bearing animals, or poultry; and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market and delivery to storage, to market, or to carriers for transportation to market, provided that such practices shall be performed in connection with the handling of agricultural or horticultural commodities the major portion of which have been produced upon the premises of an owning or leasing employer.

(f) "Newspaper carrier" means any minor between 12 and 18 years of age who engages in the occupation of delivering, soliciting, selling, and collecting for newspapers outside of school hours on residential routes.

(g) "Restaurant" means any establishment or business primarily engaged in the preparation and serving of meals or refreshments, both food and drink, and shall include, but not be limited to, the following: dining establishments, catering establishments, industrial caterers, and drive-in restaurants.

(h) "Theatrical production" means and includes stage, motion picture, and television performances and rehearsals therefor.

(i) "Seasonal amusement" means any exclusively recreational or amusement establishment or business which does not operate more than seven months in any calendar year or which has received during any consecutive six months of the preceding calendar year average receipts equal to or less than 33 1/3% percent of its average receipts for the other six months of that year. "Seasonal amusement" includes, but is not limited to, amusement rides and amusement device ticket sales, and operations of games. However, "seasonal amusement" does not include retail, eating or drinking concessions, camps, beach and swimming facilities, movie theatres, theatrical productions, athletic events, professional entertainment, pool and billiard parlors, circuses and outdoor shows, sport activities or centers, country club athletic facilities, bowling alleys, race tracks, and like facilities which are not part of a diversified amusement enterprise.

"Commissioner" means the Commissioner of Labor and Workforce Development.

"Department" means the Department of Labor and Workforce Development.

"Caregiver" means a person over 18 years of age who is the biological parent, adoptive parent, foster parent, resource family parent, step-parent, parent-in-law, or legal guardian,

having a "parent-child relationship" with a child as defined by law, or having sole or joint legal or physical custody, care, guardianship, or visitation with a child, or who became the parent of the child pursuant to a valid written agreement between the parent and a gestational carrier.

"Family member" means a person related by blood or marriage, including civil unions and domestic partnerships, or whose close relationship with each other is considered equivalent to a family relationship by the individuals.

"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, and Internet access service.

"Name" means the actual or assumed name, or nickname, of a living individual that is intended to identify that individual.

"Recreational purposes" means an activity performed not for profit and for enjoyment or leisure, outside of work or business.

"Vlog" means video content shared on an online platform in exchange for compensation.

"Vlogger" means a person who creates video content for a business or other non-recreational purpose with the intent to generate income that employs a minor in exchange for compensation, that is performed in the State, and includes any proprietorship, partnership, company, or other corporate entity assuming the name or identity of a particular caregiver or family member for the purposes of that content creation. "Vlogger" does not include any person under the age of 18 who produces that person's own vlogs for solely recreational purposes.

C.34:2-21.65 Minor employed by vlogger, conditions.

2. a. A minor shall be considered employed by a vlogger, whether the minor is actively participating in content or is passively featured in content, when the following criteria are met at any time during the previous 12-month period:

(1) at least 30 percent of the vlogger's compensated video content produced within a 30-day period includes or features the likeness, name, or photograph of the minor. Content percentage is measured by the percentage of time the likeness, name, or photograph of the minor 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 meets the online platform's threshold for the generation of compensation or the vlogger receives actual compensation for video content equal to or greater than \$0.10 per view.

b. Any vlogger who employs a minor shall maintain the following records and shall provide them to the minor on an ongoing basis:

(1) the name and documentary proof of the age of the minor engaged in work as a vlogger and of producing a vlog;

(2) the number of vlogs that generated compensation as described in subsection a. of this section during the reporting period;

(3) the total number of minutes of the vlogs that the vlogger received compensation for during the reporting period;

(4) the total number of minutes each minor was featured in vlogs during the reporting period;

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

(6) the amount deposited into the trust account for the benefit of the minor engaged in work as a vlogger or in the work of producing a vlog, as required by section 3 of P.L.2025, c.355 (C.34:2-21.66).

c. If a vlogger who employs a minor fails to maintain the records as provided in subsection b. of this section, the minor may commence a civil action to enforce the provisions of this section.

d. A vlogger who employs a minor and who is not the caregiver or a family member of the minor shall be responsible for ensuring that the employment of the minor adheres to all applicable State wage, benefit, and tax laws, as defined in section 1 of P.L.2009, c.194 (C.34:1A-1.11).

e. A vlogger who employs a minor shall be subject to all requirements pertaining to the employment of minors in P.L.1940, c.153 (C.34:2-21.1 et seq.) and all acts supplementing that act, as appropriate.

C.34:2-21.66 Compensation, minor employed in vlogging.

3. a. A minor who is employed pursuant to section 2 of P.L.2025, c.355 (C.34:2-21.65) by a vlogger who is a family member or caregiver of the minor shall be compensated by the vlogger in accordance with this section. The vlogger shall set aside gross earnings on the video content including the likeness, name, or photograph of the minor in a trust account to be preserved for the benefit of the minor upon reaching the age of majority, according to the following distribution:

(1) where only one minor meets the content threshold described in subsection a. of section 2 of P.L.2025, c.355 (C.34:2-21.65), 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 subsection a. of section 2 of P.L.2025, c.355 (C.34:2-21.65); or

(2) where more than one minor meets the content threshold described in subsection a. of section 2 of P.L.2025, c.355 (C.34:2-21.65), and a video segment includes more than one of those minors, the percentage described in paragraph (1) of subsection a. of this section for all minors in any segment shall 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 shall provide, at a minimum, the following:

(1) that the funds in the account shall be available only to the minor engaged in work as a vlogger and of producing a vlog;

(2) that the account shall be held by a bank, fiduciary, or trust business, as those terms are defined in the Banking Act of 1948, P.L.1948, c.67 (C.17:9A-1 et seq.);

(3) that the funds in the account shall become available to the minor engaged in work as a vlogger and of producing a vlog upon the minor attaining the age of 18 years or until the minor is declared emancipated; and

(4) that the account meets the requirements of the "New Jersey Uniform Transfers to Minors Act," R.S.46:38A-1 et seq.

c. If a vlogger knowingly or recklessly violates this section, a minor satisfying the criteria described in subsection a. of section 2 of P.L.2025, c.355 (C.34:2-21.65), may commence an action to enforce the provisions of this section regarding the trust account. The court may award, to a minor who prevails in any action brought in accordance with this section, the following damages:

(1) actual damages;

(2) punitive damages; and

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

d. This section shall 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 not the vlogger and is not the minor engaged in work as a vlogger and of producing a vlog.

4. This act shall take effect on the first day of the seventh month next following the date of enactment.

Approved January 20, 2026.