



Representative Lauren McNally
59th House District

Good afternoon, Chair Hillyer, Vice Chair Mathews, Ranking Member Isaacsohn and members of the Civil Justice Committee, thank you for allowing myself and my joint sponsor Representative Michele Grim to share details about House Bill 376, the Kid Influencer Protect Act, legislation that will protect children being monetized on social media. To best understand this legislation and why it is needed in Ohio, I'll begin by providing high-level details about the status of child actor laws, their intersection with social media, and how, without this legislation, Ohio's children may be vulnerable to exploitation.

The question we hear most is: what is a kid influencer? Kid influencers', sometimes called "Kidfluencers", are children who have gained a considerable online following by creating child-centered content on social media channels. Like their adult counterparts (and often their parents), these influencers sing, dance, cook, act and recite lines; they work with major brands, like Walmart and Staples; and they earn money through sponsored posts on their social media accounts.

Yet, unlike traditional child actors, kid influencers have no legal protections and no guarantees that they will ever see any of the money that they have earned or that was generated from their labor. Make no mistake, these kids are working much the same way traditional child actors are working. They're being told how to act and told what to say and do for what's usually their parents' pay and profit, but there are no restrictions the way there would be for a movie or a TV show.

The payday is big. Parents make money, brands make money and the social media platforms make money to the tune of \$6 billion and rising. The statistics support the use of kids as money-makers. Case studies show that the return on investment from influencer advertising is 11 times higher than from traditional mediums. YouTube videos that feature children under the age of 13 receive more than three times as many views as videos without children.

Whether managed by their parents or not, child influencers are at risk of being exploited by adults in their lives. On popular social media websites, children under 13 cannot run their own accounts; parents must open and manage them. And in most states children cannot open a bank account independently until they are 17. It stands to reason then, that when you see a child online, that there's been some level of parental oversight, and if that child is working with brands, the money earned must go somewhere that the child has no control over. It is our job, the state's job, to make sure the child is protected in such a power imbalance.

Beyond the traditional concerns of privacy, this money-making opportunity raises serious questions about the legal rights and protections of these children, as well as their rights to the profits they are generating from their image. The reality is, that we are seeing instances of kids being forced to generate social media content because their family is living off the dollars its bringing in. The number of real-life stories being shared about this has led to these kids being called modern day chimney sweepers. It's time we take action to ensure the money these kids are making is being safeguarded so that the sacrifices they make, whether it's with their education or social development and time with friends, contribute toward their futures. That is what the Kid Influencer Protection Act aims to address. It will give parents guardrails to ensure that their child's labor will benefit their child.

So, why should Ohio take on this issue and why now? The Federal Fair Labor Standards Act specifically carves out the Entertainment industry and leaves child actor laws up to the individual states to decide. Most states have adopted traditional child actor laws but, as time and technology in the entertainment space has changed and new revenue streams and advertising opportunities have been created, those laws haven't kept up. We are starting to see the effects of this as the first generation of kid influencers are coming of age. They are sharing their stories of exploitation. For example, Alyson Stoner, a Toledo native and former child actor, joined us for the announcement of this legislation. She is helping us with this bill, and others are taking notice and speaking up. Those directly impacted, the often vulnerable and voiceless minors, are demanding we step in.

We can decide what direction we want Ohio to go and what we want for all of Ohio's kids. Part of that must include recognizing that profit and public attention can have an impact on someone's behavior. Anyone can get caught up in social media, the likes, the clicks, and that's ok. That's part of today's society. But what we can't do is monetize children at the expense of their childhood and we shouldn't treat the business of social media any differently than other Ohio businesses. We regulate child labor because we understand that our society thrives best when kids can be kids. This is child labor, a new and emerging kind, and Ohio must say that exploitation of kids won't happen here.

Our jobs as adults and parents are to ensure our actions are not to the detriment of a child's self-worth and future. We can't put the weight of providing for a family on their shoulders. A popular social media account can have that impact, as well as cementing a child's identity for the world to see before they've learned how to speak or read. There are real risks with becoming a social media influencer, and they're not small.

The Kid Influencer Protection Act is a step toward a more prosperous and healthy state for our children, one that prioritizes fun and letting kids be kids, while empowering them when it comes to their own likeness and ability to make money from it. Chair Hillyer, Vice Chair Mathews, Ranking Member Isaacsohn and members of the Civil Justice Committee, thank you for your time and the opportunity to testify. I'm proud to turn it over to my joint sponsor State Representative Michele Grim.