



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 26-1058: PROTECTIONS FOR MINORS FEATURED IN DIGITAL CONTENT

Prime Sponsors:

Rep. Slaugh; Lukens
Sen. Ball

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Fiscal note status: The fiscal note reflects the introduced bill.

Summary Information

Overview. The bill creates new requirements and civil remedies related to minors who are compensated for online content creation work.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis:

- Minimal State Revenue
- Minimal State Workload

Appropriations. No appropriation is required.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

Summary of Legislation

The bill creates new requirements and civil remedies related to minors under the age of 18 who are featured in compensated content on online hosting platforms (online content). These new requirements apply beginning June 1, 2027, and are outlined in more detail below.

Covered Minors and Content Creators

The bill applies to content creators who receive compensation for online content who are the parent or legal guardian of a child. It does not apply to minors who create and post their own content. The bill's protections apply to a minor who is engaged in the work of content creation if the following criteria are met over the previous 12-month period:

- at least 30 percent of a content creator's online content produced over a 30-day period includes the name, image, or likeness of the minor;
- the online content receives sufficient views to meet an online hosting platform's threshold for compensation or the content creator receives actual compensation that is greater or equal to 10 cents per view; and
- the content creator receives at least \$15,000 in compensation.

A minor who is 14 years old or older may produce, create, and publish their own content and be entitled to all compensation for their own content creation.

Compensation of Minors

Content creators covered by the bill whose online content features a minor must compensate the minor. Compensation must be deposited into a trust account for the benefit of the minor when they turn 18 or are declared emancipated. The bill specifies how compensation must be distributed and other requirements for the trust account.

Record Keeping

Content creators covered by the bill must maintain certain records until the minor reaches 18 years of age, including:

- proof of age when the minor began content creation work;
- the number of posts that generated compensation during the reporting period;
- the total number of minutes of posts for which compensation was received during the reporting period;
- the total number of minutes the minor was featured in posts during the reporting period;
- the total compensation generated from posts featuring the minor during the reporting period; and
- the amount deposited into a trust account for the benefit of the minor.

Content Removal

An adult who was featured in online content as a minor in an identifiable manner may request that the content creator delete the post or remove the uniquely identifiable information. Online content platforms must provide a method for removal requests. If a content creator does not remove the online content upon request, the online hosting platform must review and take reasonable steps to do so.

Sexualized Content of Minors

The bill prohibits a person from financially benefiting from knowingly producing or distributing online content of a minor with the intent to sexually gratify or elicit a sexual response in the viewer or another person. Online content platforms must implement, and regularly document and reassess a risk-based strategy related to intentional sexualization of known minors involved in content creation. An online hosting platform may set commercially reasonable policies under this strategy that include policies on content and monetization, content restrictions, and automated systems to identify problematic content, among other things.

Enforcement

The bill creates several new rights of civil action for persons featured in online content as a minor to enforce the provisions of the bill. Specifically, the bill allows a civil action to be brought in district court for:

- failure to maintain records related to a minor involved in online content for compensation;
- knowingly or recklessly violating provisions relating to compensation of a minor via a trust account;
- failure to remove online content featuring a minor; and
- producing or distributing prohibited sexualized content of a minor.

In each of these civil actions, a prevailing minor may be awarded injunctive relief, actual damages, punitive damages, and costs for legal/attorney fees.

State Revenue and Expenditures

The bill minimally increases revenue and workload for the Judicial Department, and may minimally increase workload for the Colorado Department of Labor and Employment (CDLE). These impacts are discussed below.

Judicial Department

The bill does not task a specific state agency with oversight or enforcement of its provisions. Thus, it is assumed that enforcement will be solely through civil actions filed with the trial courts in the Judicial Department. Additional civil actions related to minors involved in online content creation will increase filing fee revenue and workload for the trial courts in the Judicial Department. Overall, it is assumed that most content creators will comply with the bill and that the number of new civil cases will be minimal. Thus, no change in appropriations is required. Filing fee revenue is subject to TABOR.

Colorado Department of Labor and Employment

As the state's lead agency on labor issues and worker protections, the CDLE may receive additional inquiries and complaints related to minors who appear in online content for compensation. However, the bill does not directly task the CDLE with enforcement or oversight in these matters. It is assumed that any additional inquiries and complaints can be handled within existing resources.

Effective Date

The bill takes effect on June 1, 2027, assuming no referendum petition is filed. It applies to conduct occurring on or after this date.

State and Local Government Contacts

Judicial

Law

Labor

Regulatory Agencies