STATE OF NEW YORK

10110

IN ASSEMBLY

February 2, 2026

Introduced by M. of A. WOERNER -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil rights law, in relation to personal right of publicity

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 51 of the civil rights law, as amended by section 2 of subpart A of part MM of chapter 58 of the laws of 2024, is amended to read as follows:

§ 51. **Personal right of publicity. 1.** Action for injunction and for damages. Any person whose name, portrait, picture, likeness or voice is used within this state for advertising purposes or for the purposes of trade **or that is posted on a website generating advertisement revenue or other royalties or profit for the person posting or submitting such content** without the written consent first obtained as above provided may maintain an equitable action in the supreme court of this state against the person, firm or corporation so using such person's name, portrait, picture, likeness or voice, to prevent and restrain the use thereof; and may also sue and recover damages for any injuries sustained by reason of such use and if the defendant shall have knowingly used such person's name, portrait, picture, likeness or voice in such manner as is forbidden or declared to be unlawful by section fifty of this article, the jury, in its discretion, may award exemplary damages. But nothing contained in this article shall be so construed as to prevent any person, firm or corporation from selling or otherwise transferring any material containing such name, portrait, picture, likeness or voice in whatever medium to any user of such name, portrait, picture, likeness or voice, or to any third party for sale or transfer directly or indirectly to such a user, for use in a manner lawful under this article; nothing contained in this article shall be so construed as to prevent any person, firm or corporation, practicing the profession of photography, from exhibiting in or about their establishment specimens of the work of such establishment, unless the same is continued by such person, firm or corporation after written notice objecting thereto has been given by the

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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person portrayed; and nothing contained in this article shall be so construed as to prevent any person, firm or corporation from using the name, portrait, picture, likeness or voice of any manufacturer or dealer in connection with the goods, wares and merchandise manufactured, produced or dealt in by such manufacturer or dealer which they have sold or disposed of with such name, portrait, picture, likeness or voice used in connection therewith; or from using the name, portrait, picture, likeness or voice of any author, composer or artist in connection with their literary, musical or artistic productions which they have sold or disposed of with such name, portrait, picture, likeness or voice used in connection therewith. Nothing contained in this section shall be construed to prohibit the copyright owner of a sound recording from disposing of, dealing in, licensing or selling that sound recording to any party, if the right to dispose of, deal in, license or sell such sound recording has been conferred by contract or other written document by such living person or the holder of such right. Nothing contained in the foregoing sentence shall be deemed to abrogate or otherwise limit any rights or remedies otherwise conferred by federal law or state law.

2. Removal of unconsented material from websites by the attorney general. Any person whose name, portrait, picture, likeness, voice or other identifying material is used or published without their written consent on a website available for viewing in this state that generates advertisement revenue or other royalties or profit for the person posting or submitting such content, and who has sustained significant harassment, financial loss or other injuries as a result of such usage or publication may petition the attorney general to order the removal of such material from such website. The attorney general shall order such material removed from such website and shall fine such website for failure to remove such material within ten days of receipt of a removal order. This subdivision shall not apply to the use of such materials in any news, magazines, television broadcasts, cable broadcasts, public affairs, radio broadcasts, sports broadcasts, political campaigns, government or similar public information sites.

§ 2. This act shall take effect on the one hundred twentieth day after it shall have become a law.