STATE OF NEW YORK

8138

2023-2024 Regular Sessions

IN ASSEMBLY

October 13, 2023

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

AN ACT to amend the general obligations law, in relation to contracts for the creation and use of digital replicas

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

Section 1. The general obligations law is amended by adding a new section 5-302 to read as follows:

§ 5-302. Contracts for the creation and use of digital replicas. Any provision in an agreement between an individual and any other person or entity for the performance of personal or professional services is contrary to public policy and shall be void and unenforceable if the provision meets all of the following conditions:

1. The provision allows for the creation and use of a digital replica of the individual's voice or likeness in place of work the individual would otherwise have performed in person or allows for the use of the individual's voice and likeness to train a generative artificial intelligence system.

2. The provision does not clearly define and detail all of the proposed uses of the digital replica or the generative artificial intelligence system.

3. The individual was not:

(a) represented by legal counsel who negotiated on behalf of the individual licensing their digital replica rights and such licensing terms exist in a standalone written agreement; or

(b) represented by a labor organization representing workers who do the proposed work and the terms of their collective bargaining agreement expressly cover uses of digital replicas and generative artificial intelligence systems.

§ 2. This act shall take effect immediately and shall apply to any person or entity who is currently under, or has entered into, an agree-

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

LBD13334-01-3

ment with an individual performing personal or professional services containing a provision as described in section one of this act if such person or entity notifies that individual in writing that such provision is unenforceable before February 1, 2024.