

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 Assem-
bly, do enact as follows:

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

3 § 5-302. Contracts for the creation and use of digital replicas. Any
4 provision in an agreement between an individual and any other person or
5 entity for the performance of personal or professional services is
6 contrary to public policy and shall be void and unenforceable if the
7 provision meets all of the following conditions:

8 1. The provision allows for the creation and use of a digital replica
9 of the individual's voice or likeness in place of work the individual
10 would otherwise have performed in person or allows for the use of the
11 individual's voice and likeness to train a generative artificial intel-
12 ligence system.

13 2. The provision does not clearly define and detail all of the
14 proposed uses of the digital replica or the generative artificial intel-
15 ligence system.

16 3. The individual was not:

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

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

24 § 2. This act shall take effect immediately and shall apply to any
25 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.

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