STATE OF NEW YORK

3924

2025-2026 Regular Sessions

IN ASSEMBLY

January 30, 2025

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

AN ACT to amend the civil rights law, in relation to privacy rights involving digitization

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

Section 1. This act shall be known and may be cited as the "right to your own image act".

§ 2. Section 50 of the civil rights law, as amended by section 1 of subpart A of part MM of chapter 58 of the laws of 2024, is amended to read as follows:

§ 50. Right of privacy. A person, firm or corporation that uses for advertising purposes, or for the purposes of trade, the name, portrait, picture, likeness, or voice of any living person**, including but not limited to a portrait, picture, likeness, or voice created or altered by digitization,** without having first obtained the written consent of such person, or if a minor of such minor's parent or guardian, is guilty of a misdemeanor. **For purposes of this section, "digitization" means the use of software, machine learning, artificial intelligence, or any other computer-generated or technological means, including adapting, modifying, manipulating, or altering a realistic depiction.**

§ 3. 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. Action for injunction and for damages. Any person whose name, portrait, picture, likeness or voice**, including but not limited to a portrait, picture, likeness, or voice created or altered by digitization,** is used within this state for advertising purposes or for the purposes of trade 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

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

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name, portrait, picture, likeness or voice, **including but not limited to a portrait, picture, likeness, or voice created or altered by digitization,** 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**, including but not limited to a portrait, picture, likeness, or voice created or altered by digitization,** 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**, including but not limited to a portrait, picture, likeness, or voice created or altered by digitization,** 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 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**, including but not limited to a portrait, picture, likeness, or voice created or altered by digitization,** 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. **For purposes of this section, "digitization" means the use of software, machine learning, artificial intelligence, or any other computer-generated or technological means, including adapting, modifying, manipulating, or altering a realistic depiction.**

§ 4. This act shall take effect immediately.