

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:

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

4 § 51. Personal right of publicity. 1. Action for injunction and for
5 damages. Any person whose name, portrait, picture, likeness or voice is
6 used within this state for advertising purposes or for the purposes of
7 trade or that is posted on a website generating advertisement revenue or
8 other royalties or profit for the person posting or submitting such
9 content without the written consent first obtained as above provided may
10 maintain an equitable action in the supreme court of this state against
11 the person, firm or corporation so using such person's name, portrait,
12 picture, likeness or voice, to prevent and restrain the use thereof; and
13 may also sue and recover damages for any injuries sustained by reason of
14 such use and if the defendant shall have knowingly used such person's
15 name, portrait, picture, likeness or voice in such manner as is forbid-
16 den or declared to be unlawful by section fifty of this article, the
17 jury, in its discretion, may award exemplary damages. But nothing
18 contained in this article shall be so construed as to prevent any
19 person, firm or corporation from selling or otherwise transferring any
20 material containing such name, portrait, picture, likeness or voice in
21 whatever medium to any user of such name, portrait, picture, likeness or
22 voice, or to any third party for sale or transfer directly or indirectly
23 to such a user, for use in a manner lawful under this article; nothing
24 contained in this article shall be so construed as to prevent any
25 person, firm or corporation, practicing the profession of photography,
26 from exhibiting in or about their establishment specimens of the work of
27 such establishment, unless the same is continued by such person, firm or
28 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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1 person portrayed; and nothing contained in this article shall be so
2 construed as to prevent any person, firm or corporation from using the
3 name, portrait, picture, likeness or voice of any manufacturer or dealer
4 in connection with the goods, wares and merchandise manufactured,
5 produced or dealt in by such manufacturer or dealer which they have sold
6 or disposed of with such name, portrait, picture, likeness or voice used
7 in connection therewith; or from using the name, portrait, picture,
8 likeness or voice of any author, composer or artist in connection with
9 their literary, musical or artistic productions which they have sold or
10 disposed of with such name, portrait, picture, likeness or voice used in
11 connection therewith. Nothing contained in this section shall be
12 construed to prohibit the copyright owner of a sound recording from
13 disposing of, dealing in, licensing or selling that sound recording to
14 any party, if the right to dispose of, deal in, license or sell such
15 sound recording has been conferred by contract or other written document
16 by such living person or the holder of such right. Nothing contained in
17 the foregoing sentence shall be deemed to abrogate or otherwise limit
18 any rights or remedies otherwise conferred by federal law or state law.

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

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