

Re: GAPP AI Bills Report

Updated: August 20, 2024

<b>FEDERAL</b>	
<a href="#"><u><b>NO FAKES Act of 2024, S.4875</b></u></a>	<p>The Nurture Originals, Foster Art, and Keep Entertainment Safe (No Fakes) Act of 2024 would hold individuals or companies liable for damages for producing, hosting, or sharing a digital replica of an individual performing in an audiovisual work, image, or sound recording that the individual never actually appeared in or otherwise approved – including digital replicas created by generative artificial intelligence (AI). An online service hosting the unauthorized replica would have to take down the replica upon notice from a right holder. Exclusions are provided for recognized First Amendment protections, such as documentaries and biographical works, or for purposes of comment, criticism, or parody, among others. The bill would also largely preempt state laws addressing digital replicas to create a workable national standard.</p> <p><b>Sponsors:</b> <i>Senators Coons (D-DE); Blackburn (R-TN); Klobuchar (D-MN); Tillis (R-NC)</i></p> <p><b>Latest Action:</b> <i>7/31/24 - Introduced &amp; referred to Senate JUD.</i></p>
<a href="#"><u><b>No AI FRAUD Act (H.R. 6943)</b></u></a>	<p>The No Artificial Intelligence Fake Replicas And Unauthorized Duplications will provide for individual property rights in likeness and voice to prevent the unauthorized creation and use of AI-generated replicas of an individual’s likeness, voice, or other personal characteristics without that individual’s consent.</p> <p>Establishes a “right of publicity” at the federal level.</p> <p><b>Sponsor:</b> <i>Rep. Salazar (R-FL-27)</i></p> <p><b>Latest Action:</b> <i>1/10/24 - Referred to the House JUD.</i></p>
<a href="#"><u><b>Preventing Deepfakes of Intimate Images Act (S. 4409)</b></u></a>	<p>Preventing DEEPFAKES of Intimate Images Act will prohibit the disclosure of intimate digital depictions without the consent of the depicted individual. The legislation both makes the sharing of these images a criminal offense and creates a right of private action for victims to seek relief.</p> <p><b>Sponsor:</b> <i>Sen. Hassan (D-NH)</i></p> <p><b>Latest Action:</b> <i>5/23/24 - Referred to the Senate JUD.</i></p>
<a href="#"><u><b>Preventing Deepfakes of Intimate Images Act (H.R. 3106)</b></u></a>	<p>Preventing DEEPFAKES of Intimate Images Act will prohibit the non-consensual disclosure of digitally altered intimate images. The legislation both makes the sharing of these images a criminal offense and creates a right of private action for victims to seek relief.</p> <p><b>Sponsor:</b> <i>Rep. Morelle (D-NY-25)</i></p> <p><b>Latest Action:</b> <i>5/5/23 - Referred to the House JUD.</i></p>

<a href="#">AI Labeling Act (S.2691)</a>	<p>This bill directs the National Institute of Standards and Technology (NIST) to form a working group to assist platforms in identifying AI-generated content.</p> <p><b>Sponsor:</b> <i>Sen. Schatz (D-HI), Sen. Kennedy (R-LA)</i></p> <p><b>Latest Action:</b> <i>7/27/23 - Referred to Commerce, Science, &amp; Transportation Committee.</i></p>
<a href="#">AI Labeling Act (H.R. 6466)</a>	<p>This bill directs the National Institute of Standards and Technology (NIST) to form a working group to assist platforms in identifying AI-generated content.</p> <p><b>Sponsor:</b> <i>Rep. Kean (R-NJ-7)</i></p> <p><b>Latest Action:</b> <i>11/24/2023 - Referred to the Subcommittee on Innovation, Data, &amp; Commerce.</i></p>
<a href="#">AI Foundation Model Transparency Act (H.R. 6881)</a>	<p>To direct the Federal Trade Commission to establish standards for making publicly available information about the training data and algorithms used in artificial intelligence foundation models, and for other purposes.</p> <p><b>Sponsor:</b> <i>Rep. Beyer (D-VA-8), Rep. Eshoo (D-CA-16)</i></p> <p><b>Latest Action:</b> <i>12/22/23 - Referred to the House Energy &amp; Commerce Committee.</i></p>
<a href="#">Generative AI Copyright Disclosure Act (H.R. 7913)</a>	<p>The Generative AI Copyright Disclosure Act would require a notice to be submitted to the Register of Copyrights prior to the release of a new generative AI system with regard to all copyrighted works used in building or altering the training dataset for that system. The bill's requirements would also apply retroactively to previously released generative AI systems.</p> <p><b>Sponsor:</b> <i>Rep. Schiff (D-CA-30)</i></p> <p><b>Latest Action:</b> <i>4/09/24 - Referred to the House JUD.</i></p>
<b>CALIFORNIA</b>	
<a href="#">AB 1836</a>	<p>AB 1836 provides protections against unauthorized uses of deceased performer's voices and likenesses in sound recordings and audiovisual works. This protects the rights of their families, and the marketplace of new recordings and audiovisual works.</p> <p><b>Lead Author:</b> <i>Asm. Bauer-Kahan</i></p> <p><b>Latest Action:</b> <i>Passed Assembly; 08/15/24 - Passed SEN APPR and sent to SEN floor.</i></p>
<a href="#">AB 2602</a>	<p>AB 2602 seeks to regulate the use of generative artificial intelligence (AI) in employment contracts in the entertainment industry.</p> <p><b>Lead Authors:</b> <i>Asm. Kalra, Asm. Bryan, Asm. Friedman</i></p> <p><b>Co-Authors:</b> <i>Asm. Haney, Asm. McKinnor, Asm. Schiavo</i></p> <p><b>Latest Action:</b> <i>Passed Assembly; 08/15/24 - Passed SEN APPR and sent to SEN floor.</i></p>
<a href="#">AB 1831</a>	<p>AB 1831 will help prevent the sexual exploitation of children by ensuring that obscene child sexual assault material (CSAM) created using AI is unlawful to produce, to possess, and to distribute.</p> <p><b>Lead Author:</b> <i>Asm. Berman</i></p>

	<p><b>Latest Action:</b> 05/23/24 - Passed Assembly; 08/15/24 - Passed SEN APPR and sent to SEN floor.</p>
<b>ILLINOIS</b>	
<a href="#">HB4762</a>	<p>Creates the Digital Voice and Likeness Protection Act. Provides that a provision in an agreement between an individual and any other person for the performance of personal or professional services is contrary to public policy and is deemed 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; (2) the provision does not clearly define and detail all of the proposed uses of the digital replica or the generative artificial intelligence system; and (3) the individual was not represented by legal counsel or by a labor union acting in a specified capacity. Provides that the Act shall apply retroactively. Provides that any person who is currently under, or has entered into, an agreement with an individual performing personal or professional services containing an unenforceable provision shall notify that individual in writing that the provision is unenforceable by January 1, 2025. Effective immediately.</p> <p><b>Sponsors:</b> Sen. Mary Edly-Allen and Rep. Jennifer Gong-Gershowitz</p> <p><b>Latest Action:</b> 08/09/24 - Signed/Enacted.</p>
<a href="#">HB4875</a>	<p>For the purposes of distributing, transmitting, or otherwise making available a sound recording or audiovisual work that contains a simulated or artificially created version of an individual's identity, as a substitute for, in place of, or in a competitive fashion with, a sound recording or audiovisual work the individual would otherwise have personally created using the individual's identity. Defines "artificial intelligence" and "generative artificial intelligence". Amends the Right of Publicity Act. Grants additional enforcement rights and remedies to recording artists. Changes the definition of "commercial purpose" and "identity."</p> <p><b>Sponsors:</b> Sen. Mary Edly-Allen and Rep. Jennifer Gong-Gershowitz</p> <p><b>Latest Action:</b> 08/09/24 - Signed/Enacted.</p>
<b>KENTUCKY</b>	
<a href="#">SB 317</a>	<p>Creates a new section of KRS Chapter 365 to define terms; establish property rights in every individual's name, voice, or likeness; establish how those property rights may be transferred (only through lawyer or union rep) or terminated; provide for liability, enforcement, and damages resulting from violation of those property rights.</p> <p><b>Sponsor:</b> Sen. Whitney Westerfield</p> <p><b>Latest Action:</b> 4/16/24 DIED in House Assignments.</p>
<b>MISSISSIPPI</b>	
<a href="#">SB 2778</a>	<p>To provide that every individual has a property right in their own name, likeness, and voice; to provide certain liability for persons or entity who infringe on an individual's rights under this act; to provide a first amendment</p>

	<p>defense to civil actions brought under this act; to provide liability for the commercial use of an individual's name, voice, or likeness.</p> <p><b>Sponsors:</b> <i>Sen. Bradford Blackmon</i></p> <p><b>Latest Action:</b> <i>3/14/24 DIED on Senate Floor</i></p>
<b>NEW YORK</b>	
<p><a href="#"><u>S.7676-B</u></a></p>	<p>Will ensure digital replica rights are only licensed, if at all, with informed consent, and the help of knowledgeable attorneys and unions. Typically, the transfer of voice and likeness rights are buried deep within the fine print of contracts, with limited opportunities for performers to bargain for improved terms. This bill requires employers to provide an opportunity for both informed consent and proper representation before the rights to voice or likeness are signed over.</p> <p><b>Sponsors:</b> <i>Sen. Ramos and Asm. Weinstein</i></p> <p><b>Latest Action:</b> <i>6/07/24 – Passed both Houses.</i></p>
<p><a href="#"><u>S.7422-B/A.7634-B</u></a></p>	<p>Will protect against companies obtaining film tax credits if they have replaced jobs with AI. This bill ensures that the film production incentive remains a jobs program. It does so by protecting against job displacement through the misappropriation of the tangible and intangible assets of the creative talent SAG-AFTRA and other unions represent on productions receiving film tax credits.</p> <p><b>Sponsors:</b> <i>Sen. Webb and Asm. Meeks</i></p> <p><b>Latest Action:</b> <i>5/2/24 - Amend and recommit to Assembly Ways &amp; Means; 3/27/24 - Amend and recommit to Senate Investigations &amp; Government Operations.</i></p>
<p><a href="#"><u>S.6859-A/A.216-C</u></a></p>	<p>Consumers must know if they are interacting with AI, being sold something by AI, being entertained by AI, or being persuaded to take actions by AI. The bill requires that “synthetic media” in commercial endeavors is always accompanied by a clear and conspicuous disclaimer. This bill will protect consumers from the duplicitous use of synthetic media by requiring all advertisements, in any medium, to disclose when synthetic media is used within that advertisement.</p> <p><b>Sponsors:</b> <i>Sen. Gianaris and Asm. Rosenthal</i></p> <p><b>Latest Action:</b> <i>6/4/24 - Recommit to Senate Consumer Protection Committee; 6/6/24 – Referred to Assembly Rules Committee</i></p>
<b>TENNESSEE</b>	

<p><a href="#">The ELVIS Act</a> <a href="#">SB 2096/ HB 2091</a></p>	<p>The Ensuring Likeness Voice and Image Security (ELVIS) Act, a bill updating Tennessee's Protection of Personal Rights law to include protections for songwriters, performers, and music industry professionals' voice from the misuse of artificial intelligence (AI).</p> <p>As introduced, defines and adds "voice" as a protected personal right; adds commercial availability of a sound recording or audiovisual work in which the individual's name, voice, likeness, or image is readily identifiable.</p> <p><b>Sponsors:</b> <i>Sen. Johnson and Asm. Lamberth</i></p> <p><b>Latest Action:</b> <i>3/21/24 - Signed by Governor</i></p>
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#### Additional GAPP Efforts

- Signed "[Disrupting the Deepfake Supply Chain](#)" letter
  - Supportive of ongoing legislative efforts to regulate deepfakes, and includes key recommendations to help governments design and implement comprehensive laws and regulations to hold the entire deepfake supply chain accountable, such as:
    - *Fully Criminalizing Deepfake Child Pornography, even in cases where only fictional children are depicted.*
    - *Establishing Criminal Penalties for any individual who knowingly creates or facilitates the spread of harmful deepfakes.*
    - *Requiring software developers and distributors to prevent their audio and visual products from creating harmful deepfakes, and requiring they be held liable if their preventive measures are too easily circumvented.*