



Rep. Jennifer Gong-Gershowitz

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10300HB4762ham002

LRB103 37878 SPS 71919 a

1 AMENDMENT TO HOUSE BILL 4762

2 AMENDMENT NO. _____. Amend House Bill 4762, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Digital Voice and Likeness Protection Act.

7 Section 5. Definitions.

8 "Artificial intelligence" means a machine-based system
9 that, for explicit or implicit objectives, infers, from the
10 input it receives, how to generate outputs such as
11 predictions, content, recommendations, or decisions that can
12 influence physical or virtual environments. "Artificial
13 intelligence" includes generative artificial intelligence.

14 "Digital replica" means a newly-created, electronic
15 representation of the identity of an actual individual created
16 using a computer, algorithm, software, tool, artificial

1 intelligence, or other technology that is fixed in a sound
2 recording or audiovisual work in which that individual did not
3 actually perform or appear.

4 "Generative artificial intelligence" means an automated
5 computing system that, when prompted with human prompts,
6 descriptions, or queries, can produce outputs that simulate
7 human-produced content, including, but not limited to, the
8 following:

- 9 (1) textual outputs, such as short answers, essays,
10 poetry, or longer compositions or answers;
- 11 (2) image outputs, such as fine art, photographs,
12 conceptual art, diagrams, and other images;
- 13 (3) multimedia outputs, such as audio or video in the
14 form of compositions, songs, or short-form or long-form
15 audio or video; and
- 16 (4) other content that would be otherwise produced by
17 human means.

18 Section 10. Unenforceable agreements.

19 (a) A provision in an agreement between an individual and
20 any other person for the performance of personal or
21 professional services is contrary to public policy and is
22 deemed unenforceable if the provision meets all of the
23 following conditions:

- 24 (1) the provision allows for the creation and use of a
25 digital replica of the individual's voice or likeness in

1 place of work the individual would otherwise have
2 performed in person;

3 (2) the provision does not clearly define and detail
4 all of the proposed uses of the digital replica; and

5 (3) the individual was not either:

6 (A) represented by legal counsel who negotiated on
7 behalf of the individual licensing his or her digital
8 replica rights and the licensing terms governing the
9 use of the applicable digital replica exist in a
10 written agreement; or

11 (B) represented by a labor union representing
12 workers who do the proposed work and the terms of his
13 or her collective bargaining agreement expressly
14 covers uses of digital replicas.

15 Section 15. Application. This Act applies to agreements
16 entered into after the effective date of this Act.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."