



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3178

Introduced 2/18/2025, by Rep. Jennifer Gong-Gershowitz

SYNOPSIS AS INTRODUCED:

815 ILCS 550/10

Amends 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 unenforceable only as it relates to a new performance, fixed on or after January 1, 2026, by a digital replica of an individual if specified conditions are satisfied. Provides that the failure to include a reasonably specific description of the intended uses of a digital replica shall not render a provision in an agreement unenforceable when the uses of the digital replica are consistent with the terms of the contract for the performance of personal or professional services and the fundamental character of the photography or sound track as recorded or performed. Provides that the requirements do not affect any other provision of a contract. Makes other changes. Effective January 1, 2026.

LRB104 10229 SPS 20303 b

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Digital Voice and Likeness Protection Act
5 is amended by changing Section 10 as follows:

6 (815 ILCS 550/10)

7 Sec. 10. Unenforceable agreements.

8 (a) A provision in an agreement between an individual and
9 any other person for the performance of personal or
10 professional services is ~~contrary to public policy and is~~
11 ~~deemed~~ unenforceable only as it relates to a new performance,
12 fixed on or after January 1, 2026, by a digital replica of an
13 individual if the provision meets all of the following
14 conditions:

15 (1) the provision allows for the creation and use of a
16 digital replica of the individual's voice or likeness in
17 place of work the individual would otherwise have
18 performed in person;

19 (2) the provision does not include a reasonably
20 specific description of the intended uses of the digital
21 replica; and

22 (3) the individual was not either:

23 (A) represented by legal counsel who negotiated on

1 behalf of the individual licensing his or her digital
2 replica rights and the licensing terms governing the
3 use of the applicable digital replica exist in a
4 written agreement; or

5 (B) represented by a labor union representing
6 workers who do the proposed work and the terms of the
7 labor union's ~~individual's~~ collective bargaining
8 agreement expressly covers uses of digital replicas as
9 that term is defined in this Act or in the individual's
10 collective bargaining agreement.

11 (b) The failure to include a reasonably specific
12 description of the intended uses of a digital replica as
13 described in paragraph (2) of subsection (a) shall not render
14 a provision in an agreement unenforceable when the uses of the
15 digital replica are consistent with the terms of the contract
16 for the performance of personal or professional services and
17 the fundamental character of the photography or sound track as
18 recorded or performed.

19 (c) This Section does not affect any provision of a
20 contract other than a provision described in subsection (a)
21 and does not impact, abrogate, or otherwise affect any
22 exclusivity grants contained in, or related to, a provision
23 subject to subsection (a).

24 (Source: P.A. 103-830, eff. 8-9-24.)

25 Section 99. Effective date. This Act takes effect January
26 1, 2026.