

Re: GAPP AI Bills Report

Updated: December 2, 2024

<b>FEDERAL</b>	
<a href="#"><u><b>NO FAKES Act 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>Sen. Coons (D-DE)</i></p> <p><b>Latest Action:</b> <i>7/31/24 - Introduced &amp; referred to Senate JUD Committee.</i></p>
<a href="#"><u><b>NO FAKES Act H.R.9551</b></u></a>	<p>The Nurture Originals, Foster Art, and Keep Entertainment Safe (No Fakes) Act of 2024 aims to protect the intellectual property rights in the voice and visual likeness of individuals. Key provisions include, 1) Establishing a digital replication right that gives individuals or their right holders the exclusive right to authorize the use of their voice or visual likeness in a digital replica for a period of up to 70 years after the individual's death; 2) Allowing licenses for the use of digital replicas, with limitations on the duration of licenses for living individuals and minors; 3) Imposing civil liability for the unauthorized production or publication of digital replicas, with certain exceptions for news, public affairs, and commentary, and 4) Providing safe harbors from liability for online services that remove or disable access to unauthorized digital replicas upon receiving proper notice.</p> <p><b>Sponsors:</b> <i>Rep. Salazar (R-FL-27)</i></p> <p><b>Latest Action:</b> <i>9/12/24 - Introduced &amp; referred to House JUD Committee.</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 Committee.</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 Committee.</i></p>

<a href="#"><u>AI Labeling Act</u></a> <a href="#"><u>S.2691</u></a> <a href="#"><u>H.R.6446</u></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>Sponsors:</b> <i>Sen. Schatz (D-HI)/ Rep. Kean (R-NJ-7)</i></p> <p><b>Latest Action:</b> <i>Senate - 7/27/23 Referred to Commerce, Science, &amp; Transportation Committee/ House - 11/24/23 Referred to the Subcommittee on Innovation, Data, &amp; Commerce.</i></p>
<a href="#"><u>AI Foundation Model Transparency Act</u></a> <a href="#"><u>H.R. 6881</u></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="#"><u>COPIED Act</u></a> <a href="#"><u>S.4674</u></a>	<p>This bill, the “Content Origin Protection and Integrity from Edited and Deepfaked Media Act” or the “COPIED Act” aims to address the lack of transparency and consensus-based standards around the development and use of artificial intelligence systems, particularly in the context of digital content creation and modification. It establishes a public-private partnership to facilitate the development of standards for content provenance information and the detection of synthetic and synthetically-modified content. The bill also requires transparency and security measures for tools used to create synthetic or modified content, prohibits the removal or tampering of content provenance information, and provides for enforcement by the Federal Trade Commission and state attorneys general, as well as private legal action.</p> <p><b>Sponsor:</b> <i>Sen. Cantwell (D-WA)</i></p> <p><b>Latest Action:</b> <i>Senate - 7/11/24 Referred to the Commerce, Science, &amp; Transportation Committee.</i></p>
<a href="#"><u>Generative AI Copyright Disclosure Act</u></a> <a href="#"><u>H.R. 7913</u></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 Committee.</i></p>

<a href="#"><u>TAKE IT DOWN Act</u></a> <a href="#"><u>S.4569</u></a> <a href="#"><u>H.R.8989</u></a>	<p>This bill, the "Tools to Address Known Exploitation by Immobilizing Technological Deepfakes on Websites and Networks Act" or the "TAKE IT DOWN Act," aims to prohibit the intentional disclosure of nonconsensual intimate visual depictions, including deepfakes, on interactive computer services. It establishes a process for individuals to notify and request removal of such content from covered platforms, which are defined as websites, online services, or applications that primarily provide a forum for user-generated content. The bill also gives the Federal Trade Commission the authority to enforce violations of the removal process as unfair or deceptive acts or practices.</p> <p><b>Sponsor:</b> Sen. Cruz (R-TX)/ Rep. Salazar (R-FL-27)</p> <p><b>Latest Action:</b> Senate - 7/31/24 Referred to Commerce, Science, &amp; Transportation Committee./ House - 7/10/24 Referred to House Committee on Energy &amp; Commerce Committee.</p>
<a href="#"><u>TRAIN Act</u></a> <a href="#"><u>S.5379</u></a>	<p>The "Transparency and Responsibility for Artificial Intelligence Networks Act" or the "TRAIN Act," aims to help creators—musicians, artists, writers, and others—access the courts to protect their copyrighted works if and when they are used to train generative artificial intelligence (A.I.) models. The bill would allow copyright holders to access training records used for A.I. models to determine if their work was used—a process currently used for internet piracy.</p> <p><b>Sponsor:</b> Sen. Welch (D-VT)</p> <p><b>Latest Action:</b> 11/25/24 Introduced</p>
<a href="#"><u>Workforce of the Future Act, S.5031</u></a>	<p>This bill aims to help prepare the American workforce to develop and work alongside new artificial intelligence technologies, mitigate potential job displacement, and ensure access to the necessary skills and education for all segments of the population.</p> <p><b>Sponsor:</b> Sen. Butler (D-CA)</p> <p><b>Latest Action:</b> 9/12/24 Referred to the Committee on Health, Education, Labor, &amp; Pensions.</p>
<b>CALIFORNIA</b>	
<a href="#"><u>AB 1836</u></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> Asm. Bauer-Kahan</p> <p><b>Latest Action:</b> 09/17/24 - Signed by Governor.</p>
<a href="#"><u>AB 2602</u></a>	<p>AB 2602 would prohibit the licensing of an individual's digital voice or likeness, unless that individual is represented by legal counsel or a labor union.</p> <p><b>Lead Authors:</b> Asm. Kalra, Asm. Bryan, Asm. Friedman</p> <p><b>Co-Authors:</b> Asm. Haney, Asm. McKinnor, Asm. Schiavo</p> <p><b>Latest Action:</b> 09/17/24 - Signed by Governor.</p>

<a href="#"><u>AB 1831</u></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> <i>09/29/24 - Signed by Governor.</i></p>
<a href="#"><u>Safe and Secure Innovation for Frontier Artificial Intelligence Models Act (SB 1047)</u></a>	<p>This bill is intended to help manage the risks associated with powerful AI models while also supporting innovation and public access to these advanced technologies in California.</p> <p><b>Lead Author:</b> <i>Senator Wiener</i></p> <p><b>Latest Action:</b> <i>09/29/24 - In SEN. Consideration of Governor's veto pending.</i></p>
<b>ILLINOIS</b>	
<a href="#"><u>HB4762</u></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> <i>Sen. Mary Edly-Allen and Rep. Jennifer Gong-Gershowitz</i></p> <p><b>Latest Action:</b> <i>08/09/24 - Signed/Enacted.</i></p>
<a href="#"><u>HB4875</u></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> <i>Sen. Mary Edly-Allen and Rep. Jennifer Gong-Gershowitz</i></p> <p><b>Latest Action:</b> <i>08/09/24 - Signed/Enacted.</i></p>
<b>KENTUCKY</b>	
<a href="#"><u>SB 317</u></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</p>

	<p>terminated; provide for liability, enforcement, and damages resulting from violation of those property rights.</p> <p><b>Sponsor:</b> <i>Sen. Whitney Westerfield</i></p> <p><b>Latest Action:</b> <i>4/16/24 DIED in House Assignments.</i></p>
<b>MISSISSIPPI</b>	
<a href="#"><u>SB 2778</u></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 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>	
<a href="#"><u>S.7676-B</u></a>	<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>
<a href="#"><u>S.7422-B/A.7634-B</u></a>	<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>
<a href="#"><u>S.6859-A/A.216-C</u></a>	<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>

TENNESSEE	
<a href="#">The ELVIS Act SB 2096/ HB 2091</a>	<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>

#### 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.*