

House Bill 1399

By: Representatives Gilliard of the 162nd, Tran of the 80th, and Adeyina of the 110th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling
2 and other trade practices, so as to enact the "Georgia Likeness, Expression, Generative AI,
3 and Commercial Yield (LEGACY) Act"; to provide for property rights in an individual's
4 likeness; to require consent for use of an individual's likeness; to provide for violations; to
5 provide for a private right of action; to provide for definitions; to provide for related matters;
6 to provide for legislative findings; to provide an effective date; to repeal conflicting laws; and
7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 The General Assembly finds that:

- 11 (1) Georgia is a national leader in creative works, athletics, digital business, and emerging
12 technological industries;
- 13 (2) Georgia courts recognize an individual's right to control the commercial use of his or
14 her name, voice, likeness, and identity;
- 15 (3) Georgia lacks a comprehensive statutory framework addressing this right in the age of
16 artificial intelligence;

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- 17 (4) Artificial intelligence can create realistic digital replicas without authorization,
18 including so-called "deepfakes" or synthetic media technologies that can realistically
19 imitate an individual's likeness, voice, or expression;
- 20 (5) Unauthorized use of an individual's likeness can cause economic harm, deception, and
21 loss of dignity;
- 22 (6) Currently there are no laws in effect that provide these protections in Georgia; and
- 23 (7) Unauthorized use of an individual's likeness may cause harms independent of
24 commercial exploitation, implicating long-standing principles of privacy recognized under
25 the laws of this state.

26 SECTION 2.

27 Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other
28 trade practices, is amended by adding a new article to read as follows:

29 "ARTICLE 38

30 10-1-970.

31 (a) This article shall be known and may be cited as the 'Georgia Likeness, Expression,
32 Generative AI, and Commercial Yield (LEGACY) Act.'

33 (b) The purpose of this article is to modernize and codify protections from unauthorized
34 uses of artificial intelligence while preserving freedom of expression and innovation.

35 10-1-971.

36 As used in this article, the term:

37 (1) 'Consent' means written assent in fact provided by an individual which affirmatively,
38 expressly, and specifically provides for the allowance, extent, purpose, and duration of
39 the use of the individual's likeness by another. Such term shall not include consent

40 implied by silence, agreement to general terms and conditions, or a prior agreement
41 which is unrelated to the individual's digital replica.

42 (2)(A) 'Digital replica' means a highly realistic electronic representation created or
43 altered, in whole or in part, either by generative artificial intelligence or other computer
44 system that is an exact copy, imitation, or close approximation of the likeness of an
45 individual and that is embedded in a sound recording, image, audiovisual work,
46 including an audiovisual work that does not have any accompanying sounds, or
47 transmission:

48 (i) In which the individual did not actually perform or appear; or
49 (ii) That is a version of a sound recording, image, audiovisual work, or transmission
50 in which the individual did actually perform or appear, but where the fundamental
51 character of the performance or appearance has been materially altered.

52 (B) Such term does not include the electronic reproduction of or use of a sample of one
53 sound recording or audiovisual work into another or the remixing, mastering, or digital
54 remastering of a sound recording or audiovisual work authorized by the copyright
55 holder.

56 (3) 'Generative artificial intelligence' means a computer based system that uses machine
57 learning and is intended to generate, with some degree of autonomy, synthetic content
58 and information, including, but not limited to, text, images, videos, audio, codes,
59 prompts, commands, instructions, directions, and other forms of content and information.

60 (4) 'Individual' means a natural person, living or deceased.

61 (5) 'Likeness' means the actual or simulated image, voice, signature, or other uniquely
62 identifying features of an individual, including the individual's face, mannerisms,
63 distinctive appearance, distinctive speech patterns, distinguishing physical characteristics,
64 including but not limited to visible marks and permanent body modifications, and other
65 unique characteristics of an individual that are readily identifiable as the individual
66 through visual or auditory means.

67 10-1-972.

68 (a) Every individual has a property right to his or her likeness.

69 (b) The property rights of an individual's likeness are transferable, licensable, and
70 descendible and shall survive the death of the individual for 50 years.

71 (c) Post-mortem use of an individual's likeness shall be permitted only where such
72 individual consented to such use during his or her life, consent is given by the estate of
73 such individual, or consent is given by a legal representative of such individual.

74 10-1-973.

75 (a) Creation, distribution, or exploitation of an individual's likeness in a digital replica for
76 commercial purposes requires consent from the individual for such use.

77 (b) Absence of compensation to an individual for the use of his or her likeness shall not
78 negate the requirements of consent under this article.

79 (c) No individual or entity shall claim ownership, authorship, or exclusive rights over an
80 individual's likeness solely by the use of an individual's likeness in a digital replica.

81 (d) After receiving notice that an individual did not consent for the use of a digital replica,
82 any entity that knowingly distributes or continues to make available such digital replica
83 shall be in violation of this article.

84 (e) A digital replica used for commercial purposes shall not falsely imply that an
85 individual personally endorsed or approved such use of his or her likeness.

86 (f) Liability under this article shall only depend on whether or not an individual consented
87 to the use of his or her likeness in a digital replica.

88 (g) An individual who is aggrieved by a violation of this article may bring an action to
89 recover or obtain against a violator any of the following:

90 (1) Actual damages;

91 (2) Equitable relief, including, but not limited to, an injunction or restitution of money
92 and property;

93 (3) Punitive damages;

94 (4) Reasonable attorney's fees and costs; and

95 (5) Any other relief which the court deems proper.

96 (h) Courts may grant injunctive relief to an individual aggrieved by a violation of this
97 article."

98 **SECTION 3.**

99 This Act shall become effective on July 1, 2026.

100 **SECTION 4.**

101 All laws and parts of laws in conflict with this Act are repealed.