

House Bill 1603

By: Representative Neal of the 79<sup>th</sup>

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 Entertainment Artificial Intelligence  
3 Accountability and Performer Protection Act"; to require consent for use of a performer's  
4 likeness in a digital replica; to provide for violations; to provide for a private right of action;  
5 to provide for definitions; to provide for related matters; to provide for legislative findings;  
6 to provide an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Georgia Entertainment Artificial  
10 Intelligence Accountability and Performer Protection Act."

11 **SECTION 2.**

12 The General Assembly finds that:

13 (1) The State of Georgia is a leader in film, television, and digital media production,  
14 supporting thousands of jobs for performers and creative professionals;

- 15 (2) Use of artificial intelligence systems is rapidly expanding across commerce platforms,  
16 government agencies, and entertainment;
- 17 (3) Emerging artificial intelligence systems are capable of replicating human likeness,  
18 including image, voice, and performance, without the participation or consent of the  
19 individual;
- 20 (4) Unauthorized use of such systems poses significant risks to the economic livelihood,  
21 intellectual property, and personal dignity of performers and other members of the film and  
22 entertainment community;
- 23 (5) Digital replicas are increasingly used in scams, political misinformation, identity theft,  
24 and unauthorized commercial exploitation;
- 25 (6) Consumers and citizens of this state, including performers, are entitled to transparency  
26 and protection from harmful or deceptive uses of artificial intelligence; and
- 27 (7) It is in the interest of this state to establish clear standards that protect individuals and  
28 preserve Georgia's leadership in the film and entertainment industry while promoting  
29 responsible innovation.

30 **SECTION 3.**

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

33 "ARTICLE 38

34 10-1-970.

35 As used in this article, the term:

- 36 (1) 'Artificial intelligence system' means an engineered or machine based system that  
37 emulates the capability of a person to receive audio, visual, text, or any other form of  
38 information and use the information received to emulate a human cognitive process,

39 including, but not limited to, learning, generalizing, reasoning, planning, predicting,  
40 acting, or communicating; provided, however, that artificial intelligence systems may  
41 vary in the forms of information they can receive and in the human cognitive processes  
42 they can emulate.

43 (2) 'Consent' means written assent in fact provided by an individual which affirmatively,  
44 expressly, and specifically provides for the allowance, extent, purpose, and duration of  
45 the use of the individual's likeness by another. Such term shall not include consent  
46 implied by silence, agreement to general terms and conditions, or a prior agreement  
47 which is unrelated to the individual's digital replica.

48 (3)(A) 'Digital replica' means a highly realistic electronic representation created or  
49 altered, in whole or in part, either by generative artificial intelligence or other computer  
50 system that is an exact copy, imitation, or close approximation of the likeness of an  
51 individual and that is embedded in a sound recording, image, audiovisual work,  
52 including an audiovisual work that does not have any accompanying sounds, or  
53 transmission:

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

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

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

66 (5) 'Individual' means a natural person.

67 (6) 'Likeness' means the actual or simulated image, voice, signature, or other uniquely  
68 identifying features of an individual, including the individual's face, mannerisms,  
69 distinctive appearance, distinctive speech patterns, distinguishing physical characteristics,  
70 including but not limited to visible marks and permanent body modifications, and other  
71 unique characteristics of an individual that are readily identifiable as the individual  
72 through visual or auditory means.

73 (7) 'Performer' means any individual, including, but not limited to, an actor, actress,  
74 voice actor, stunt performer, model, or other creative professional whose likeness is used  
75 in film, television, streaming, advertisements, gaming, or other media.

76 (8) 'Production company' means a company, other than a qualified interactive  
77 entertainment production company, primarily engaged in qualified production activities  
78 which have been approved by the Department of Economic Development.

79 10-1-971.

80 (a) Any individual or production company that engages in an activity prohibited in  
81 subsection (b) of this Code section shall be liable in a civil action brought under this Code  
82 section.

83 (b) The following activities shall be prohibited pursuant to this article:

84 (1) The publication, display, distribution, transmission, or communication of, or  
85 otherwise making available to the public a digital replica of a performer without his or  
86 her consent; or

87 (2) Distributing, importing, transmitting, or otherwise making available to the public a  
88 product or service that:

89 (A) Is primarily designed to produce one or more digital replicas of a specifically  
90 identified performer or performers without the consent of such performer or performers;  
91 and

92 (B) Has only limited commercially significant purpose or use other than to produce a  
93 digital replica of a specifically identified performer or performers without the consent  
94 of such performer or performers.

95 (c) Consent to use the digital replica of a performer shall be obtained through a contract  
96 which:

97 (1) Is valid, while the performer is living, only to the extent that the duration does not  
98 exceed ten years; and

99 (2) Shall be valid only if the contract agreement:

100 (A) Is in writing and signed by the performer or an authorized representative of the  
101 performer;

102 (B) Provides for fair compensation to the performer for the use of the digital replica;

103 (C) Prohibits the perpetual use of the digital replica without compensation to the  
104 performer; and

105 (D) Includes a reasonably specific description of the intended use of the digital replica.

106 10-1-972.

107 Any production company deploying artificial intelligence systems for use in production in  
108 this state shall:

109 (1) Not later than December 31, 2027, and annually thereafter, conduct an inventory of  
110 all systems that employ artificial intelligence and are in use and publish such inventory  
111 on a publicly accessible website. Each inventory shall include, but not be limited to, the  
112 following information for each artificial intelligence system:

113 (A) The name of such system and the vendor, if any, that provided such system;

114 (B) A description of the general capabilities and uses of such system;

115 (C) The manner in which such system is able to be used to independently make,  
116 inform, or materially support a conclusion, decision, or judgment; and

117 (D) The manner in which such system underwent an impact assessment prior to  
118 implementation;

119 (2) Issue a disclaimer which provides how the use of artificial intelligence was adopted  
120 and deployed and any data, sources, or metrics which were used; and

121 (3) Obtain a contract pursuant to subsection (c) of Code Section 10-1-971 prior to the use  
122 of a digital replica of a performer.

123 10-1-973.

124 (a) The Attorney General shall have authority to initiate any proceedings and to exercise  
125 any power or authority in the same manner as if he or she were acting under Part 2 of  
126 Article 15 of this chapter, the 'Fair Business Practices Act of 1975,' relating to violations  
127 or potential violations of this article.

128 (b) A performer who is aggrieved by a violation of this article may bring an action to  
129 recover or obtain against a violator any of the following:

130 (1) Actual damages;

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

133 (3) Punitive damages;

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

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

136 (c) Courts may grant injunctive relief to an individual aggrieved by a violation of this  
137 article."

138 **SECTION 4.**

139 This Act shall become effective on January 1, 2027.

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**SECTION 5.**

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