

# HOUSE . . . . . No. 4832

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, December 24, 2025.

The committee on Advanced Information Technology, the Internet and Cybersecurity, to whom was referred the petition (accompanied by bill, House, No. 74) of Tackey Chan and others relative to the contracting of digital replicas, reports recommending that the accompanying bill (House, No. 4832) ought to pass [Representative Gaskey of Carver dissents].

For the committee,

TRICIA FARLEY-BOUVIER.

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Fourth General Court  
(2025-2026)  
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An Act relative to the contracting of digital replicas.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Chapter 214 of the General Laws, as appearing in the 2022 Official  
2     Edition, is amended by inserting after section 3A the following new section:-

3           Section 3A 1/2. (a) For the purpose this section, “digital replica” shall mean a computer-  
4     generated, highly realistic electronic representation that is readily identifiable as the voice or  
5     visual likeness of an individual that is embodied in a sound recording, image, audiovisual work,  
6     or transmission in which the actual individual either did not actually perform or appear, or the  
7     actual individual did perform or appear, but the fundamental character of the performance or  
8     appearance has been materially altered. “Digital replica” does not include the electronic  
9     reproduction, use of a sample of one sound recording or audiovisual work into another, remixing,  
10    mastering, or digital remastering of a sound recording or audiovisual work authorized by the  
11    copyright holder.

(b) 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 the individual if:

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

(2) the provision does not include a reasonably specific description of the intended uses of the digital replica, provided, however, that failure to include a reasonably specific description of the intended uses of a digital replica does not render the provision unenforceable if the uses are consistent with the terms of the contract for the performance of personal or professional services and the fundamental character of the photography or soundtrack as recorded or performed; and

(3) the individual was not represented by:

(i) legal counsel who negotiated on behalf of the individual licensing the individual's digital replica rights and under circumstances in which the commercial terms are stated clearly and conspicuously in a contract or other writing signed or initialed by the individual; or

(ii) a labor union representing workers who do the proposed work and under circumstances in which the terms of their collective bargaining agreement expressly addresses uses of digital replicas.

(c) This section does not affect provisions of a contract other than a provision that falls under subsection (b) and does not impact, abrogate, or otherwise affect any exclusivity grants contained in, or related to, a provision subject to subsection (b).