

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Tackey Chan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the contracting of digital replicas.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>1/15/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

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 a person that is embodied in a sound recording, image, audiovisual work, or
6 transmission in which the actual person either did not actually perform or appear, or the actual
7 person did perform or appear, but the fundamental character of the performance or appearance
8 has been materially altered. “Digital replica” does not include the electronic reproduction, use of
9 a sample of one sound recording or audiovisual work into another, remixing, mastering, or
10 digital remastering of a sound recording or audiovisual work authorized by the copyright holder.

11 (b) Any contract between any person or owner of the copyright for the performance of
12 personal or professional services is valid only as it relates to a new performance, fixed on or after
13 January 1, 2026, by a digital replica of the person if: (1) it permits the creation and use of a

14 digital replica of the person's voice or likeness in place of work that would otherwise have
15 performed in person; (2) digital replica rights, and the commercial terms are stated clearly and
16 conspicuously in the contract; and (3) it is reasonably specific in the description of the intended
17 uses of the digital replica; provided, however, failure to include a reasonably specific description
18 of the intended uses of a digital replica shall not render the contract provision unenforceable if
19 the uses are consistent with the terms of the contract for the performance of personal or
20 professional services and the fundamental character of the photography or soundtrack as
21 recorded or performed.

22 (c) This section shall not apply to persons that are subject to any collective bargaining
23 agreements that cover digital replica use.