

Joint Committee on Advanced Information Technology, the Internet and Cybersecurity 2025-2026 (194th) Bill Summary

Bill Number: H. 74

Title: An Act relative to the contracting of digital replicas

Lead Sponsor: Representative Tackey Chan

Hearing Date: September 11, 2025

Report Date: November 10, 2025

Current Law:

M.G.L. c. 214 relates to jurisdiction over equitable rights and remedies.

Legislative History: New File

Executive Summary: “Digital Replica” shall mean a computer-generated, highly realistic electronic representation that is readily identifiable as the voice or visual likeness of a person that is embodied in a sound recording, image, audiovisual work, or transmission in which the actual person either did not actually perform or appear, or the actual person did perform or appear, but the fundamental character of the performance or appearance has been materially altered.

“Digital replica” does not include the electronic reproduction, use of a sample of one sound recording or audiovisual work into another, remixing, mastering, or digital remastering of a sound recording or audiovisual work authorized by the copyright holder.

Any contract between any person or owner of the copyright for the performance of personal or professional services is valid only as it relates to a new performance, fixed on or after January 1, 2026, by a digital replica of the person if:

- It permits 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;
- Digital replica rights, and the commercial terms are stated clearly and conspicuously in the contract; and
- It is reasonably specific in the description of the intended uses of the digital replica; provided, however, failure to include a reasonably specific description of the intended uses of a digital replica shall not render the contract 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.

This section shall not apply to persons that are subject to any collective bargaining agreements that cover digital replica use.