



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3705

Introduced 2/9/2024, by Sen. Mary Edly-Allen

SYNOPSIS AS INTRODUCED:

New Act

Creates the Digital Voice and Likeness Protection Act. Provides that a provision in an agreement between an individual and any other person for the performance of personal or professional services is contrary to public policy and is deemed unenforceable if the provision meets all of the following conditions: (1) the provision allows for the creation and use of a digital replica of the individual's voice or likeness in place of work the individual would otherwise have performed in person; (2) the provision does not clearly define and detail all of the proposed uses of the digital replica or the generative artificial intelligence system; and (3) the individual was not represented by legal counsel or by a labor union acting in a specified capacity. Provides that the Act shall apply retroactively. Provides that any person who is currently under, or has entered into, an agreement with an individual performing personal or professional services containing an unenforceable provision shall notify that individual in writing that the provision is unenforceable by January 1, 2025. Effective immediately.

LRB103 39507 SPS 69706 b

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Digital Voice and Likeness Protection Act.

6 Section 5. Unenforceable agreements.

7 (a) A provision in an agreement between an individual and
8 any other person for the performance of personal or
9 professional services is contrary to public policy and is
10 deemed unenforceable if the provision meets all of the
11 following conditions:

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

16 (2) the provision does not clearly define and detail
17 all of the proposed uses of the digital replica or the
18 generative artificial intelligence system; and

19 (3) the individual was not represented in either of
20 the following manners:

21 (A) represented by legal counsel who negotiated on
22 behalf of the individual licensing his or her digital
23 replica rights and the licensing terms exist in a

1 standalone written agreement; or

2 (B) represented by a labor union representing
3 workers who do the proposed work and the terms of his
4 or her collective bargaining agreement expressly
5 covers uses of digital replicas and generative
6 artificial intelligence systems.

7 (b) This Act shall apply retroactively.

8 (c) Any person who is currently under, or has entered
9 into, an agreement with an individual performing personal or
10 professional services containing a provision as described in
11 subsection (a) shall notify that individual in writing that
12 the provision is unenforceable by January 1, 2025.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.