

HOUSE No. 1615

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 preventing an individual's image and voice from exploitation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>1/17/2025</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>2/10/2025</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/10/2025</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/18/2025</i>
<i>Manny Cruz</i>	<i>7th Essex</i>	<i>2/20/2025</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>3/4/2025</i>

HOUSE No. 1615

By Representative Chan of Quincy, a petition (accompanied by bill, House, No. 1615) of Tackey Chan and others relative to preventing an individual's image and voice from exploitation. The Judiciary.

The Commonwealth of Massachusetts

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

An Act preventing an individual's image and voice from exploitation.

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 hereby amended by striking out section 3A, and inserting in place thereof the
3 following section:-

4 Section 3A. (a) For the purposes of this section the following words shall have the
5 following meanings:

6 “Likeness”, means the representation, or image, including those that are digitally created,
7 that is readily identifiable and attributable to a particular person.

8 "Voice", means a sound in a medium that is readily identifiable and attributable to a
9 particular individual, regardless of whether the sound contains the actual voice or a simulation of
10 the voice of the particular person.

(b) Any person whose name, likeness, voice, portrait or picture is used within the commonwealth for advertising purposes or for the purposes of trade without their written consent may bring a civil action in the superior court against the person so using their name, likeness, voice, portrait or picture, to prevent and restrain the use thereof; and may recover damages for any injuries sustained by reason of such use. If the defendant shall have knowingly used such person's name, likeness, voice, portrait or picture in such manner as is prohibited or unlawful, the court, in its discretion, may award the plaintiff treble the amount of the damages sustained by them. Nothing in this section shall be so construed as to prevent any person practicing the profession of photography from exhibiting in or about their or its establishment specimens of the work of such person or establishment, unless the exhibiting of any such specimen is continued after written notice objecting thereto has been given by the person portrayed; and nothing in this section shall be so construed as to prevent any person from using the name, likeness, voice, portrait or picture of any manufacturer or dealer in connection with the goods, wares and merchandise manufactured, produced or dealt in by such manufacturer or dealer which such person has sold or disposed of with such name, likeness, voice, portrait or picture used in connection therewith; or from using the name, likeness, voice, portrait or picture of any author, composer or artist in connection with any literary, musical or artistic production of such author, composer or artist which such person has sold or disposed of with such name, portrait or picture used in connection therewith.

(c) Every person's name, likeness, voice, portrait or picture in any medium in any manner is personal property and intellectual property and shall be exclusive to said person, except to the extent that the individual may have transferred, assigned, or licensed a right.

33 (d) The rights protected under this section are exclusive to the individual, and are
34 exclusive to the persons entitled to the rights, including to the extent that the persons entitled to
35 the rights may have transferred, assigned, or licensed these rights to others for a period of 10
36 years after the death of the person; provided, however, if the estate of said person is able to
37 demonstrate active and authorized public use of the voice or visual likeness 8 years after the
38 death of said person, then shall be extended for 5 years after the tenth year of the person's death,
39 and may be renewed for 5-year periods, if the estate of said person can demonstrate authorized
40 public use of the likeness or voice of the individual during the 2-year period preceding the
41 expiration of each additional 5-year period up until 70 years after the death of the person.