

2026 Regular Session

HOUSE BILL NO. 157

BY REPRESENTATIVE COX

TRADEMARKS/TRADE NAMES: Establishes a cause of action for misuse of artificial intelligence

1 AN ACT

2 To amend and reenact R.S. 51:470.2(introductory paragraph) and (3) through (12), 470.3(F),
3 470.4(D) through (G), and 470.6(B) and to enact R.S. 51:470.2(13) and 470.4(H),
4 relative to artificial intelligence; to provide for definitions; to establish a cause of
5 action; to make technical changes; to provide for an effective date; and to provide
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 51:470.2(introductory paragraph) and (3) through (12), 470.3(F),
9 470.4(D) through (G), and 470.6(B) are hereby amended and reenacted and R.S.
10 51:470.2(13) and 470.4(H) are hereby enacted to read as follows:

11 §470.2. Definitions

12 As used in this Subpart, the following words and phrases ~~shall~~ have the
13 following meanings:

14 * * *

15 (3) "Artificial intelligence" means an artificial system developed in computer
16 software, physical hardware, or other context that solves tasks requiring human-like
17 perception, cognition, planning, learning, communication, or physical action.

18 (4) "Commercial purposes" means the use of an individual's identity for any
19 of the following purposes:

20 (a) On or in connection with products, merchandise, goods, services,
21 commercial activities, or performances.

(b) For advertising, soliciting, or promoting products, merchandise, goods, services, commercial activities, or performances.

(c) For the purpose of fundraising.

~~(4)~~ (5) "Digital replica" means a computer-generated or electronic reproduction of a professional performer's likeness or voice that is so realistic as to be indistinguishable from the actual likeness or voice of the professional performer. "Digital replica" does not include the making or duplication of another recording that consists entirely of an independent fixation of other sounds, even though the sounds imitate or simulate the voice of the professional performer.

~~(5)~~ (6) "Expressive work" means such work as a play, book, magazine, newspaper, musical composition, audiovisual work, radio or television program, work of art, or a dramatic, literary, or musical work, if it is fictional or nonfictional entertainment, a work of political or newsworthy value, or an advertisement or commercial announcement for any of these works.

~~(6)~~ (7) "Identity" means an individual's name, voice, signature, photograph, image, likeness, or digital replica.

~~(7)~~ (8) "Individual" means a living natural person domiciled in ~~Louisiana~~ this state or a deceased natural person who was domiciled in ~~Louisiana~~ this state at the time of the individual's death.

~~(8)~~ (9) "Information content provider" means any person or entity that is responsible, in whole or in part, for the creation or development of information provided through the internet or any other interactive computer service.

~~(9)~~ (10) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions.

~~(10)~~ (11) "Internet" means the international computer network of both federal and nonfederal interoperable packet switched data networks.

~~(11)~~ (12) "Performance" means the use of a digital replica to substitute for
a performance by a professional performer in a work in which the professional
performer did not actually appear.

4 ~~(12)~~ (13) "Professional performer" means an individual who, for gain or
5 livelihood, is or was regularly engaged in acting, singing, dancing, playing a musical
6 instrument, or appearing on a news broadcast as an anchor or reporter.

7 * * *

8 §470.3. Property right in an individual's identity

9 * * *

F. The rights provided by this Subpart apply to all individuals whether or not the individual died before, on, or after August 1, 2022. If the individual died before August 1, 2022, the rights are considered to have existed on and after the date the individual died. Notwithstanding the foregoing, a claim for a violation of an individual's identity rights ~~may~~ shall not be asserted ~~under~~ pursuant to this Subpart unless the alleged act or event of violation occurs after August 1, 2022. However, a claim for a violation of an individual's identity rights by artificial intelligence shall not be asserted pursuant to this Subpart unless the alleged act or event of violation occurs after August 1, 2026.

19 * * *

20 §470.4. Misappropriation of identity

21 * * *

22 D. It is a violation of this Subpart to use artificial intelligence to generate or
23 create audiovisual work of an individual's identity for a commercial purpose without
24 having first obtained consent from the individual or the individual's authorized
25 representative.

26 E. A person who does any of the following shall be deemed to have
27 submitted to the jurisdiction of this state:

(1) Engages in conduct within Louisiana this state that is prohibited under
pursuant to this Subpart.

(2) Creates or causes to be created within this state products, merchandise, goods, services, or other materials prohibited under pursuant to this Subpart.

(3) Transports or causes to be transported into this state products, merchandise, goods, or other materials created or used in violation of this Subpart.

(4) Knowingly causes advertising or promotional material created or used in violation of this Subpart to be published, distributed, exhibited, or disseminated within Louisiana.

E.(1) F.(1) In addition to any other remedy authorized by law, a person who violates an individual's identity rights may be liable for the greater of one thousand dollars and the actual damages, and to the extent not duplicative of the plaintiff's compensatory damages, the disgorgement of profits derived from the unauthorized use of the individual's identity. For purposes of calculating such profits, the plaintiff is only required to prove the gross revenue attributable to the unauthorized use, and the defendant is required to prove properly deductible expenses.

(2) A court of competent jurisdiction may grant the plaintiff, in a proceeding ~~under~~ pursuant to this Section, a temporary restraining order or an order for injunctive relief.

F: G. A court may award reasonable attorney fees, costs, and expenses to the prevailing party in an action ~~under~~ pursuant to this Subpart.

¶ H. Any suit arising out of the alleged offending use of a digital replica, expressive work, identity, or performance, or brought against a newspaper, broadcast outlet, media outlet, online news outlet, news publication, or other media pursuant to this Subpart shall be subject to the provisions of Code of Civil Procedure Article 971, and any alleged violation of this Subpart shall be presumed an act in furtherance of a person's right of petition or free speech under the Constitution of the United States of America or the Constitution of Louisiana in connection with a public issue in accordance with Code of Civil Procedure Article 971.

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1 §470.6. Construction and applicability

2 * *

3 B.(1) The property rights granted by this Subpart vest with an individual or
4 the individual's authorized representative on August 1, 2022, except as provided by
5 Paragraph (2) of this Subsection.

6 (2) The property rights granted by this Subpart vest with an individual or the
7 individual's authorized representative on August 1, 2026, if the claims result from
8 misuse of an individual's identity by artificial intelligence.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 157 Draft

2026 Regular Session

Cox

Abstract: Establishes a cause of action for misuse of a person's identity by artificial intelligence.

Present law (R.S. 51:470.2) defines "commercial purposes", "digital replica", "expressive work", "identity", "individual", "information content provider", "interactive computer service", "internet", "performance", and "professional performer".

Proposed law retains present law and adds the definition of "artificial intelligence".

Present law (R.S. 51:470.3(F)) establishes that rights provided by present law apply to actions occurring after Aug. 1, 2022.

Proposed law retains present law but creates an exception that proposed law applies to actions occurring after Aug. 1, 2026, for claims arising out of the misuse of an individual's identity by artificial intelligence.

Present law (R.S. 51:470.4) provides for certain actions which result in a person submitting to the jurisdiction of this state and authorizes certain remedies for damages.

Present law provides that any suit arising out of the alleged offending use of a digital replica, expressive work, identity, or performance, or brought against a newspaper, broadcast outlet, media outlet, online news outlet, news publication, or other media is subject to a special motion to strike under present law, and any alleged violation is presumed an act in furtherance of a person's right of petition or free speech under the U.S. Constitution or the La. Constitution in connection with a public issue.

Proposed law retains present law and establishes a claim for the use of artificial intelligence for a commercial purpose without an individual or an individual's authorized representative's consent.

Present law (R.S. 51:470.6) provides an applicability date of Aug. 1, 2022, for property rights provided in present law.

Proposed law retains present law and establishes the applicability date of Aug. 1, 2026, for claims arising out of the misuse of an individual's identity by artificial intelligence.

(Amends R.S. 51:470.2(intro. para.) and (3)-(12), 470.3(F), 470.4(D)-(G), and 470.6(B);
Adds R.S. 51:470.2(13) and 470.4(H))