

## 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

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.

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

3 (c) For the purpose of fundraising.

4                   (4) (5) "Digital replica" means a computer-generated or electronic  
5                   reproduction of a professional performer's likeness or voice that is so realistic as to  
6                   be indistinguishable from the actual likeness or voice of the professional performer.

7 "Digital replica" does not include the making or duplication of another recording that  
8 consists entirely of an independent fixation of other sounds, even though the sounds  
9 imitate or simulate the voice of the professional performer.

17                   (7)(8) "Individual" means a living natural person domiciled in ~~Louisiana~~ this  
18                   state or a deceased natural person who was domiciled in ~~Louisiana~~ this state at the  
19                   time of the individual's death.

1                    (11) (12) "Performance" means the use of a digital replica to substitute for  
2                    a performance by a professional performer in a work in which the professional  
3                    performer did not actually appear.

7 \* \* \*

### 8 §470.3. Property right in an individual's iden

10 F. The rights provided by this Subpart apply to all individuals whether or not  
11 the individual died before, on, or after August 1, 2022. If the individual died before  
12 August 1, 2022, the rights are considered to have existed on and after the date the  
13 individual died. Notwithstanding the foregoing, a claim for a violation of an  
14 individual's identity rights ~~may~~ shall not be asserted ~~under~~ pursuant to this Subpart  
15 unless the alleged act or event of violation occurs after August 1, 2022. However,  
16 a claim for a violation of an individual's identity rights by artificial intelligence shall  
17 not be asserted pursuant to this Subpart unless the alleged act or event of violation  
18 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:

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

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

20                   G. H. Any suit arising out of the alleged offending use of a digital replica,  
21                   expressive work, identity, or performance, or brought against a newspaper, broadcast  
22                   outlet, media outlet, online news outlet, news publication, or other media pursuant  
23                   to this Subpart shall be subject to the provisions of Code of Civil Procedure Article  
24                   971, and any alleged violation of this Subpart shall be presumed an act in furtherance  
25                   of a person's right of petition or free speech under the Constitution of the United  
26                   States of America or the Constitution of Louisiana in connection with a public issue  
27                   in accordance with Code of Civil Procedure Article 971.

\* \* \*

## 1 §470.6. Construction and applicability

\* \* \*

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.

## 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))