

HB291 INTRODUCED



1 HB291
2 3PW31ZZ-1
3 By Representative Givan
4 RFD: Judiciary
5 First Read: 20-Jan-26



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4 SYNOPSIS:

5 This bill would provide that the distribution of
6 materially deceptive media is a crime.

7 This bill would also authorize certain parties
8 to seek permanent injunctive relief against a person
9 who distributes materially deceptive media.
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11
12 A BILL
13 TO BE ENTITLED
14 AN ACT
15

16 Relating to crimes and offenses; to provide that the
17 distribution of materially deceptive media is a crime; to
18 authorize certain parties to seek permanent injunctive relief
19 against anyone who distributes materially deceptive media; and
20 to provide exceptions.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. For the purposes of this act, the following
23 terms have the following meanings:

24 (1) ARTIFICIAL INTELLIGENCE. Any artificial system or
25 generative artificial intelligence system that: (i) performs
26 tasks under varying and unpredictable circumstances without
27 significant human oversight; or (ii) is able to learn from
28 experience and improve performance when exposed to data sets.



HB291 INTRODUCED

(2) CREATOR. Any person who prepares, creates, or causes the preparation or creation and the dissemination of any material or media produced by generative artificial intelligence. The term does not include a broadcaster, cable provider, digital newspaper, online service, Internet service provider, streaming platform, provider, or developer of any technology used in the generation of media by artificial intelligence, or any employee, representative, or agent thereof, solely for the distribution of a creator, sponsor, or purchaser's material or media.

(3) DEPICTED INDIVIDUAL. An individual who is falsely represented in materially deceptive media.

(4) MATERIALLY DECEPTIVE MEDIA. Any image, audio, or video that meets all of the following requirements:

a. The media falsely depicts an individual engaging in speech or conduct in which the depicted individual did not engage.

b. A reasonable viewer or listener would incorrectly believe that the depicted individual engaged in the speech or conduct depicted.

c. The media was produced by artificial intelligence.

(5) SPONSOR. A person at whose request or on whose behalf any material or media is created, prepared, placed, published, or disseminated.

Section 2. (a) Except as provided in subsection (b), a person shall not distribute, or enter into an agreement with another person to distribute, materially deceptive media.

(b) The prohibition in subsection (a) does not apply if



HB291 INTRODUCED

all of the following conditions are met:

(1) The creator, sponsor, or purchaser includes a disclaimer in any presentation of the media informing the viewer both that the media has been manipulated by technical means and depicts speech or conduct that did not occur. The following disclaimer is sufficient, but not necessary, to satisfy the requirements of this subdivision:

"This media has been manipulated by technical means and depicts speech or conduct that did not occur."

(2) If the media is a video, the disclaimer meets all of the following requirements:

- a. Appears throughout the entirety of the video.
- b. Is clearly visible to and readable by the average viewer.
- c. Is in a font and size that is easily readable by the average viewer.
- d. Is in the same language as the language used in the video media.

(3) If the media consists only of audio and contains no image or video, the disclaimer is read at the beginning and end of the media in a clearly spoken manner, in a pitch that can be easily heard by the average listener, and in the same language as the audio media.

(4) If the media is an image, the disclaimer meets both of the following requirements:

- a. Is clearly visible to and readable by the average viewer.
- b. Is in the same language as the language used in the



HB291 INTRODUCED

85 image media.

86 (5) If the media was generated by editing an existing
87 image, audio, or video, the media includes a citation
88 directing the viewer or listener to the original source from
89 which the unedited version of the existing image, audio, or
90 video was obtained.

91 (c) A first violation of this section is a Class A
92 misdemeanor and a second or subsequent conviction within five
93 years is a Class D felony.

94 (d) (1) Distribution of material that is prohibited by
95 this section shall not be a violation of this section if the
96 distributor does not have actual knowledge that the material
97 is prohibited, the distributor does not intend to injure or
98 harm the reputation or prospects of the depicted individual,
99 and the distributor is: (i) an Internet website, interactive
100 computer service, or radio or television broadcasting station,
101 including, but not limited to, a cable or satellite television
102 operator; (ii) a regularly published newspaper, magazine, or
103 other periodical, including, but not limited to, an Internet
104 or electronic publication, programmer, or producer; or (iii) a
105 website or streaming service, including, but not limited to,
106 an information service as defined in 47 U.S.C. § 153.

107 (2) This act shall not be construed to alter any
108 rights, obligations, or immunities created by 47 U.S.C. § 230.

109 (3) This act shall not apply to any content that
110 constitutes satire or parody and is substantially dependent on
111 the ability of an individual to impersonate a depicted
112 individual physically or verbally and not upon technology or



HB291 INTRODUCED

artificial intelligence.

(4) This act shall not apply to a radio or television broadcasting station, including a cable or satellite television operator, programmer, producer, streaming provider, Internet website, or a regularly published newspaper, magazine, or other periodical of general circulation, including an Internet or electronic publication, that routinely carries news and commentary of general interest that distributes any materially deceptive media prohibited by this act as part of a bona fide newscast, news interview, news documentary, or on-the-spot coverage or a bona fide news event if the broadcast or publication clearly acknowledges, through content or disclosure, in a manner that can easily be heard and understood by the average listener or viewer, that there are questions about the authenticity of the media.

(e) A distributor shall not intentionally remove a disclaimer included with any media by the creator, sponsor, or purchaser of the media.

Section 3. (a) Either of the following may seek permanent injunctive relief against a person that violates this act:

(1) The Attorney General.

(2) A depicted individual.

(b) (1) If a court determines that a complaint for permanent injunctive relief filed pursuant to subsection (a) is frivolous, the court shall issue an order suspending the defendant's obligation to respond to the complaint and shall order the plaintiff to show cause why the complaint should not



HB291 INTRODUCED

141 be dismissed. If the plaintiff fails to respond to the court
142 or the plaintiff's response to the court confirms that the
143 complaint is frivolous, the court shall dismiss the complaint
144 and may award costs and attorney fees to the defendant and may
145 issue any appropriate sanctions against the plaintiff and the
146 plaintiff's attorney.

147 (2) If the plaintiff's response to the court assures
148 the court that the complaint is not frivolous, the court shall
149 direct the defendant to answer the complaint.

150 (c) A plaintiff seeking permanent injunctive relief
151 under subsection (a) must prove by clear and convincing
152 evidence that the defendant against whom the injunction is
153 sought knew the media at issue falsely represented the
154 depicted individual.

155 (d) If a plaintiff, other than the Attorney General, is
156 awarded permanent injunctive relief under this section, the
157 court may award costs and attorney fees to the plaintiff.

158 Section 4. This act shall become effective on October
159 1, 2026.