

PROTECTION FROM INTIMATE DEEP FAKES ACT (EXCERPT)
Act 11 of 2025

752.385 Defenses to cause of actions.

Sec. 5.

(1) It is not a defense to an action under section 3 that the depicted individual consented to the creation or possession of the deep fake or to the voluntary private or public transmission of the deep fake unless both of the following apply:

(a) The consent is contained in an agreement written in plain language signed knowingly and voluntarily by the depicted individual.

(b) The consent includes a general description of the intimate digital depiction and, if applicable, the audiovisual work into which it will be incorporated.

(2) It is a defense to an action under section 3 that 1 or more of the following apply:

(a) The creation or dissemination was made for the purpose of a criminal investigation or prosecution that is otherwise lawful.

(b) The creation or dissemination was for the purpose of, or in connection with, the reporting of unlawful conduct.

(c) The creation or dissemination was made in the course of seeking or receiving medical or mental health treatment, and the image is protected from further dissemination.

(d) The deep fake related to a matter of public interest, the creation or dissemination served a lawful public purpose, the person creating or disseminating the deep fake as a matter of public interest clearly identified that the video recording, motion-picture film, sound recording, electronic image, photograph, or other item was a deep fake, and the person acted in good faith to prevent further dissemination of the deep fake.

(e) The creation or dissemination was made for legal proceedings and was consistent with common practice in civil proceedings necessary for the proper functioning of the civil justice system, or protected by court order that prohibited any further dissemination.

History: 2025, Act 11, Imd. Eff. Aug. 26, 2025