

SB0271S01 compared with SB0271

~~{Omitted text}~~ shows text that was in SB0271 but was omitted in SB0271S01
inserted text shows text that was not in SB0271 but was inserted into SB0271S01

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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19 None

21 AMENDS:

22 **45-3-2**, as last amended by Laws of Utah 1999, Chapter 146 , as last amended by Laws of Utah
1999, Chapter 146

23 **45-3-3**, as last amended by Laws of Utah 2023, Chapter 424 , as last amended by Laws of Utah
2023, Chapter 424

24 **45-3-4**, as enacted by Laws of Utah 1981, Chapter 95 , as enacted by Laws of Utah 1981, Chapter
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25 **45-3-5**, as enacted by Laws of Utah 1981, Chapter 95 , as enacted by Laws of Utah 1981, Chapter
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26 ENACTS:

27 **45-3-7**, Utah Code Annotated 1953 , Utah Code Annotated 1953

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29 *Be it enacted by the Legislature of the state of Utah:*

30 Section 1. Section **45-3-2** is amended to read:

31 **45-3-2. Definitions.**

As used in this act:

33 (1) "Advertisement" means a notice designed to attract public attention or patronage and includes a list
of supporters for a particular cause.

35 (2) "Cause the publication" means[-] :

36 (a) that a person:

37 (i) prepares or requests another to prepare;

38 (A) an advertisement of the type described in Subsection 45-3-3(1)[-] ; or

39 (B) [~~and that person~~] content that uses, simulates, or recreates an individual's personal identity; and

41 (ii) submits or requests another to submit the advertisement [~~to a publisher,~~] or content for publication;
and

43 (b) the advertisement or content has been published.

44 (3)

(a) "Consent" means [~~a person's~~] an individual's voluntary agreement to the use of that [~~person's name,~~
~~title, picture, or portrait~~] individual's personal identity.

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(b) "Consent" may not be inferred by the failure of the ~~[person]~~ individual to request that the ~~[person's name, title, picture, or portrait]~~ individual's personal identity not be used or that the ~~[person's]~~ individual's name be removed from a mailing or supporter list.

49 (4) "Content" means audio, video, image, text, or other media, regardless of format.

50 ~~[(4)] (5) "Generative artificial intelligence" means an artificial intelligence technology system that is~~
~~capable of creating content based on patterns learned from large volumes of data rather than being~~
~~explicitly programmed with rules.~~ :

53 ~~{(6)}~~ (a) is trained on data;

53 (b) is designed to simulate human conversation with a consumer through one or more of the following:

55 (i) text;

56 (ii) audio; or

57 (iii) visual communication; and

58 (c) generates non-scripted outputs similar to outputs created by a human, with limited or no human oversight.

60 (6) "Individual" means a natural person.

54 ~~[(5)] (7)~~ "Person" means any natural person, firm, partnership, association, corporation, joint venture, or any other form of business organization or arrangement, and the agents or representatives of such persons.

57 ~~[(6)] (8)~~

(a) "Personal identity" means an individual's:

58 (i) name[;] ;

59 (ii) title[;] ;

60 (iii) picture[;or] ;

61 (iv) portrait[;] ;

62 (v) video likeness;

63 (vi) voice; or

64 (vii) audiovisual appearance.

65 (b) "Personal identity" includes any simulation, reproduction, or artificial recreation of the content described in Subsection (8)(a), whether created through:

67 (i) generative artificial intelligence;

68 (ii) computer animation;

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69 (iii) digital manipulation; or

70 (iv) any other technological means.

71 [(7)] (9) "Publish" means that a person provides the instrumentality through which an advertisement or
content is communicated to the public at large or to a significant portion thereof.

74 (10) "Voice" means the actual or simulated sound of an individual's speech that is readily identifiable as
attributable to that individual, regardless of the method used to create or simulate the voice.

84 Section 2. Section **45-3-3** is amended to read:

85 **45-3-3. Acts constituting abuse -- Permitting prosecution.**

79 (1) Except for purposes of the criminal penalty in Section 76-9-407, the personal identity of an
individual is abused if:

81 [(a) an advertisement is published in which the personal identity of that individual is used in a manner
which expresses or implies that the individual approves, endorses, has endorsed, or will endorse the
specific subject matter of the advertisement; and]

84 [(b) consent has not been obtained for such use from the individual, or if the individual is a minor, then
consent of one of the minor's parents or consent of the minor's legally appointed guardian;]

87 (a)

(i) content containing the personal identity of an individual is used { as an item of commerce } for
purposes of:

88 (A) advertising products, merchandise, goods, or services;

89 (B) fundraising;

90 (C) solicitation of donations; or

91 (D) purchases of products, merchandise, goods, or services;

92 (ii) the use:

93 (A) expresses or implies that the individual approves, endorses, has endorsed, or will endorse the
specific subject matter;

95 (B) creates a likelihood of confusion as to the participation, association, or connection of the individual;
or

97 (C) creates a false impression that the individual participated in or approved the use; and

99 (iii) consent has not been obtained from{:} the individual.

100 {(A) {the individual; or} }

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~~{(B) {if the individual is a minor, one of the minor's parents or the minor's legally appointed guardian; or}}~~

103 (b) the person knowingly distributes, sells, or licenses any technology, software, or tool whose primary
106 purpose is the unauthorized creation or modification of content that includes an individual's personal
108 identity for commercial purposes.

(2) Nothing in this part prohibits prosecution of abuse of personal identity under Section 76-9-407.

108 (3) The personal identity of an individual is not abused if the individual's personal data or publicly
available information:

110 (a) was lawfully obtained;

111 (b) is used to preview, advertise, or promote the sale of a product, service, or subscription, including
the sale of a product, service, or subscription of which the individual's personal data or publicly
available information is or may be a part; and

114 (c) is not used in a way that expresses or implies that the individual approves, endorses, has endorsed,
or will endorse the product, service, or subscription being previewed, advertised, or promoted.

121 Section 3. Section **45-3-4** is amended to read:

122 **45-3-4. Cause of action for abuse -- Remedies.**

An individual whose personal identity has been abused under Section 45-3-3 of this
act may bring an action against a person who caused the publication of the advertisement or
content, and is entitled to injunctive relief, damages alleged and proved, exemplary damages,
and reasonable attorney's fees and costs.

127 Section 4. Section **45-3-5** is amended to read:

128 **45-3-5. Action against publisher -- Grounds -- Remedies.**

125 (1) An individual whose personal identity has been abused under Section 45-3-3 of this act may bring
an action against a person who published the advertisement or content:

127 (a) if the advertisement or content, on its face is such that a reasonable person would conclude that it is
unlikely that an individual would consent to such use; and

129 (b) the publisher did not take reasonable steps to assure that consent was obtained.

130 (2) In an action under this section, the plaintiff shall be entitled to injunctive relief, damages alleged and
proved, exemplary damages, and reasonable attorney's fees and costs.

136 Section 5. Section **5** is enacted to read:

137 **45-3-7. {Fair use exemption} Exemptions.**

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- 134 (1) ~~{To}~~ A person does not violate Section 45-3-3 or Section 45-3-4 if the ~~{extent such use is protected~~
by the First Amendment to the United States Constitution, it is not a violation of } person uses an
individual's ~~{rights under this chapter if the use of }~~ personal identity ~~{is}~~ in:
- 137 (a) ~~{in}~~ connection with ~~{any}~~ a news, public affairs, or sports broadcast ~~{or account}~~ , including
the promotion of and advertising for a sports broadcast, an account of public interest, or a political
campaign;
- 143 (b) a play, book, magazine, newspaper, musical composition, visual work, work of art, audiovisual
work, radio or television program if it is fictional or nonfictional entertainment, or a dramatic,
literary, or musical work;
- 138 ~~{(b)}~~ (c) ~~{for purposes}~~ a work of political, public interest, or newsworthy value, including a
comment, criticism, ~~{scholarship}~~ parody, satire, or ~~{parody;}~~ a transformative creation of a work
of authorship; or
- 139 ~~{(e) {in an audiovisual work, unless the work containing the use is intended to create, and does create,~~
the false impression that the work is authentic;} }
- 141 ~~{(d) {fleeting or incidental; or} }~~
- 142 ~~{(e)}~~ (d) ~~{in}~~ an advertisement or commercial announcement for a work described in this Subsection
(1).
- 144 (2) The use of personal identity in a commercial medium does not constitute a use for purposes
of advertising or solicitation solely because the material containing such use is commercially
sponsored or contains paid advertising.
- 153 Section 6. **Effective date.**
This bill takes effect on May 7, 2025.

2-25-25 11:20 AM