

1 **Unauthorized Artificial Intelligence Impersonation Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

House Sponsor:

2
3 **LONG TITLE**

4 **General Description:**

5 This bill modifies provisions relating to the unauthorized use of an individual's personal
6 identity, including use through artificial intelligence technology.

7 **Highlighted Provisions:**

8 This bill:

- 9 ▶ defines terms;
- 10 ▶ expands the scope of what constitutes abuse of personal identity to include unauthorized
11 commercial use of simulated or artificially recreated personal identities;
- 12 ▶ prohibits the distribution of technology primarily designed for unauthorized creation of
13 content using personal identities for commercial purposes;
- 14 ▶ creates exemptions for certain fair uses of personal identity; and
- 15 ▶ makes technical and conforming changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

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

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

24 **45-3-4**, as enacted by Laws of Utah 1981, Chapter 95

25 **45-3-5**, as enacted by Laws of Utah 1981, Chapter 95

26 ENACTS:

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

28
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.**

32 As used in this act:

33 (1) "Advertisement" means a notice designed to attract public attention or patronage and
34 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)[,]; or39 (B) [and that person-] content that uses, simulates, or recreates an individual's
40 personal identity; and41 (ii) submits or requests another to submit the advertisement [to a publisher,] or
42 content for publication; and43 (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 [
45 person's name, title, picture, or portrait] individual's personal identity.46 (b) "Consent" may not be inferred by the failure of the [person-] individual to request that
47 the [person's name, title, picture, or portrait] individual's personal identity not be used
48 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 artificial intelligence technology that is
51 capable of creating content based on patterns learned from large volumes of data rather
52 than being explicitly programmed with rules.

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

54 [(5)] (7) "Person" means any natural person, firm, partnership, association, corporation, joint
55 venture, or any other form of business organization or arrangement, and the agents or
56 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; or64 (vii) audiovisual appearance.

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

67 (i) generative artificial intelligence;

68 (ii) computer animation;

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
 72 advertisement or content is communicated to the public at large or to a significant
 73 portion thereof.

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

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

78 **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
 80 an individual is abused if:

81 [(a) an advertisement is published in which the personal identity of that individual is
 82 used in a manner which expresses or implies that the individual approves, endorses,
 83 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
 85 is a minor, then consent of one of the minor's parents or consent of the minor's legally
 86 appointed guardian.]

87 (a)(i) the personal identity 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
 94 will endorse the specific subject matter;

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

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

- 99 (iii) consent has not been obtained from:
100 (A) the individual; or
101 (B) if the individual is a minor, one of the minor's parents or the minor's legally
102 appointed guardian; or
103 (b) the person knowingly distributes, sells, or licenses any technology, software, or tool
104 whose primary purpose is the unauthorized creation or modification of content that
105 includes an individual's personal identity for commercial purposes.

106 (2) Nothing in this part prohibits prosecution of abuse of personal identity under Section
107 76-9-407.

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

110 (a) was lawfully obtained;

111 (b) is used to preview, advertise, or promote the sale of a product, service, or
112 subscription, including the sale of a product, service, or subscription of which the
113 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,
115 has endorsed, or will endorse the product, service, or subscription being previewed,
116 advertised, or promoted.

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

118 **45-3-4 . Cause of action for abuse -- Remedies.**

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

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

124 **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
126 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
128 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
131 alleged and proved, exemplary damages, and reasonable attorney's fees and costs.

132 Section 5. Section **45-3-7** is enacted to read:

133 **45-3-7 . Fair use exemption.**

134 (1) To the extent such use is protected by the First Amendment to the United States
135 Constitution, it is not a violation of an individual's rights under this chapter if the use of
136 personal identity is:

137 (a) in connection with any news, public affairs, or sports broadcast or account;

138 (b) for purposes of comment, criticism, scholarship, satire, or parody;

139 (c) in an audiovisual work, unless the work containing the use is intended to create, and
140 does create, the false impression that the work is authentic;

141 (d) fleeting or incidental; or

142 (e) in an advertisement or commercial announcement for a work described in this
143 Subsection (1).

144 (2) The use of personal identity in a commercial medium does not constitute a use for
145 purposes of advertising or solicitation solely because the material containing such use is
146 commercially sponsored or contains paid advertising.

147 **Section 6. Effective Date.**

148 This bill takes effect on May 7, 2025.