

SB0256S01 compared with SB0256

~~{Omitted text}~~ shows text that was in SB0256 but was omitted in SB0256S01

inserted text shows text that was not in SB0256 but was inserted into SB0256S01

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1

Identity Protection Modifications

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

House Sponsor:

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LONG TITLE

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General Description:

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This bill amends provisions related to libel and slander to address artificial intelligence and digitally manipulated content.

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Highlighted Provisions:

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This bill:

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▸ defines terms;

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▸ clarifies that defamation law applies to content created through artificial intelligence or other technological means;

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▸ requires notice to a publisher before filing a defamation action based on digitally created content;

14

▸ limits recovery to actual damages if the publisher removes the content within 10 days after receiving notice;

16

▸ establishes an exclusive ~~{property right in }~~ right to consent to the use of an individual's personal identity;

17

▸ expands the definition of abuse of personal identity to include unauthorized distribution and trafficking in identity-replication tools;

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- 19 ▸ provides exemptions for certain uses of personal identity; and
- 20 ▸ makes technical and conforming changes.

21 Money Appropriated in this Bill:

22 None

23 Other Special Clauses:

24 None

25 Utah Code Sections Affected:

26 AMENDS:

27 **45-3-2** , as last amended by Laws of Utah 2025, Chapter 472

28 **45-3-3** , as last amended by Laws of Utah 2025, Chapter 472

29 **45-3-4** , as last amended by Laws of Utah 2025, Chapter 472

30 **45-3-5** , as last amended by Laws of Utah 2025, Chapter 472

31 **45-3-6** , as enacted by Laws of Utah 1981, Chapter 95

32 **45-3-7** , as enacted by Laws of Utah 2025, Chapter 472

33 ENACTS:

34 **45-2-3.5** , Utah Code Annotated 1953

35 **45-2-14** , Utah Code Annotated 1953

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

38 Section 1. Section **1** is enacted to read:

39 **45-2-3.5. Artificially generated content.**

40 (1) As used in this section, "generative artificial intelligence" means the same as that term is defined in
41 Section 45-3-2.

42 (2) It is not a defense to a claim of libel or slander {[under this chapter](#)} that the communication:

43 (a) was created through generative artificial intelligence, computer animation, digital manipulation, or
44 any other technological means; or

45 (b) uses simulated or recreated content rather than actual recordings or images of an individual.

46 Section 2. Section **2** is enacted to read:

47 **45-2-14. Notice before filing action -- Effect of removal.**

48 (1) As used in this section:

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(a) "Digitally created content" means content created through generative artificial intelligence, computer animation, digital manipulation, or other technological means.

53 (b) "Generative artificial intelligence" means the same as that term is defined in Section 45-3-2.

55 (2) Before filing an action under this chapter for libel or slander based on digitally created content, an individual shall provide written notice to the person who published or caused the publication of the allegedly defamatory content.

58 (3) The individual shall ensure the notice described in Subsection (2):

59 (a) specifies the content claimed to be defamatory and the location where the content appears;

61 (b) explains why the content is false and defamatory; and

62 (c) is delivered by certified mail or by electronic means that provide proof of receipt.

63 (4) In an action brought under this chapter, an individual may recover only actual damages if the person who published or caused the publication of the digitally created content removes the content within 10 days after the day on which the person receives notice under Subsection (2).

67 (5) This section may not be construed to impose liability on an interactive computer service as defined in 47 U.S.C. Sec. 230.

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

69 **45-3-2. Definitions.**

As used in this [aet] chapter:

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

74 (2) "Cause the publication" means:

75 (a) that a person:

76 (i) prepares or requests another to prepare:

77 (A) an advertisement of the type described in Subsection [45-3-3(1)] 45-3-3(2)(a); or

79 (B) content that uses, simulates, or recreates an individual's personal identity; and

80 (ii) submits or requests another to submit the advertisement or content for publication; and

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

83 (3)

(a) "Consent" means an individual's voluntary agreement to the use of that individual's personal identity.

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- (b) "Consent" may not be inferred by the failure of the individual to request that the individual's personal identity not be used or that the individual's name be removed from a mailing or supporter list.
- 88 (4) "Content" means audio, video, image, text, or other media, regardless of format.
- 89 (5) "Generative artificial intelligence" means an artificial intelligence technology system that:
- 91 (a) is trained on data;
- 92 (b) responds to human input; and
- 93 (c) is capable of generating content similar to content created by a human, with limited or no human involvement in the generation.
- 95 [~~(b) is designed to simulate human conversation with a consumer through one or more of the following:~~]
- 97 [(i) ~~text;~~]
- 98 [(ii) ~~audio; or~~]
- 99 [(iii) ~~visual communication; and~~]
- 100 [~~(e) generates non-scripted outputs similar to outputs created by a human, with limited or no human oversight.~~]
- 102 (6) "Individual" means a natural person, living or dead.
- 103 (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.
- 106 (8)
- (a) "Personal identity" means an individual's:
- 107 [(i) ~~name;~~]
- 108 [(ii) ~~title;~~]
- 109 [(iii)] (i) picture;
- 110 [(iv)] (ii) portrait;
- 111 [(v)] (iii) visual or video likeness;
- 112 [(vi)] (iv) voice; or
- 113 [(vii)] (v) audiovisual appearance.
- 114 (b) "Personal identity" includes any simulation, reproduction, or artificial recreation of the content described in Subsection (8)(a), whether created through:

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- 116 (i) generative artificial intelligence;
- 117 (ii) computer animation;
- 118 (iii) digital manipulation; or
- 119 (iv) any other technological means.
- 120 (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]~~ another person.
- 123 (10) "Right holder" means the individual or a person to whom the individual's {property} right in the
individual's personal identity has descended or been transferred, including an executor, successor,
heir, assignee, licensee, or devisee of the individual.
- 126 [(40)] (11) "Voice" means a computer-generated sound in a medium that is readily identifiable and
attributable to a particular individual, regardless of whether the sound contains the actual voice of
the individual.
- 128 Section 4. Section **45-3-3** is amended to read:
- 129 **45-3-3. Acts constituting abuse -- Permitting prosecution.**
- 131 (1)
- (a) Subject to other provisions of this chapter, each individual has {an} the exclusive {property} right
{in} to consent to the use of the individual's personal identity.
- 133 (b) The {property} right described in Subsection (1)(a):
- 134 (i) includes a replication right, in which only the individual or right holder may consent to the use of the
individual's personal identity in a simulation, reproduction, or artificial recreation of the individual's
personal identity;
- 137 (ii) is licensable but not assignable during the life of the individual;
- 138 (iii) does not expire until 70 years after the death of the individual;
- 139 (iv) upon the death of the individual;
- 140 (A) is descendible to the individual's executors, successors, heirs, assignees, licensees, or devisees; and
- 142 (B) is transferable to a right holder by any means of conveyance or operation of law for up to 70 years
after the death of the individual; and
- 144 (v) in the case of an individual who died before May 6, 2026, applies retroactively for up to 70 years
before May 6, 2026, and vests in the executors, successors, heirs, assignees, or devisees of the
individual.

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(2) Except for purposes of the criminal penalty in Section 76-12-304, the personal identity of an individual is abused if:

- 149 (a)
- (i) content containing the personal identity of an individual is used for purposes of:
- 150 (A) advertising products, merchandise, goods, or services;
- 151 (B) fundraising;
- 152 (C) solicitation of donations; or
- 153 (D) purchases of products, merchandise, goods, or services;
- 154 ~~[(ii) the use:]~~
- 155 ~~[(A) expresses or implies that the individual approves, endorses, has endorsed, or will endorse the specific subject matter;]~~
- 157 ~~[(B) creates a likelihood of confusion as to the participation, association, or connection of the individual; or]~~
- 159 ~~[(C) creates a false impression that the individual participated in or approved the use; and]~~
- 161 ~~[(iii) (ii) consent has not been obtained from the individual[-] ;~~
- 162 (b) a person publishes, performs, distributes, transmits, or otherwise makes available to another person an individual's personal identity with **actual** knowledge that the use was not authorized:
- 165 (i) by the individual, if the individual is living;
- 166 (ii) by the individual's legal guardian, if the individual is a minor; or
- 167 (iii) by the individual's executors, successors, heirs, assignees, licensees, or devisees, if the individual has been deceased for up to 70 years; or
- 169 ~~[(b) (c) the person knowingly distributes, sells, or licenses any technology, software, or tool whose intended primary purpose is the unauthorized creation or modification of content that includes an individual's personal identity[-for commercial purposes].~~
- 172 ~~[(2) (3) Nothing in this [part] chapter prohibits prosecution of abuse of personal identity under Section 76-12-304.~~
- 174 ~~[(3) (4) The personal identity of an individual is not abused if the individual's personal data or publicly available information:~~
- 176 (a) was lawfully obtained;
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(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

180 (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.

183 (5) The personal identity of an individual is not abused under Subsection (2)(b) if the publication, performance, distribution, transmission, or other disclosure of the personal identity is accompanied by a clear and conspicuous disclosure that the content is a simulation or artificial recreation of the individual.

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

187 **45-3-4. Cause of action for abuse -- Remedies.**

189 (1) An individual whose personal identity has been abused under Section 45-3-3 of this [aet] chapter, or a right holder of that individual, may bring an action against a person who caused the publication of the advertisement or content[;] .

192 (2) [~~and is entitled to~~] Upon prevailing in an action under this section, the court may award to the plaintiff injunctive relief, damages alleged and proved, exemplary damages, and reasonable [attorney's] attorney fees and costs.

194 Section 6. Section **45-3-5** is amended to read:

195 **45-3-5. Action against publisher -- Grounds -- Remedies.**

197 (1) An individual whose personal identity has been abused under Section 45-3-3 of this [aet] chapter, or a right holder of that individual, may bring an action against a person who published the advertisement or content:

200 (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

202 (b) if the publisher did not take reasonable steps to [assure] ensure that consent was obtained.

204 (2) [~~In~~] Upon prevailing in an action under this section, [the plaintiff shall be entitled to] the court may award to the plaintiff injunctive relief, damages alleged and proved, exemplary damages, and reasonable [attorney's] attorney fees and costs.

206 Section 7. Section **45-3-6** is amended to read:

207 **45-3-6. Other remedies unaffected.**

This [aet] chapter does not limit or supersede any causes of action otherwise available to

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the parties.

210 Section 8. Section ~~45-3-7~~ is amended to read:

211 **45-3-7. Exemptions.**

213 (1) A person does not violate Section 45-3-3 or Section 45-3-4 if the person uses an individual's
personal identity in:

215 (a) connection with a {~~bona fide~~} news, public affairs, or sports broadcast, including the promotion
of and advertising for a sports broadcast[,;] {~~o~~} or an account of public interest[~~, or a political~~
campaign];

218 (b) a representation of the individual as the individual in a documentary or in a historical or
biographical work, unless the representation creates the false impression that the representation is or
comprises the authentic participation of the individual;

221 [~~(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;~~]

224 (c) a work of political, public interest, or newsworthy value, including a comment, criticism, parody,
satire, scholarship, or a transformative creation of a work of authorship;

227 (d) fleeting or incidental uses; or

228 [~~(d)~~] (e) an advertisement or commercial announcement for a work described in this Subsection (1).

230 (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.

233 (3) This [~~part~~] chapter may not apply to, and nothing in this [~~part~~] chapter may be construed to impose
liability or culpability on, an interactive computer service, as defined in 47 U.S.C. 230(f)(2), for
content provided by another person.

236 (4) Nothing in this chapter is intended to abrogate or narrow any claim or defense available under any
other statute or under the common law.

237 Section 9. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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