

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

- (1) Except for purposes of the criminal penalty in Section 76-9-407, the personal identity of an individual is abused if:
  - (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
  - (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.
- (2) Nothing in this part prohibits prosecution of abuse of personal identity under Section 76-9-407.

Amended by Chapter 146, 1999 General Session