

Effective 5/6/2026

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

- (1)
 - (a) Subject to other provisions of this chapter, each individual has the exclusive right to consent to the use of the individual's personal identity.
 - (b) The right described in Subsection (1)(a):
 - (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;
 - (ii) is licensable but not assignable during the life of the individual;
 - (iii) does not expire until 70 years after the death of the individual;
 - (iv) upon the death of the individual:
 - (A) is descendible to the individual's executors, successors, heirs, assignees, licensees, or devisees; and
 - (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
 - (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.
- (2) Except for purposes of the criminal penalty in Section 76-12-304, the personal identity of an individual is abused if:
 - (a)
 - (i) content containing the personal identity of an individual is used for purposes of:
 - (A) advertising products, merchandise, goods, or services;
 - (B) fundraising;
 - (C) solicitation of donations; or
 - (D) purchases of products, merchandise, goods, or services;
 - (ii) consent has not been obtained from the individual;
 - (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:
 - (i) by the individual, if the individual is living;
 - (ii) by the individual's legal guardian, if the individual is a minor; or
 - (iii) by the individual's executors, successors, heirs, assignees, licensees, or devisees, if the individual has been deceased for up to 70 years; or
 - (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.
- (3) Nothing in this chapter prohibits prosecution of abuse of personal identity under Section 76-12-304.
- (4) The personal identity of an individual is not abused if the individual's personal data or publicly available information:
 - (a) was lawfully obtained;
 - (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

- (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.
- (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.

Amended by Chapter 489, 2026 General Session