

Effective 5/6/2026

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

- (1) An individual whose personal identity has been abused under Section 45-3-3 of this chapter, or a right holder of that individual, may bring an action against a person who published the advertisement or content:
 - (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
 - (b) if the publisher did not take reasonable steps to ensure that consent was obtained.
- (2) 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 fees and costs.

Amended by Chapter 489, 2026 General Session