

1 **ABUSE OF PERSONAL IDENTITY ACT AMENDMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ryan D. Wilcox**

5 Senate Sponsor: Kirk A. Cullimore

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions of the Abuse of Personal Identity Act.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ allows an individual's lawfully obtained personal information or public data to be
13 used to preview, advertise, or promote the sale of a product, service, or subscription,
14 provided that the use of the personal information or public data does not imply that
15 the individual endorses or approves of the product, service, or subscription.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

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

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

25 Section 1. Section **45-3-3** is amended to read:

26 **45-3-3. Acts constituting abuse -- Permitting prosecution.**

27 (1) Except for purposes of the criminal penalty in Section **76-9-407**, the personal
28 identity of an individual is abused if:

29 (a) an advertisement is published in which the personal identity of that individual is

30 used in a manner which expresses or implies that the individual approves, endorses, has
31 endorsed, or will endorse the specific subject matter of the advertisement; and

32 (b) consent has not been obtained for such use from the individual, or if the individual
33 is a minor, then consent of one of the minor's parents or consent of the minor's legally
34 appointed guardian.

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

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

39 (a) was lawfully obtained;

40 (b) is used to preview, advertise, or promote the sale of a product, service, or
41 subscription, including the sale of a product, service, or subscription of which the individual's
42 personal data or publicly available information is or may be a part; and

43 (c) is not used in a way that expresses or implies that the individual approves, endorses,
44 has endorsed, or will endorse the product, service, or subscription being previewed, advertised,
45 or promoted.