

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2091 - SB 2096

February 9, 2024

SUMMARY OF BILL: Enacts the *Ensuring Likeness, Voice, and Image Security Act of 2024*. Adds an individual's voice as a protected property right of every individual in any medium. Clarifies that the use of an individual's photograph, voice, or likeness for commercial exploitation includes the commercial availability of a sound recording or audiovisual work in which the individual's name, photograph, voice, or likeness is readily identifiable.

Creates a civil action in which a person can be held liable if a person publishes, performs, distributes, transmits, or otherwise makes available to the public an individual's voice or likeness, or an algorithm, software, tool, or other technology, service, or device, the primary purpose or function of which is the production of an individual's photograph, voice, or likeness, without an authorization by the individual or, in the case of a minor, the minor's parent or legal guardian, or in the case of a deceased individual, the executor or administrator, heirs, or devisees of such deceased individual.

Allows a person who has entered into a contract for use of an individual's exclusive personal services as a recording artist or an exclusive license to distribute sound recordings that capture an individual's audio performances to seek remedies to enforce the contract.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Tenn. Code Ann. § 47-25-1105(b), in addition to the civil action, a person who commits unauthorized use of an individual's name, photograph, or likeness commits a Class A misdemeanor.
- Based on information provided by the Administrative Office of the Courts and the Department of Correction Jail Summary Reports, there have been an average of 1.63 Class A misdemeanor convictions of unauthorized use of an individual's name, photograph, or likeness in each of the last five years.
- Due to the low number of annual convictions, it is reasonably assumed there will not be a sufficient change in the number of convictions for state or local government to experience any significant change in revenue or expenditures.

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- Any increase to the caseloads of the courts as a result of the legislation can be absorbed within existing resources of the courts, without a significant increase in state or local expenditures.
- Any significant fiscal impact will be borne by private parties.
- Any fiscal impact to state or local government is estimated to be not significant.

IMPACT TO COMMERCE:

NOT SIGNIFICANT

Assumptions:

- Any net impact on business revenue or expenditures is estimated to be not significant.
- No significant impact on jobs in Tennessee.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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