

Stricken language would be deleted from and underlined language would be added to present law.
Act 159 of the Regular Session

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: S2/11/25

A Bill

HOUSE BILL 1071

By: Representative R. Scott Richardson

By: Senator J. Bryant

For An Act To Be Entitled

AN ACT TO AMEND THE FRANK BROYLES PUBLICITY RIGHTS PROTECTION ACT OF 2016; TO PROVIDE PROTECTIONS FOR AN INDIVIDUAL WHOSE PHOTOGRAPH, VOICE, OR LIKENESS IS REPRODUCED THROUGH MEANS OF ARTIFICIAL INTELLIGENCE AND USED COMMERCIALY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE FRANK BROYLES PUBLICITY RIGHTS PROTECTION ACT OF 2016; AND TO PROVIDE PROTECTIONS FOR AN INDIVIDUAL WHOSE PHOTOGRAPH, VOICE, OR LIKENESS IS REPRODUCED THROUGH MEANS OF ARTIFICIAL INTELLIGENCE AND USED COMMERCIALY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 4-75-1103(3), concerning the definition of "likeness" under the Frank Broyles Publicity Rights Protection Act of 2016, is amended to read as follows:

(3) "Likeness" means a reproduction of the image of an individual by any means other than a photograph, including without limitation generation through means of artificial intelligence;

SECTION 2. Arkansas Code § 4-75-1103(5), concerning the definition of "photograph" under the Frank Broyles Publicity Rights Protection Act of 2016, is amended to read as follows:

(5) "Photograph" means a reproduction of the image of an



individual that readily identifies the individual, ~~whether made by:~~
~~photography, videotape, live transmission, or other means~~

(A) Photography;

(B) Videotape;

(C) Live transmission;

(D) Image, video, or three-dimensional generation through means of artificial intelligence; or

(E) Other means; and

SECTION 3. Arkansas Code § 4-75-1103, concerning definitions under the Frank Broyles Publicity Rights Protection Act of 2016, is amended to add an additional subdivision to read as follows:

(7) "Voice" means a sound in a medium that is readily identifiable and attributable to a particular individual, regardless of whether the sound contains the actual voice or a simulation of the voice of the individual, including without limitation a simulation of the voice of the individual that is generated through means of artificial intelligence.

SECTION 4. Arkansas Code § 4-75-1110(a)(1)(F)(i), concerning exempt use of an individual's photograph or likeness by a service provider of a system or network under the Frank Broyles Publicity Rights Protection Act of 2016, is amended to read as follows:

(i) Does not have actual knowledge that a photograph, voice, or likeness on the system or network is in violation of this subchapter; or

SECTION 5. Arkansas Code § 4-75-1112 is amended to read as follows:

4-75-1112. Construction.

~~(a)~~ This subchapter:

(1) Shall be liberally construed to accomplish its intent and purposes; and

(2) Does not render invalid or unenforceable a contract or license entered into before or after August 22, 2016, by an individual during his or her lifetime by which the individual transferred, assigned, or licensed all or part of the right to use his or her name, voice, signature, photograph, or likeness.

~~(b) The property rights granted by this subchapter are not~~

~~considered intellectual property for purposes of 47 U.S.C. § 230.~~

/s/R. Scott Richardson

APPROVED: 2/25/25