

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 2216

By: Deck

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6 AS INTRODUCED

7 An Act relating to securities; creating the Oklahoma
8 Ensuring Likeness, Voice, and Image Security Act of
9 2025; defining terms; creating individual property
10 right in the use of that individual's name,
11 photograph, voice, or likeness in any medium;
12 providing such right to be exclusive subject to
13 assignment or licensing; providing for who maintains
14 property right when individual is deceased and right
15 is commercially exploited; providing for civil
16 actions; providing for fair use; providing for
17 noncodification; providing for codification; and
18 providing an effective date.

19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. NEW LAW A new section of law not to be
21 codified in the Oklahoma Statutes reads as follows:

22 This act shall be known and may be cited as the "Oklahoma
23 Ensuring Likeness, Voice, and Image Security Act of 2025".

24 SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1000 of Title 71, unless there
is created a duplication in numbering, reads as follows:

A. As used in this act:

1 1. "Person" means any individual, firm, association,
2 partnership, corporation, joint stock company, syndicate, receiver,
3 common law trust, conservator, statutory trust, or any other concern
4 by whatever name known or however organized, formed, or created, and
5 includes not-for-profit corporations, associations, educational and
6 religious institutions, political parties, community, civic, or
7 other organizations; and

8 2. "Voice" means a sound in a medium that is readily
9 identifiable and attributable to a particular individual, regardless
10 of whether the sound contains the actual voice or a simulation of
11 the voice of the individual.

12 B. Every individual has a property right in the use of that
13 individual's name, photograph, voice, or likeness in any medium in
14 any manner. These property rights are freely assignable and
15 licensable, and do not expire upon the death of the individual so
16 protected, whether or not such rights were commercially exploited by
17 the individual during the individual's lifetime, but shall be
18 descendible to the executors, assigns, heirs, or devisees of the
19 individual so protected by this act.

20 C. 1. The rights provided for in subsection B of this section
21 shall be deemed exclusive to the individual, subject to the
22 assignment or licensing of such rights as provided in subsection B
23 of this section, during such individual's lifetime and to the
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1 executors, heirs, assigns, or devisees for a period of ten (10)
2 years after the death of the individual.

3 2. Commercial exploitation of the property right by any
4 executor, assignee, heir, or devisee if the individual is deceased
5 shall maintain the right as the exclusive property of the executor,
6 assignee, heir, or devisee until such right is terminated as
7 provided in this paragraph. The exclusive right to commercial
8 exploitation of the property rights is terminated by proof of the
9 non-use of the name, photograph, voice, or likeness of an individual
10 for commercial purposes by an executor, assignee, heir, or devisee
11 to the use for a period of two (2) years subsequent to the initial
12 period of ten (10) years following the individual's death. For
13 purposes of this paragraph, "use" includes the commercial
14 availability of a sound recording or audiovisual work in which the
15 individual's name, photograph, voice, or likeness is readily
16 identifiable.

17 D. Any person who knowingly uses or infringes upon the use of
18 an individual's name, photograph, voice, or likeness in any medium,
19 in any manner directed to any person other than such individual, for
20 purposes of advertising products, merchandise, goods, or services,
21 or for purposes of fundraising, solicitation of donations, purchases
22 of products, merchandise, goods, or services, without such
23 individual's prior consent, or, in the case of a minor, the prior
24 consent of such minor's parent or legal guardian, or in the case of

1 a deceased individual, the consent of the executor or administrator,
2 heirs, or devisees of such deceased individual, is liable to a civil
3 action.

4 A person is liable to a civil action if the person publishes,
5 performs, distributes, transmits, or otherwise makes available to
6 the public an individual's voice or likeness, with knowledge that
7 use of the voice or likeness was not authorized by the individual
8 or, in the case of a minor, the minor's parent or legal guardian, or
9 in the case of a deceased individual, the executor or administrator,
10 heirs, or devisees of such deceased individual.

11 A person is liable to a civil action if the person distributes,
12 transmits, or otherwise makes available an algorithm, software,
13 tool, or other technology, service, or device, the primary purpose
14 or function of such algorithm, software, tool, or other technology,
15 service, or device is the production of a particular, identifiable
16 individual's photograph, voice, or likeness, with knowledge that
17 distributing, transmitting, or otherwise making available the
18 photograph, voice, or likeness was not authorized by the individual
19 or, in the case of a minor, the minor's parent or legal guardian, or
20 in the case of a deceased individual, the executor or administrator,
21 heirs, or devisees of such deceased individual.

22 E. To the extent such use is protected by the First Amendment
23 to the United States Constitution, it is deemed a fair use and not a
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1 violation of an individual's right, for purposes of this part, if
2 the use of a name, photograph, voice, or likeness is:

3 1. In connection with any news, public affairs, or sports
4 broadcast or account;

5 2. For purposes of comment, criticism, scholarship, satire, or
6 parody;

7 3. A representation of the individual as the individual's self
8 in an audiovisual work, as defined under 17 U.S.C. Section 101,
9 unless the audiovisual work containing the use is intended to
10 create, and does create, the false impression that the work is an
11 authentic recording in which the individual participated;

12 4. Fleeting or incidental; or

13 5. In an advertisement or commercial announcement for a work
14 described in this subsection.

15 The use of a name, photograph, voice, or likeness in a
16 commercial medium does not constitute a use for purposes of
17 advertising or solicitation solely because the material containing
18 such use is commercially sponsored or contains paid advertising.
19 Rather it shall be a question of fact whether or not the use of the
20 complainant individual's name, photograph, voice, or likeness was so
21 directly connected with the commercial sponsorship or with the paid
22 advertising as to constitute a use for purposes of advertising or
23 solicitation. Nothing in this subsection applies to the owners or
24 employees of any medium used for advertising, including, but not

1 limited to, newspapers, magazines, radio and television stations,
2 billboards, and transit ads, who have published or disseminated any
3 advertisement or solicitation in violation of this part, unless it
4 is established that such owners or employees had knowledge or
5 reasonably should have known of the unauthorized use of the
6 individual's name, photograph, voice, or likeness as prohibited by
7 this subsection.

8 SECTION 3. This act shall become effective November 1, 2025.

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