

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii
Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 714, S.D. 1, H.D. 1, entitled:
"A BILL FOR AN ACT RELATING TO PUBLICITY RIGHTS,"

begs leave to report as follows:

The purpose of this measure is to clarify that the Hawaii Publicity Rights Act applies retroactively to protect the publicity rights of individuals who died before the date of enactment of the Act.

Your Committee received testimony in support of this measure from SAG-AFTRA Hawaii Local and four individuals.

Your Committee finds that the Hawaii Publicity Rights Act was enacted on July 15, 2009, to recognize the existence of the right of publicity, which is a property right in the commercial use of one's name, voice, signature, likeness, and other commercially valuable attributes. Your Committee further finds that it is an important law that allows the people of Hawaii to protect their legacy and rights that are not covered by federal copyright law and state and federal trademark laws; however, it does not protect those who predeceased the enactment of the Act. This measure ensures that Act applies retroactively to protect the publicity rights of all persons, living and dead.

Your Committee has amended this measure by:

- (1) Changing the effective date to January 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 714, S.D. 1, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Judiciary & Hawaiian Affairs in the form attached hereto as S.B. No. 714, S.D. 1, H.D. 2.

Respectfully submitted on behalf of the members of the Committee on
Consumer Protection & Commerce,

AARON LING JOHANSON, Chair