

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

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 714, S.D. 1, H.D. 2, 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 its enactment.

Your Committee received testimony in support of this measure from nine 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 as a property right in the commercial use of a person's name, voice, signature, likeness, and other commercially valuable attributes. Your Committee further finds that the Hawaii Publicity Rights Act allows the people of Hawaii to protect their legacy and rights that are not covered by federal copyright law or state and federal trademark laws. Your Committee also finds that the Legislature's intent in enacting the Hawaii Publicity Rights Act was to recognize the right of publicity held by persons living and dead, even if their death occurred before the enactment of the Hawaii Publicity Rights Act. This measure will make that intention explicit.

Your Committee has amended this measure by changing the effective date to take effect retroactive to July 15, 2009.

Your Committee notes that this measure will protect the rights of individuals who died before the enactment of the Hawaii Publicity Rights Act but shall not be deemed to affect any rights previously litigated.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs 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. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 714, S.D. 1, H.D. 3.

Respectfully submitted on behalf of the members of the Committee on  
Judiciary & Hawaiian Affairs,

---

MARK M. NAKASHIMA, Chair