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TENNESSEE FIRST TO PROTECT ARTISTS WITH ELVIS ACT

by Elizabeth C. Tirrill

On March 21, 2024, Tennessee Governor Bill Lee signed the Ensuring Likeness Voice and Image Security (ELVIS) Act into law. This legislation is the first of its kind to protect music artists in light of the current state of artificial intelligence-created music. The bill garnered support from organizations such as BMI, ASCAP, and the RIAA due to its revolutionary protection of singers and songwriters.

The Act updates Tennessee statutes §§ 47-25-1101-07 and 39-14-152(g), which are Tennessee's right of publicity statutes, to include protections of one's voice. For example, several provisions in the current statute referencing protections of one's "photograph or likeness" have been replaced with "photograph, voice, or likeness." S.B. 2096. Under this revision, people are liable for the publishing, performing, distribution, and transmission of the unauthorized image, likeness, or voice of another. The update also includes language prohibiting the distribution and transmission of technology with a primary function to produce another's likeness or voice.

The Act comes as a response to the proliferation of AI-generated music made to replicate someone else's voice. The law goes into effect on July 1, 2024. Upon going into effect, those who infringe on another's voice in Tennessee are subject to civil and criminal liability. Those who commit an unauthorized use as defined in the statute commit a Class A misdemeanor – a conviction that carries a sentence of imprisonment for up to one year and/or fines up to \$2,500. Further, civil penalties include monetary damages plus attorney's fees in some circumstances.



SOURCES:

<https://www.tennessean.com/story/entertainment/music/2024/03/21/elvis-act-tennessee-gov-lee-signs-act-musicians-ai/73019388007/>

S.B. 2096/H.B. 2091

<https://www.tn.gov/governor/news/2024/3/21/photos--gov--lee-signs-elvis-act-into-law.html>

<https://www.billboard.com/business/legal/tennessee-elvis-act-protecting-artists-voices-ai-impersonation-1235637934/>

T.C.A. § 40-35-111