



STATE OF ARKANSAS
ATTORNEY GENERAL
LESLIE RUTLEDGE

Opinion No. 2016-076

August 4, 2016

The Honorable Bruce Cozart
State Representative
420 Rock Creek Road
Hot Springs, AR 71913-9261

Dear Representative Cozart:

You have requested my opinion on the following question concerning a document entitled "Sample Model Release," which you attached to your request:

Does this release satisfy the requirements set forth in Act 8 of 2015, otherwise known as the Frank Broyles Publicity Rights Protection Act?

RESPONSE

Act 8 of the Third Extraordinary Session of 2015, known as the "Frank Broyles Publicity Rights Act of 2016" ("Publicity Rights Act"), establishes certain rights and procedures concerning the use of an individual's name, voice, signature, photograph, or likeness.¹ It contains several provisions regarding the transfer, assignment, or licensing of rights in this respect by "contract" or "license" or "other agreement."² I gather your question is whether the "Sample Model Release" attached to your request will be an effective agreement for this purpose under the Publicity Rights Act.

I must advise that this question is outside the scope of my review in the context of an official Attorney General opinion. I am required by law to provide my opinion

¹ The act, when codified, will be found at Ark. Code Ann. § 4-75-1101–1113.

² See Acts 2016 (3rd Ex. Sess.), No. 8, § 1 (under §§ 4-75-1104 and -1112).

on questions of law to members of the General Assembly and various state officials.³ However, I am prohibited by statute from engaging in the private practice of law.⁴ The opinion writing function of this office thus generally does not extend to the review of contracts and other agreements.⁵ The Publicity Rights Act does not contain a form agreement or otherwise specify or address the contents of an agreement to transfer, assign, or license the rights established thereunder. The crafting of such an agreement is thus a matter to be undertaken by counsel for the interested parties, based upon the particular needs and circumstances.

I must therefore respectfully decline to address the question you have posed. I regret that I could not be of assistance in this matter. If I may be of assistance in some other respect, please do not hesitate to contact me.

Sincerely,



LESLIE RUTLEDGE
Attorney General

³ Ark. Code Ann. § 25-16-706 (Repl. 2014).

⁴ Ark. Code Ann. § 25-16-701 (Repl. 2014).

⁵ *Accord* Op. Att'y Gen. 2014-092 at n. 4 (and opinions cited therein).