

## HOUSE BILL No. 2312

By Committee on Commerce and Labor

2-7

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9 AN ACT concerning consumer protection; relating to advertising of cer-  
10 tain live musical performances.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) As used in this section:

14 (1) "Performing person or group" means a vocal or instrumental per-  
15 former seeking to use the name of another person or group that has  
16 previously produced or released, or both, a commercial recording; and

17 (2) "recording person or group" means a vocal or instrumental per-  
18 former that has previously produced or released, or both, a commercial  
19 recording.

20 (b) It shall constitute a deceptive act or practice within the meaning  
21 of K.S.A. 50-626, and amendments thereto, to advertise a live musical  
22 performance or production in Kansas through the use of a false, deceptive  
23 or misleading affiliation, connection or association between the perform-  
24 ing person or group with a recording person or group.

25 (c) The advertisement of a live musical performance does not violate  
26 subsection (b) if the:

27 (1) Performing person or at least one member of the performing  
28 group was a member of the recording person or group;

29 (2) live musical performance or production is identified as a "salute"  
30 or "tribute" to, and is otherwise unaffiliated with, the recording person  
31 or group;

32 (3) advertising does not relate to a live musical performance taking  
33 place in Kansas; or

34 (4) performance is expressly authorized in the advertising by the re-  
35 cording person or group.

36 Sec. 2. This act shall take effect and be in force from and after its  
37 publication in the statute book.