A BILL FOR AN ACT

RELATING TO ARTIFICIAL INTELLIGENCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I

2 SECTION 1. The legislature finds that deepfake technology

3 enables the realistic digital imitation of an individual's

4 voice, face, likeness, and performance. The legislature further

5 finds that malicious uses of deepfake technology have been

6 documented in identity theft, fraud, election interference,

7 cyberbullying, and non-consensual pornography. Victims often

8 face reputational, financial, and emotional harm, with detection

9 rates for the use of deepfake imitations as low as sixty-two per

10 cent even among experts.

11 The legislature additionally finds that federal law

12 addresses limited scenarios of the malicious use of deepfake

13 technology, including explicit content targeting minors, but

14 leaves broad gaps in consumer and reputational protection.

15 Furthermore, the legislature finds that the State has a

16 compelling interest in preventing fraud, identity theft,

17 defamation, and emotional distress while also protecting lawful

1 speech. Moreover, the legislature finds that it is important to

2 protect Hawaii residents from identity-based harm caused by the

3 malicious use of artificial intelligence (AI) and synthetic

4 media while safeguarding constitutional rights to free

5 expression, parody, satire, and journalism.

6   Therefore, the purpose of this part is to:

7   (1)   Prohibit certain harmful uses of AI-generated

8   likenesses;

9   (2)   Mandate disclosure for realistic AI depictions; and

10   (3)   Provide civil remedies for individuals injured by

11   unauthorized uses of AI.

12   SECTION 2. The Hawaii Revised Statutes is amended by

13 adding a new chapter to be appropriately designated and to read

14 as follows:

15   **"CHAPTER**

16   **ARTIFICIAL INTELLIGENCE; DIGITAL IMITATION; PERSONAL LIKENESS;**

17   **PROTECTIONS**

18   § -1 **Definitions.** As used in this chapter:

19   "Artificial intelligence" or "AI" means a machine-based

20 system that can, for a given set of human-defined objectives,

21 make predictions, recommendations, or decisions influencing real

1 or virtual environments, and that uses machine and human-based

2 inputs to:

3   (1) Perceive real and virtual environments;

4   (2) Abstract perceptions of real and virtual environments

5   into models through analysis in an automated manner;

6   and

7   (3) Use model inference to formulate opinions for

8   information or action.

9   "Consent" means express, written permission from a depicted

10 individual or the depicted individual's authorized

11 representative.

12   "Digital imitation" means any AI-generated or computer-

13 synthesized depiction, audio, or video that realistically

14 appears to portray an actual individual's voice, face, likeness,

15 or performance.

16   "Distribute" means to convey information by any means.

17   "Harm" includes reputational injury, financial loss,

18 emotional distress, or misappropriation of identity for

19 commercial gain.

20   "Realistic" means so lifelike that a reasonable person

21 would believe that a depiction, audio, or video that appears to

1 portray an actual individual's voice, face, likeness, or

2 performance is authentic.

3   § -2 **Prohibited acts.** It shall be unlawful for any

4 person to knowingly create, publish, or distribute a realistic

5 digital imitation of an identifiable individual without that

6 individual's consent if:

7   (1)   It is used in connection with a commercial transaction

8   or advertisement;

9   (2)   It is likely to cause harm;

10   (3)   It falsely implies endorsement or authorship; or

11   (4)   It is used to commit fraud, defamation, harassment, or

12   other unlawful acts.

13   § -3 **Disclosure; requirement.** (a) Any realistic

14 digital imitation that is publicly distributed shall include a

15 clear and conspicuous disclosure that it is generated or altered

16 by artificial intelligence, unless exempted by section   -4.

17   (b)   The disclosure required under subsection (a) shall be:

18   (1)   Visible for video depictions or images;

19   (2)   Audible for audio recordings; and

1   (3)   Expressed in plain language, such as "This is an AI-

2   generated depiction and not an authentic recording of

3   [person].").

4   §   -4 **Exemptions.** This chapter shall not apply to

5 content generated or altered by artificial intelligence that is:

6   (1)   A form of parody, satire, commentary, or political

7   expression, as permitted by law; provided that:

8   (A)   It includes a clear disclosure that it is

9   fictional or a parody; and

10   (B)   It is not intended, and could not reasonably be

11   foreseen, to deceive a reasonable person into

12   believing that it is authentic;

13   (2)   News reporting, where the content generated or altered

14   by artificial intelligence is used to illustrate a

15   story and is clearly disclosed as altered or

16   simulated; and

17   (3)   An artistic or educational use, where the content is

18   clearly labeled and no harm is intended or reasonably

19   foreseeable.

20   §   -5 **Civil actions; civil remedies.** (a) If:

1   (1)   A realistic digital imitation is made of an individual

2   without the individual's consent; and

3   (2)   The realistic digital imitation is not exempted under

4   section   -4,

5 the individual or the individual's estate, for up to ten years

6 after the death of the individual, may bring an action for civil

7 remedies pursuant to subsection (b).   ·

8   (b)   In accordance with subsection (a), an individual or an

9 individual's estate may bring a civil action for:

10   (1)   Injunctive relief, including an order to remove or

11   cease distribution of the realistic digital imitation;

12   (2)   Monetary damages of up to $50,000 per violation;

13   (3)   Recovery of actual damages, including for reputational

14   injury and emotional distress;

15   (4)   Punitive damages, where malice is proven; and

16   (5)   Reasonable attorney's fees and court costs.

17   (c)   A cause of action for injunctive or other equitable

18 relief may be brought by the attorney general in instances in

19 which the distribution of realistic digital imitations involves

20 broad public interest or widespread harm. This subsection shall

21 not be construed to limit the right of an individual or

1 individual's estate, if applicable, to bring a civil action

2 pursuant to subsection (b).

3 (d) This section shall not limit or preclude the

4 individual or individual's estate, if applicable, from pursuing

5 any other available remedy.

6 (e) This chapter shall apply to the fullest extent

7 permitted by federal law."

8 PART II

9 SECTION 3. The Hawaii Revised Statutes is amended by

10 adding a new chapter to be appropriately designated and to read

11 as follows:

12 **"CHAPTER**

13 **ARTIFICIAL INTELLIGENCE; SYNTHETIC PERFORMERS;**

14 **ADVERTISING; DISCLOSURE**

15 § -1 **Definitions**. As used in this chapter:

16 "Artificial intelligence", "artificial intelligence

17 technology", or "AI" means a machine-based system that can, for

18 a given set of human-defined objectives, make predictions,

19 recommendations, or decisions influencing real or virtual

20 environments, and that uses machine and human-based inputs to:

21 (1) Perceive real and virtual environments;

1   (2)   Abstract perceptions of real and virtual environments

2   into models through analysis in an automated manner;

3   and

4   (3)   Use model inference to formulate opinions for

5   information or action.

6   "Artificial intelligence", "artificial intelligence

7 technology", or "AI" includes but is not limited to systems that

8 use machine learning, large language model, natural language

9 processing, and computer vision technologies, including

10 generative artificial intelligence.

11   "Generative artificial intelligence" means a class of

12 artificial intelligence models that are self-supervised and

13 emulate the structure and characteristics of input data to

14 generate derived synthetic content, including but not limited to

15 images, videos, audio, text, and other digital content.

16   "Synthetic performer" means a digitally created asset

17 created, reproduced, or modified by computer, using generative

18 artificial intelligence or a software algorithm, that is

19 intended to create the impression that the asset is engaging in

20 an audiovisual or visual performance of a human performer who is

21 not recognizable as any identifiable natural performer.

1   § -2 **Advertising**. Any person engaged in the business of

2   dealing in any property or service who for any commercial

3   purpose produces or creates an advertisement with respect to the

4   property or service, in any medium or media in which the

5   advertisement appears, shall conspicuously disclose in the

6   advertisement that a synthetic performer is in the

7   advertisement, where the person has actual knowledge.

8   § -3 **Non-applicability of this chapter**. (a) This

9   chapter shall not apply to advertisements and promotional

10   materials for expressive works, including but not limited to

11   motion pictures, television programs, streaming content,

12   documentaries, video games, or other similar audiovisual works;

13   provided that the use of a synthetic performer in the

14   advertisement or promotional material is consistent with its use

15   in the expressive work.

16   (b) This chapter shall not apply to advertisements and

17   promotional materials under any of the following conditions:

18   (1) Audio advertisements; or

19   (2) Where the use of artificial intelligence solely

20   involves the language translation of a human

21   performer.

1   (c) This chapter shall not apply to any medium used for

2   advertising, including but not limited to newspapers, magazines,

3   television networks and stations, streaming services, cable

4   television systems, and transit advertisements, by whom any

5   advertisement or solicitation in violation of this chapter is

6   published or disseminated.

7   (d) Nothing in this chapter shall be construed to limit or

8   expand the protections conferred by 47 U.S.C. section 230 on an

9   interactive computer service for content provided by another

10   information content provider.

11   §   -4 **Civil penalties.** Any person who violates this

12   chapter shall be civilly fined:

13   (1) $1,000 for a first violation; and

14   (2) $5,000 for a second and any subsequent violation."

15   PART III

16   SECTION 4. If any provision of this Act, or the

17   application thereof to any person or circumstance, is held

18   invalid, the invalidity does not affect other provisions or

19   applications of the Act that can be given effect without the

20   invalid provision or application, and to this end the provisions

21   of this Act are severable.

H.B. NO. 2137

1   SECTION 5. This Act does not affect rights and duties that

2 matured, penalties that were incurred, and proceedings that were

3 begun before its effective date.

4   SECTION 6. This Act shall take effect upon its approval.

5

INTRODUCED BY: _____

JAN 2 6 2026

H.B. NO. 2137

Report Title:
Artificial Intelligence; Realistic Digital Imitations;
Protections for Individuals; Synthetic Performers; Advertising;
Disclosure

Description:
Part I: Prohibits certain harmful uses of and mandates
disclosure for realistic digital imitations generated by
artificial intelligence (AI). Establishes certain exemptions.
Provides for civil actions and civil remedies for individuals
injured by unauthorized AI-generated realistic digital
imitations. Part II: Requires the disclosure of the use of
synthetic performers in advertising. Establishes civil fines.

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