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January 30, 2026

Committee on Labor and Technology  
Chair Elefante  
Vice Chair Lamosao

The Senate  
The Thirtieth-Third Legislature  
Regular Session of 2026

**RE: SB 2076 RELATING TO PUBLICITY RIGHTS**

DATE: Friday, January 30, 2026

TIME: 3:00pm

PLACE: Conference Room 225

State Capitol 415 South Beretania Street, Honolulu HI

Aloha Chair Elefante, Vice Chair Lamosao, and the Members of the Committee,

Thank you for the opportunity to testify in SUPPORT of SB 2076 RELATING TO PUBLICITY RIGHTS.

SAG-AFTRA represents over 160,000 actors, recording artists, and media professionals nationwide and over 1400 in Hawai'i. We are the professional performers working in front of the camera and behind the microphone. The SAG-AFTRA Hawai'i Local has a long-standing history of protecting performers in all areas of the entertainment, advertising, and media industries.

In an era where generative technology can replicate a person's voice and appearance with startling accuracy, our current laws must evolve. SB 2076 is a proactive and necessary step to modernize Hawaii's Right of Publicity statute (HRS 482P).

By explicitly adding "Artificial Intelligence" and "Artificial Intelligence Deepfake" to the definition of "Likeness," this bill provides:

- Protection Against Misappropriation: It ensures that an individual's digital identity cannot be exploited or commercialized without their consent.

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SCREEN ACTORS GUILD - AMERICAN FEDERATION OF  
TELEVISION AND RADIO ARTISTS  
SAGAFTRA.org  
Associated Actors & Artistes of America / AFL-CIO



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- Clarity for the Digital Age: Defining "Artificial Intelligence Deepfake" provides a clear legal standard for what constitutes a "material alteration" that could deceive a reasonable person.
- Preserving Livelihoods: For our members, their name, image, and likeness (NIL) are their livelihood. Without these protections, performers face the very real threat of being replaced by digital clones or having their reputations tarnished by unauthorized, AI-generated content.

We support amendments to Section 482P-1 which incorporate the definitions of AI and deepfakes. These changes do not hinder innovation; rather, they establish the guardrails necessary to protect the citizenry from identity theft and digital exploitation while ensuring the Hawai'i film and media industry remains a fair place to work.

As technology moves at an unprecedented pace, Hawaii has the opportunity to lead by ensuring that the rights of the individual remain paramount. We urge this committee to pass SB 2076 to safeguard the identities and careers of Hawaii's creative community.

Mahalo for your time and for your support of Hawaii's performers.

Respectfully,

*Mericia Palma Elmore*

Mericia Palma Elmore, Executive Director SAG-AFTRA Hawaii Local

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January 29, 2026

The Honorable Brandon Elefante  
Hawaii State Capitol  
415 S. Beretania St., Room 207  
Honolulu, HI 96813

RE: S.B. No. 2076

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Dear Senator Elefante and Members of the Committee on Labor and Technology:

On behalf of the Recording Industry Association of America (RIAA), which represents the recorded music industry's leading labels and produces the majority of recorded music made and distributed in the United States, I am writing to commend your efforts to update Hawaii's laws to ensure that its voice and likeness protections extend to unauthorized artificial intelligence deep fakes.

AI cloning models and services are increasingly offering the ability for anyone with a computer to create fake works that use and sound like the voices of recognized recording artists and others without consent. They also replicate visual likenesses and cause a range of harms, from tarnishing reputations and perpetuating fraudulent schemes to denying individuals their authenticity and autonomy.

S.B. No. 2076 reflects the importance of securing voice and likeness rights in the face of these circumstances by confirming that likeness protections in Haw. Rev. Stat. 482P-1 et seq. apply to AI deepfakes just as they apply to other images and photographs. We recommend two modifications, however, to ensure that voice deepfakes receive similar treatment, and to align the definition of "artificial intelligence deepfakes" with the similar definition of "digital replica" that has been recently enacted in California's AB 1836 and incorporated into the federal NO FAKE Act, S. 1367/H.R. 2794, a bicameral, bipartisan bill supported by a broad range of stakeholders, including the Human Artistry Campaign, the Recording Academy, Google/YouTube, OpenAI, SAG-AFTRA, the Motion Picture Association, child protection groups, and many more.

As to the first proposed amendment, the bill already adds to the definition of *likeness* an "artificial intelligence deepfake." But voice and likeness are listed separately in the existing statute as protected qualities. In §482P-2, the statute offers protections in connection with an individual's "name, voice, signature, and likeness," and in §482P-5, defines infringement in relation "to use of a living or deceased individual's or personality's name, voice, signature, or likeness . . . without express or implied consent of the owner of the right." As such, with voice and likeness listed separately throughout the statute, the update only to the definition of "likeness" could lead to an

inference that AI deep fake protections apply only in the context of visual likeness and not also to AI voice clones. To ensure that voice protections match those for visual likeness, we suggest adding a definition of “voice” that, like the amended definition of likeness, includes reference to AI deepfakes. To that end, “voice” could be defined as follows:

“Voice” means a sound in a medium that is readily identifiable as and attributable to a particular individual, regardless of whether the sound contains the voice or a simulation or digital replica of the voice of the individual.

As to the second proposed amendment, rather than create a new definition for the term “artificial intelligence deep fake,” we suggest that you use the definition of “digital replica” that has passed into law in California’s AB 1836 and is used in the Federal NO FAKE Act. This language was negotiated by stakeholders to capture harmful, unauthorized, highly realistic deep fakes, without inadvertently sweeping in common music remixing and mastering techniques.

“Digital Replica” means—

(1) a computer-generated, highly realistic electronic representation that is readily identifiable as the voice or visual likeness of an individual that is embodied in a sound recording, image, audiovisual work, or transmission in which the actual individual either did not actually perform or appear, or the actual individual did perform or appear, but the fundamental character of the performance or appearance has been materially altered; and

(2) “Digital replica” does not include the electronic reproduction, use of a sample of one sound recording or audiovisual work into another, remixing, mastering, or digital remastering of a sound recording or audiovisual work authorized by the copyrightholder.

In our view, these changes would produce stronger legal protection for artists and other individuals whose voices and likenesses are exploited without their consent through the dissemination of AI deepfakes, and would bring this legislation in line with corresponding efforts to bolster these critical rights. Thank you for your consideration, and for undertaking the effort to reinforce these vital protections.

Sincerely,



Jessica Richard,

Senior Vice President

**SB-2076**

Submitted on: 1/28/2026 8:27:45 PM  
Testimony for LBT on 1/30/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lisa Romano	Individual	Support	Written Testimony Only

**Comments:**

I support this bill and humbly ask for the support of passing this bill! Mahalo for your time! Lisa Romano

**LATE**

**SB-2076**

Submitted on: 1/29/2026 5:56:21 PM  
Testimony for LBT on 1/30/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shereen Balles	Individual	Support	In Person

Comments:

Aloha mai kākou,

My name is Shereen Balles. As a performer, Actress, Musician and Film Maker, it is important to me that the integrity of our likeness is kept in tact and preserved. Artificial intelligence has become widespread throughout various mediums like TV, Film, Social Media, Music Industry-- the list goes on. But within the past several years A.I. has become overused. I believe that A.I. should be used as a tool not a replacement of any individual human "likeness" in all shapes and forms of our faces and bodies but, also to include personality and characteristics as noted to be amended in this bill.

Therefore, I am in full support of SB2076.

Mahalo nūnui a me ke Aloha Pumehana Pau'ole,

Shereen Balles