

Hawaii Enacts a “Synthetic Performer” Law

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July 26, 2026

On June 9, a New York law that requires companies to “conspicuously disclose” when their ads include any “synthetic performer” took effect. A little over a month later, Hawaii enacted a virtually identical law.

Both laws generally define “synthetic performer” as an asset that was created using generative AI or a software algorithm and is intended to emulate an actual (but not identifiable) human. And both laws impose functionally equivalent disclosure obligations when an ad includes a synthetic performer.

The laws also include similar exemptions. They do not apply to ads or promotional materials for expressive works—such as movies, TV programs, streaming content, or video games—provided that the use of a synthetic performer is consistent with its use in the expressive work. The laws also include exceptions for audio ads and instances in which the use of AI “solely involves the language translation of a human performer.”

The Hawaii law suffers from the same [ambiguities we flagged in the New York law](#). The good news, though, is that compliance with the New York law likely means compliance with the Hawaii law (assuming they are enforced in the same way).