



April 2, 2026

Senate Commerce and Consumer Protection and Judiciary Committees
Hawaii State Capitol
415 S Beretania St.
Honolulu, HI 96813

RE: HB 2137 – “Relating to Artificial Intelligence” (Neutral)

Dear Chair Keohokalole, Chair Rhoads, and Members of the Senate Commerce and Consumer Protection and Judiciary Committees:

On behalf of the Computer & Communications Industry Association (CCIA), I am writing to express our appreciation for the Senate Labor and Technology Committee’s willingness to engage with industry stakeholders regarding HB 2137. Following the incorporation of several critical amendments in the previous committee, CCIA is pleased to move its position from "Oppose Unless Amended" to Neutral.

We would like to thank the Committee for adopting the following amendments, which were essential to addressing constitutional concerns and ensuring the bill provides a clear, workable framework for responsible innovation:

Refinement of Definitions

The adopted revisions provide essential clarity and protect free expression by narrowing the scope of key legal definitions. By replacing vague phrasing with precise standards, the law now specifically targets digital imitations derived from an actual person's characteristics and limits actionable harm to specific, provable injuries like financial loss or emotional distress. Additionally, the refined definition of advertisement; which now focuses on content where the "primary purpose" is commercial promotion, ensures that common online activities and expressive works are no longer at risk of inadvertent legal consequences.

Knowledge and Intent Standards

The Committee’s decision to adjust the liability standard for "Prohibited Acts" is a vital improvement. By changing the threshold to require that a person publish an imitation "with the knowledge that the individual did not consent," the bill now properly targets bad actors who maliciously exploit likenesses rather than those acting without intent or awareness of a lack of permission.

Intermediary Protections and Safe Harbors

The revised language protects intermediaries by ensuring that "Non-applicability" provisions shield publishers and platforms from liability when they act merely as a medium for third-party content. By placing responsibility solely on the party that intentionally posted the offending material, the bill avoids unfairly penalizing the platforms themselves. Crucially, the explicit alignment with Section 230 preserves federal legal certainties, allowing interactive computer



services to host diverse user-generated content without the threat of being held liable for unauthorized material shared without their knowledge.

Balanced Civil Remedies

Finally, we appreciate the adjustment to statutory damages. Reducing the maximum statutory damages per violation from \$50,00 to \$25,000 helps mitigate the risk of frivolous, "shakedown" litigation while still providing a robust deterrent against unauthorized AI-generated replications.

CCIA supports the State's goal of protecting Hawaii residents from the malicious use of "deepfake" technology and synthetic media. We believe the current version of HB 2137 strikes a much-improved balance between protecting individual rights and safeguarding the constitutional right to free expression.

We would appreciate this committee's understanding of the robust stakeholder engagement that has taken place to get the bill to this point and ask that the committee not to make an amendment that would disrupt the newly established framework.

Respectfully submitted,

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Computer & Communications Industry Association