DECEMBER 12, 2025

New York Governor Signs Bill Requiring Disclosure of AI-Generated Performers in Advertising

by Bryan J. Wolin , H. Madison Short

Continuing its efforts to protect the residents of New York State from the potential ravages of artificial intelligence, New York's Governor Kathy Hochul this month signed S.8420-A into law, a bill that requires advertisements to conspicuously disclose the use of synthetic performers and imposes civil penalties for non-compliance. This follows on the heels of New York State passing the Fashion Workers Act, which requires those working with human fashion models to obtain express, written approval from a model before creating or using an AI-generated digital replica of the model.

Defining "Synthetic Performer"

In short, the new law defines a "synthetic performer" as an AI- or computer-generated figure that appears as a real person. Of course, there is a longer definition in the statute - a digital asset created, reproduced, or modified by computer, using generative artificial intelligence or a software algorithm, that is intended to give the impression that the asset is in an audio, audiovisual, and/or visual performance of a human performer who is not recognizable as any identifiable natural performer.

Scope, Applicability, and Penalties

At its essence, the law is a disclosure obligation, ostensibly to boost AI transparency for consumers to get informed when AI-generated figures, and not real humans, were used to create advertisements. The disclosure requirements apply to almost all ads in any media, and the disclosures indicating that AI was used to create the ads must be "conspicuous," to ensure that consumers are aware when a synthetic performer is used rather than a real person.

Platforms and publishers are not responsible for compliance and not liable for any failures of compliance. It is the advertisers themselves that are responsible for compliance, and liable for any non-compliance. Violators are subject to civil penalties of $1,000 the first time, and $5,000 for each subsequent violation.

Key Exclusions

The law includes three notable exclusions. First, ads and promotional materials for expressive works—such as motion pictures, television programs, streaming content, documentaries, video games, or other similar audiovisual works—are exempt, provided that the use of a synthetic performer in the ad or promotional material is consistent with its use within the expressive work itself. Second, purely audio ads are not subject to the disclosure requirement. Third, disclosure is not required when a synthetic

performer is used solely for the purpose of translating the language of a human performer.

Guidance for Attorneys Representing Businesses in Advertising

If your client advertises in New York or produces content for New York audiences, it is essential to ensure that all ads comply with the new disclosure requirements whenever synthetic performers are used.

The new law goes into effect on or about June 9, 2026, so this is an opportune time for legal teams to review both current and planned advertising materials to identify any use of AI-generated performers. It is also prudent to update internal compliance policies, so clients are not caught off guard by civil penalties, which can escalate quickly with repeated violations.

If you have questions related to advertising compliance—including whether your business is subject to New York's synthetic performer disclosure requirements or any other concerns regarding advertising claims—please contact Kilpatrick's Advertising and Marketing team .