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**HOUSE BILL 2142**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Representatives Mosbrucker, Frame, Dent, and Orwall

AN ACT Relating to digitally altered photographs used in advertising; and creating new sections.

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

NEW SECTION. **Sec.**  The legislature finds that digitally altered photographs in advertising and media negatively impact the mental and physical health of our citizens, including impressionable youth. Digitally altered images normalize a distorted idea of what people look like and create a false illusion of what is physically possible. Digitally altered photographs can result in negative impacts to a person's mental and physical health such as low self-esteem, eating disorders, depression, and suicide. All digitally altered images should be required to be labeled in order to make people aware that the photograph was altered.

Therefore, the legislature intends to diminish the effect of exposure to misleading advertising that present photographs of persons that have been digitally altered to materially change the appearance and physical characteristics of faces and bodies.

NEW SECTION. **Sec.**  (1)(a) Any advertisement that uses photography that has been digitally altered to materially change the appearance and physical characteristics of a person's face or body must include a written notification to the consumer that digital alteration was applied.

(b) The notification must appear on the photograph, or in a prominent place within the advertisement, in a size and color that are clearly visible and on an area that is no smaller than at least seven percent of the area of the advertisement.

(2) Material changes include, but are not limited to, alterations to the photograph which change the shape, size, proportion, or color of a person's face or body, and any changes made to enhance or remove features of a person's face or body.

(3) Advertisements include, but are not limited to, a photograph that is used to advertise a product, a service, or a brand in print or by any technological or electronic means, which is intended for or accessible to the public.

(4) For purposes of this section, "photograph" has the same meaning as in RCW 9.68A.011.

(5)(a) The attorney general may bring an action in the name of the state, or on behalf of persons residing in the state, to restrain and prevent any act prohibited or declared to be unlawful in this section.

(b) The legislature finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this section is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for purposes of applying the consumer protection act, chapter 19.86 RCW.

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