

**E2SHB 1170** - S COMM AMD

By Committee on Environment, Energy & Technology

**OUT OF ORDER 03/04/2026**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The definitions in this section apply  
4 throughout this chapter unless the context clearly requires  
5 otherwise.

6 (1) "Artificial intelligence" means the use of machine learning  
7 and related technologies that use data to train statistical models  
8 for the purpose of enabling computer systems to perform tasks  
9 normally associated with human intelligence or perception, such as  
10 computer vision, speech or natural language processing, and content  
11 generation.

12 (2) "Covered provider" means a person or entity that creates,  
13 codes, or otherwise produces a generative artificial intelligence  
14 system that has over 1,000,000 monthly users and is publicly  
15 accessible within the geographic boundaries of the state to consumers  
16 for personal use.

17 (3) "Generative artificial intelligence" means technology that  
18 uses machine learning, including deep learning models, natural  
19 language processing, or other computational processing techniques of  
20 similar or greater complexity, to generate images, audio, or video.

21 (4) "Provenance data" means data that is embedded into digital  
22 content or that is included in the digital content's metadata for the  
23 purpose of verifying the digital content's authenticity, origin, or  
24 history of modification.

25 NEW SECTION. **Sec. 2.** (1) To the extent commercially and  
26 technically reasonable, a covered provider shall include provenance  
27 data in any video, image, or audio content, or content that is any  
28 combination thereof, created or materially altered by the covered  
29 provider's generative artificial intelligence system and that is  
30 subject to the terms of this chapter.

31 (2) A covered provider must use commercially and technically  
32 reasonable methods to make the provenance data difficult to remove or

1 tamper with. The use of a commonly supported technical standard for  
2 watermarking or metadata, such as the coalition for content  
3 provenance and authenticity specification, for provenance data is  
4 considered compliant with this subsection.

5 (3) A covered provider may not be required under this section to  
6 include any information relating to an identified or reasonably  
7 identifiable individual in provenance data included in content  
8 created or content materially altered by the covered provider's  
9 generative artificial intelligence system.

10 (4) For the purposes of this section, "materially altered" means  
11 a significant change that substantially alters the data in content.  
12 "Materially altered" does not include minor modifications that do not  
13 lead to significant changes to the perceived content or meaning of  
14 the content. Minor modifications include, but are not limited to:  
15 Changes to brightness, contrast, or color; sharpening; saturating;  
16 applying filters; resizing; scaling; cropping; format conversions;  
17 resampling; denoising; and removal of background noise in audio.

18 NEW SECTION. **Sec. 3.** (1) Nothing in this chapter may be  
19 construed to require the disclosure of a trade secret or confidential  
20 or proprietary information about the design or use of an artificial  
21 intelligence system.

22 (2) Nothing in this chapter may be construed to apply to any  
23 business-to-business uses, sales, licensing, or distribution of  
24 generative artificial intelligence systems.

25 NEW SECTION. **Sec. 4.** (1) The attorney general may bring an  
26 action in the name of the state, or as parens patriae on behalf of  
27 persons residing in the state, to enforce this chapter.

28 (2) Every covered provider who violates the terms of any  
29 injunction issued as in this chapter provided, shall forfeit and pay  
30 a civil penalty of not more than \$100,000 per covered provider.

31 (3) This chapter may be enforced solely by the attorney general  
32 and may not be construed as providing the basis for, or be subject  
33 to, a private right of action for violations of this chapter.

34 NEW SECTION. **Sec. 5.** (1) A government agency that makes  
35 available an artificial intelligence system intended to interact with  
36 consumers must disclose to each consumer, before or at the time of

1 interaction, that the consumer is interacting with an artificial  
2 intelligence system. The disclosure must be:

- 3 (a) Clear and conspicuously posted;
- 4 (b) Written in plain language; and
- 5 (c) May not use a dark pattern.

6 (2) The disclosure may be provided by using a hyperlink to direct  
7 a consumer to a separate web page.

8 (3) An agency is required to make the disclosure under subsection  
9 (1) of this section regardless of whether it would be obvious to a  
10 reasonable consumer that the consumer is interacting with an  
11 artificial intelligence system.

12 (4) For the purposes of this section, "artificial intelligence  
13 system" has the same meaning as in section 1 of this act.

14 NEW SECTION. **Sec. 6.** Sections 1 through 4 and 8 of this act  
15 constitute a new chapter in Title 19 RCW.

16 NEW SECTION. **Sec. 7.** Section 5 of this act constitutes a new  
17 chapter in Title 42 RCW.

18 NEW SECTION. **Sec. 8.** This act takes effect February 1, 2027."

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19 On page 1, line 2 of the title, after "intelligence;" strike the  
20 remainder of the title and insert "adding a new chapter to Title 19  
21 RCW; adding a new chapter to Title 42 RCW; prescribing penalties; and  
22 providing an effective date."

EFFECT: (1) Redefines "covered provider" to mean a person or  
entity with more than 1,000,000 monthly users within Washington.

(2) Strikes multiple definitions including personal provenance  
data, latency, and manifest.

(3) Eliminates requirements associated with making a provenance  
detection tool available to users.

(4) Changes requirements for provenance data to specify that, to  
the extent commercially and technically reasonable, a covered  
provider must take reasonable steps to ensure the provenance data is  
difficult to remove or tamper with.

(5) Specifies that nothing in the act requires the disclosure of  
a trade secret and circumstances where the act does not apply.

(6) Provides for enforcement exclusively by the attorney general and allows a civil penalty of up to \$100,000 per covered provider.

(7) Adds a requirement that government agencies disclose to consumers when they are interacting with AI.

(8) Modifies the effective date to February 1, 2027.

--- **END** ---