

E2SHB 1170 - S COMM AMD
By Committee on Ways & Means

ADOPTED AND ENGROSSED 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. "Covered provider" does not include state, local,
17 and tribal governments.

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

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

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

1 that is any combination thereof, was created or materially altered by
2 the covered provider's generative artificial intelligence system.

3 (2) A covered provider must use commercially and technically
4 reasonable methods to make the provenance data difficult to remove or
5 tamper with. The use of a commonly supported technical standard for
6 watermarking or metadata, such as the coalition for content
7 provenance and authenticity specification, for provenance data is
8 considered compliant with this subsection.

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

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

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

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

29 NEW SECTION. **Sec. 4.** (1) Any waiver of the provisions of this
30 chapter is contrary to public policy and is void and unenforceable.

31 (2) The attorney general may bring an action in the name of the
32 state, or as parens patriae on behalf of persons residing in the
33 state, to enforce this chapter. For actions brought by the attorney
34 general to enforce this chapter, the legislature finds that the
35 practices covered by this chapter are matters vitally affecting the
36 public interest for the purpose of applying the consumer protection
37 act, chapter 19.86 RCW. For actions brought by the attorney general
38 to enforce this chapter, a violation of this chapter is not

1 reasonable in relation to the development and preservation of
2 business and is an unfair or deceptive act in trade or commerce and
3 an unfair method of competition for purposes of applying the consumer
4 protection act, chapter 19.86 RCW.

5 (3) Only the attorney general can bring an action under the
6 consumer protection act, chapter 19.86 RCW, pursuant to this section.

7 NEW SECTION. **Sec. 5.** (1) This chapter does not apply to any
8 product, service, internet website, or application that provides
9 exclusively video game or interactive experiences including, but not
10 limited to, the sale of goods or services directly to consumers
11 through the internet, allowing customers to browse, select, and
12 purchase items virtually.

13 (2) This chapter does not apply to systems used solely for
14 upscaling, noise reduction, or compression.

15 NEW SECTION. **Sec. 6.** (1) A government agency that makes
16 available an artificial intelligence system intended to interact with
17 consumers must disclose to each consumer, before or at the time of
18 interaction, that the consumer is interacting with an artificial
19 intelligence system. The disclosure must be:

- 20 (a) Clear and conspicuously posted;
- 21 (b) Written in plain language; and
- 22 (c) May not use a dark pattern.

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

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

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

31 NEW SECTION. **Sec. 7.** Sections 1 through 5 and 9 of this act
32 constitute a new chapter in Title 19 RCW.

33 NEW SECTION. **Sec. 8.** Section 6 of this act constitutes a new
34 chapter in Title 42 RCW.

35 NEW SECTION. **Sec. 9.** This act takes effect February 1, 2027."

ADOPTED 03/04/2026

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

--- END ---