

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

**ADOPTED AS AMENDED 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.

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

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

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

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

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

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

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

1 an unfair method of competition for purposes of applying the consumer  
2 protection act, chapter 19.86 RCW.

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

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

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

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

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

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

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

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

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

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

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

**ADOPTED AS AMENDED 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."

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

(2) Clarifies that state and local governments are public entities excluded from the definition of "covered provider."

(3) Excludes video games, interactive experiences, and systems used solely for upscaling, noise reduction, or compression from the AI content notice provisions under the act.

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

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

(6) 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.

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

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

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

(10) Modifies the effective data to February 1, 2027.

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