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**Technology, Economic Development, &  
Veterans Committee**

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**HB 1168**

**Brief Description:** Increasing transparency in artificial intelligence.

**Sponsors:** Representatives Shavers, Taylor, Ryu and Fosse.

**Brief Summary of Bill**

- Requires developers of generative artificial intelligence systems or services to post documentation regarding the data used to train the system or service.
- Provides for enforcement by the Attorney General and establishes new civil penalties.

**Hearing Date:** 1/17/25

**Staff:** Emily Poole (786-7106).

**Background:**

Artificial intelligence (AI) is defined and understood in different ways. The National Artificial Intelligence Initiative Act of 2020 (Act) defines AI as a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments. The Act further describes AI systems as systems using machine- and human-based inputs to: (1) perceive real and virtual environments; (2) abstract such perceptions into models through analysis in an automated manner; and (3) use model inference to formulate options for information or action.

By Executive Order, the White House adopted the Act's definition of AI and defined related

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concepts, including defining "generative AI" as the class of AI models that emulate the structure and characteristics of input data in order to generate derived synthetic content, which may include images, videos, audio, text, and other digital content.

### **Summary of Bill:**

#### Required Documentation.

Before a generative AI system or service, or a substantial modification to a generative AI system or service, is made publicly available for use, the developer of the system or service is required to post documentation regarding the data used to train the generative AI system or service.

The required documentation must include a high-level summary of the datasets used in the development of the generative AI system or service, including:

- the sources or owners of the datasets;
- a description of how the datasets further the intended purpose of the AI system or service;
- the number of data points included in the datasets;
- a description of the types of data points within the datasets;
- whether the datasets include any data protected by copyright, trademark, or patent;
- whether the datasets were purchased or licensed by the developer;
- whether the datasets include personal information;
- whether the datasets include aggregate consumer information;
- whether there were any modifications to the datasets by the developer;
- the time period during which the data in the datasets were collected;
- the dates the datasets were first used during the development of the AI system or service;
- and
- whether the generative AI system or service used or continuously uses synthetic data generation in its development.

Developers must comply with this requirement by January 1, 2026, for generative AI systems or services, or substantial modifications of such systems or services, that are released on or after January 1, 2022.

A developer is not required to post documentation regarding the data used to train a generative AI system or service that:

- has the sole purpose of helping to ensure security and integrity;
- has the sole purpose of operating aircraft in the national airspace; or
- is developed for national security, military, or defense purposes and that is made available only to a federal entity.

#### Enforcement.

The Attorney General is required to enforce these requirements, and a developer who is found in violation is liable for a civil penalty of \$5,000 per violation, to be collected in a civil action filed by the Attorney General.

Definitions.

"Developer" is defined as "a person, partnership, state or local government agency, or corporation that designs, codes, produces, or substantially modifies an AI system or service for use by members of the public."

"Generative artificial intelligence" is defined as "artificial intelligence that can generate derived synthetic content, such as text, images, video, and audio, that emulates the structure and characteristics of the artificial intelligence's training data."

The following additional terms are defined: aggregate consumer information, artificial intelligence, security and integrity, substantially modifies, synthetic data generation, train a generative artificial intelligence system or service, and types of data points.

**Appropriation:** None.

**Fiscal Note:** Requested on January 7, 2025.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.