Technology, Economic Development, & Veterans Committee

HB 1170

Brief Description: Informing users when content is developed or modified by artificial intelligence.

Sponsors: Representatives Shavers, Taylor, Ryu, Ramel, Fosse, Wylie, Pollet, Ormsby and Hill.

Brief Summary of Bill

- Requires providers of certain generative artificial intelligence (AI) systems to make an AI detection tool available to users.

- Requires providers of certain generative AI systems to offer users the option of including disclosures in content created or altered by the systems.

- Requires providers of certain generative AI systems to include latent disclosures in content created by their systems.

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

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inference to formulate options for information or action.

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

Artificial Intelligence Detection Tool.
A person that produces a generative artificial intelligence (AI) system that has over 1,000,000 monthly visitors or users and is publicly accessible in Washington (a "covered provider") is required to make available an AI detection tool at no cost to the user.

The tool must:
- allow a user to assess whether image, video, or audio content was created or altered by the covered provider's generative AI system;
- output any system provenance data that is detected without outputting any personal provenance data that is detected in the content;
- be publicly accessible, with some exceptions;
- allow a user to upload content or provide a uniform resource locator linking to online content; and
- support an application programming interface that allows a user to invoke the tool without visiting the covered provider's website.

A covered provider is prohibited from:
- collecting or retaining personal information from users of the tool, with certain exceptions;
- retaining any content submitted to the tool for longer than is necessary; and
- retaining any personal provenance data from content submitted to the tool.

Disclosures.
A covered provider is required to offer the user the option to include a manifest disclosure in image, video, or audio content created or altered by the covered provider's generative AI system. The disclosure must:
- identify content as AI-generated content;
- be clear, conspicuous, appropriate for the medium of the content, and understandable to a reasonable person; and
- be permanent or extraordinarily difficult to remove, to the extent it is technically feasible.

A covered provider is required to include a latent disclosure in AI-generated image, video, or audio content created by the covered provider's generative AI system. To the extent it is technically feasible and reasonable, the disclosure must convey all of the following information:
- the name of the covered provider;
- the name and version number of the generative AI system that created or altered the

content;
- the time and date of the content's creation or alteration; and
- a unique identifier.

The latent disclosure must also be detectable by the covered provider's AI detection tool, consistent with widely accepted industry standards, and permanent or extraordinarily difficult to remove, to the extent it is technically feasible.

If a covered provider licenses its generative AI system to a third party, the covered provider must require that the licensee maintain the system's capability to include required disclosures. If a covered provider knows that a third-party licensee modified a licensed generative AI system such that it is no longer capable of including the required disclosures, the covered provider must revoke the license. A third-party licensee must cease using a licensed generative AI system after the license for the system has been revoked.

The requirements regarding AI detection tools and disclosures do not apply to any product, service, internet website, or application that provides exclusively video game, television, streaming, movie, or interactive experiences.

Enforcement.
Violations of requirements relating to AI detection tools and disclosures are deemed to affect public interest and constitute an unfair or deceptive act in trade or commerce for purposes of the Consumer Protection Act.

Definitions.
"Artificial intelligence" is defined as "an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments."

"Covered provider" is defined as "a person that creates, codes, or otherwise produces a generative artificial intelligence system that has over 1,000,000 monthly visitors or users and is publicly accessible within the geographic boundaries of the state."

"Generative artificial intelligence system" means "an artificial intelligence that can generate derived synthetic content, including text, images, video, and audio, that emulates the structure and characteristics of the system's training data."

The following additional terms are defined: latent, manifest, metadata, personal information, personal provenance data, provenance data, and system provenance data.

Appropriation: None.

Fiscal Note: Available.

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