SUBSTITUTE HOUSE BILL 1168

State of Washington   **69th Legislature**   **2025 Regular Session**

By House Technology, Economic Development, & Veterans (originally sponsored by Representatives Shavers, Taylor, Ryu, and Fosse)

READ FIRST TIME 01/31/25.

1   AN ACT Relating to increasing transparency in artificial
2 intelligence; adding a new chapter to Title 19 RCW; and prescribing
3 penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5   NEW SECTION.   **Sec. 1.**   The definitions in this section apply
6 throughout this chapter unless the context clearly requires
7 otherwise.
8   (1) "Aggregate consumer information" means information that
9 relates to a group or category of consumers, from which individual
10 consumer identities have been removed, that is not linked or
11 reasonably linkable to any consumer or household, including via a
12 device. "Aggregate consumer information" does not mean one or more
13 individual consumer records that have been deidentified.
14   (2) "Artificial intelligence system or service" means an
15 engineered or machine-based system or service that varies in its
16 level of autonomy and that can, for explicit or implicit objectives,
17 infer from the input it receives how to generate outputs that can
18 influence physical or virtual environments.
19   (3) "Developer" means a person, partnership, state or local
20 government agency, or corporation primarily engaged in designing,
21 coding, producing, or substantially modifying an artificial

intelligence system or service intended for commercial distribution or public use. For the purposes of this definition, "members of the public" does not include an affiliate as defined in RCW 19.146.010 or a hospital's medical staff member. This definition excludes individuals or entities that develop artificial intelligence systems or services solely for internal use or research purposes or those that utilize third-party artificial intelligence systems via application programming interface without substantial modification.

(4) "Generative artificial intelligence system or service" means an artificial intelligence system or service that can generate derived synthetic content, such as text, images, video, and audio, that emulates the structure and characteristics of the artificial intelligence system's or service's training data.

(5) "Security and integrity" means the ability of:

(a) Networks or information systems to detect security incidents that compromise the availability, authenticity, integrity, and confidentiality of stored or transmitted personal information;

(b) Developers, users, or businesses to detect security incidents, resist malicious, deceptive, fraudulent, or illegal actions and to help prosecute those responsible for those actions; and

(c) Developers, users, or businesses to ensure the physical safety of natural persons.

(6) "Substantially modifies" or "substantial modification" means a new version, new release, or other update to a generative artificial intelligence system or service that materially changes its functionality or performance, including the results of retraining or fine tuning.

(7) "Synthetic data generation" means a process in which original data are used to create artificial data that have some of the statistical characteristics of the original data.

(8) "Train a generative artificial intelligence system or service" includes testing, validating, or fine tuning by the developer of the generative artificial intelligence system or service.

NEW SECTION. **Sec. 2.** (1) On or before January 1, 2026, and before each time thereafter that a generative artificial intelligence system or service, or a substantial modification to a generative artificial intelligence system or service, released on or after

1 January 1, 2022, is made publicly available to Washingtonians for
2 use, regardless of whether the terms of that use include
3 compensation, the developer of the system or service shall post on
4 the developer's internet website documentation regarding the data
5 used by the developer to train the generative artificial intelligence
6 system or service including, but not limited to:

7 (a) A high-level summary of the datasets used in the development
8 of the generative artificial intelligence system or service
9 including, but not limited to:

10 (i) The sources or owners of the datasets;

11 (ii) A description of how the datasets further the intended
12 purpose of the generative artificial intelligence system or service;

13 (iii) The number of data points included in the datasets, which
14 may be in general ranges, and with estimated figures for dynamic
15 datasets;

16 (iv) A description of the types of data points within the
17 datasets;

18 (v) Whether the datasets were purchased or licensed by the
19 developer or if the datasets were publicly available;

20 (vi) Whether the datasets include personal information, as
21 defined in RCW 19.373.010;

22 (vii) Whether the datasets include aggregate consumer
23 information;

24 (viii) Whether there was any cleaning, processing, or other
25 modification to the datasets by the developer, including the intended
26 purpose of those efforts in relation to the generative artificial
27 intelligence system or service;

28 (ix) The dates the datasets were first trained or the date of the
29 last significant update to the datasets during the development of the
30 generative artificial intelligence system or service; and

31 (x) Whether the generative artificial intelligence system or
32 service used or continuously uses synthetic data generation in its
33 development. A developer may include a description of the functional
34 need or desired purpose of the synthetic data in relation to the
35 intended purpose of the system or service.

36 (b) For purposes of this subsection, the following definitions
37 apply:

38 (i) As applied to datasets that include labels, "types of data
39 points" means the types of labels used; and

1   (ii) As applied to datasets without labeling, "types of data
2 points" refers to the general characteristics.

3   (2) A developer is not required to post documentation regarding
4 the data used to train a generative artificial intelligence system or
5 service for any of the following:

6   (a) A generative artificial intelligence system or service whose
7 sole purpose is to help ensure security and integrity;

8   (b) A generative artificial intelligence system or service whose
9 sole purpose is the operation of aircraft in the national airspace;
10 and

11   (c) A generative artificial intelligence system or service
12 developed for national security, military, or defense purposes that
13 is made available only to a federal entity.

14 NEW SECTION. **Sec. 3.** (1) The attorney general shall enforce
15 this chapter, and a developer who is found in violation of this
16 chapter is liable for a civil penalty in the amount of $5,000 per day
17 of being in violation of this chapter. Civil penalties must be
18 collected in a civil action filed by the attorney general.

19   (2) Before bringing an action under subsection (1) of this
20 section, the attorney general shall notify a developer of the alleged
21 violation if the attorney general determines that a cure is possible.
22 If the developer fails to cure the violation within 45 days after
23 receiving notice of the violation, the attorney general may bring a
24 civil action without further notice.

25 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act
26 constitute a new chapter in Title 19 RCW.

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