
HOUSE BILL 1168

State of Washington

69th Legislature

2025 Regular Session

By Representatives Shavers, Taylor, and Ryu

Prefiled 01/06/25.

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 identified.

14 (2) "Artificial intelligence" means an engineered or machine-
15 based system that varies in its level of autonomy and that can, for
16 explicit or implicit objectives, infer from the input it receives how
17 to generate outputs that can influence physical or virtual
18 environments.

19 (3) "Developer" means a person, partnership, state or local
20 government agency, or corporation that designs, codes, produces, or
21 substantially modifies an artificial intelligence system or service

1 for use by members of the public. For the purposes of this
2 definition, "members of the public" does not include an affiliate as
3 defined in RCW 19.146.010 or a hospital's medical staff member.

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

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

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

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

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

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

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

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

29 NEW SECTION. **Sec. 2.** (1) On or before January 1, 2026, and
30 before each time thereafter that a generative artificial intelligence
31 system or service, or a substantial modification to a generative
32 artificial intelligence system or service, released on or after
33 January 1, 2022, is made publicly available to Washingtonians for
34 use, regardless of whether the terms of that use include
35 compensation, the developer of the system or service shall post on
36 the developer's internet website documentation regarding the data
37 used by the developer to train the generative artificial intelligence
38 system or service including, but not limited to:

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

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

5 (ii) A description of how the datasets further the intended
6 purpose of the artificial intelligence system or service;

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

10 (iv) A description of the types of data points within the
11 datasets;

12 (v) Whether the datasets include any data protected by copyright,
13 trademark, or patent, or whether the datasets are entirely in the
14 public domain;

15 (vi) Whether the datasets were purchased or licensed by the
16 developer;

17 (vii) Whether the datasets include personal information, as
18 defined in RCW 19.255.005;

19 (viii) Whether the datasets include aggregate consumer
20 information;

21 (ix) Whether there was any cleaning, processing, or other
22 modification to the datasets by the developer, including the intended
23 purpose of those efforts in relation to the artificial intelligence
24 system or service;

25 (x) The time period during which the data in the datasets were
26 collected, including a notice if the data collection is ongoing;

27 (xi) The dates the datasets were first used during the
28 development of the artificial intelligence system or service; and

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

34 (b) For purposes of this subsection, the following definitions
35 apply:

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

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

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

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

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

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

12 NEW SECTION. **Sec. 3.** The attorney general shall enforce this
13 chapter, and a developer who is found in violation of this chapter is
14 liable for a civil penalty in the amount of \$5,000 per violation to
15 be collected in a civil action filed by the attorney general. Each
16 day that a developer is in violation of this chapter is a discrete
17 violation.

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

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