
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1170

State of Washington

69th Legislature

2026 Regular Session

By House Technology, Economic Development, & Veterans (originally sponsored by Representatives Shavers, Taylor, Ryu, Ramel, Fosse, Wylie, Pollet, Ormsby, and Hill)

READ FIRST TIME 01/20/26.

1 AN ACT Relating to informing users when content is developed or
2 modified by artificial intelligence; adding a new chapter to Title 19
3 RCW; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that as generative
6 artificial intelligence models become increasingly sophisticated, and
7 the content created by such models proliferates across commonly used
8 platforms, it can be difficult for the public to trust the accuracy,
9 authenticity, or origin of information accessed on the internet.
10 Recent technological advances allow providers of generative
11 artificial intelligence systems to use watermarking and other
12 technologies to label or detect content created using their
13 proprietary models. By ensuring that the public has access to
14 reliable provenance data, the providers of generative artificial
15 intelligence systems can improve the public's ability to assess the
16 accuracy and authenticity of synthetic content, thereby helping to
17 reduce risks of misinformation.

18 NEW SECTION. **Sec. 2.** The definitions in this section apply
19 throughout this chapter unless the context clearly requires
20 otherwise.

1 (1) "Artificial intelligence" means the use of machine learning
2 and related technologies that use data to train statistical models
3 for the purpose of enabling computer systems to perform tasks
4 normally associated with human intelligence or perception, such as
5 computer vision, speech or natural language processing, and content
6 generation.

7 (2) (a) "Covered provider" means a person who:

8 (i) Has used, or intends to use, a quantity of computing power
9 greater than 10^{26} integer or floating-point operations to train a
10 foundation model, including the computing power used for the original
11 training run and for any subsequent fine tuning, reinforcement
12 learning, or other material modifications made to a preceding
13 foundation model;

14 (ii) Uses such foundation model to create, code, or otherwise
15 produce a generative artificial intelligence system that is publicly
16 accessible within the geographic boundaries of the state, excluding
17 generative artificial intelligence systems licensed or sold for
18 business-to-business purposes; and

19 (iii) Collectively, together with any affiliates, had annual
20 gross revenues in excess of \$500,000,000 in the preceding calendar
21 year.

22 (b) "Covered provider" does not mean public entities or tribal
23 nations.

24 (3) "Generative artificial intelligence" means an artificial
25 intelligence system that generates novel data or content based on a
26 foundation model.

27 (4) "Latent" means present but not manifest.

28 (5) "Manifest" means easily perceived, understood, or recognized
29 by a natural person.

30 (6) "Metadata" means structural or descriptive information about
31 data.

32 (7) "Personal information" has the same meaning as defined in RCW
33 19.373.010.

34 (8) "Personal provenance data" means provenance data that
35 contains either of the following:

36 (a) Personal information; or

37 (b) Unique device, system, or service information that is
38 reasonably capable of being associated with a particular user.

39 (9) "Provenance data" means data that is embedded into digital
40 content or that is included in the digital content's metadata for the

1 purpose of verifying the digital content's authenticity, origin, or
2 history of modification.

3 (10) "System provenance data" means provenance data that is not
4 reasonably capable of being associated with a particular user and
5 that contains either of the following:

6 (a) Information regarding the type of device, system, or service
7 that was used to generate a piece of digital content; or

8 (b) Information that helps a user assess authenticity.

9 NEW SECTION. **Sec. 3.** (1) A covered provider shall make
10 available a provenance detection tool at no cost to the user that
11 meets all of the following criteria:

12 (a) The tool allows a user to assess whether image, video, or
13 audio content, or content that is any combination thereof, was
14 created or altered by the covered provider's generative artificial
15 intelligence system;

16 (b) The tool outputs any system provenance data that is detected
17 in the content;

18 (c) The tool's results are publicly accessible, whether by
19 release of the tool directly or by services that provide access to
20 the tool's outputs, and a covered provider may impose reasonable
21 limitations on access to the tool to prevent, or respond to,
22 demonstrable risks to the security or integrity of its generative
23 artificial intelligence system;

24 (d) The tool allows a user to upload content or provide a uniform
25 resource locator linking to online content; and

26 (e) Users can invoke the tool without visiting the covered
27 provider's internet website, for instance, through an application
28 programming interface.

29 (2) A covered provider shall collect user feedback related to the
30 efficacy of the covered provider's provenance detection tool and
31 consider relevant feedback as part of any attempt to improve the
32 efficacy of the tool.

33 (3) A covered provider may not do any of the following:

34 (a) Collect or retain personal information from users of the
35 covered provider's provenance detection tool, except:

36 (i) A covered provider may collect and retain the contact
37 information of a user who submits feedback pursuant to subsection (2)
38 of this section if the user opts in to being contacted by the covered
39 provider; and

1 (ii) User information collected may only be used to evaluate and
2 improve the efficacy of the covered provider's provenance detection
3 tool;

4 (b) Retain any content submitted to the provenance detection tool
5 for longer than is necessary to comply with this section; or

6 (c) Retain any personal provenance data from content submitted to
7 the provenance detection tool by a user.

8 (4) If a covered provider makes available a provenance detection
9 tool for the purpose of complying with another applicable law or
10 regulation, the provenance detection tool shall be deemed to satisfy
11 the requirements established in this section if such provenance
12 detection tool is reasonably similar in scope and effect to the
13 provenance detection tool that would otherwise be made available
14 pursuant to this section.

15 NEW SECTION. **Sec. 4.** (1) A covered provider shall offer the
16 user the option to include a manifest disclosure in image, video, or
17 audio content, or content that is any combination thereof, created or
18 altered by the covered provider's generative artificial intelligence
19 system that meets all of the following criteria:

20 (a) The disclosure identifies content as artificial intelligence-
21 generated or artificial intelligence-modified content;

22 (b) The disclosure is clear, conspicuous, appropriate for the
23 medium of the content, and understandable to a reasonable person; and

24 (c) The disclosure is difficult to remove, to the extent it is
25 technically feasible.

26 (2) A covered provider shall include a latent disclosure in
27 artificial intelligence-generated image, video, or audio content, or
28 content that is any combination thereof, created by the covered
29 provider's generative artificial intelligence system that meets all
30 of the following criteria:

31 (a) To the extent it is technically feasible and reasonable, the
32 disclosure conveys all of the following information, either directly
33 or through a link to a permanent internet website:

34 (i) The name of the covered provider;

35 (ii) The name and version number of the generative artificial
36 intelligence system that created or altered the content;

37 (iii) The time and date that the disclosure was added to the
38 generated or altered content;

39 (iv) A unique identifier; and

1 (v) Personal provenance information only to the extent that a
2 user has affirmatively chosen to add such information;

3 (b) The disclosure is detectable by the covered provider's
4 provenance detection tool;

5 (c) The disclosure is consistent with widely accepted industry
6 standards;

7 (d) The disclosure is difficult to remove or recoverable, to the
8 extent it is technically feasible.

9 (3)(a) If a covered provider licenses its generative artificial
10 intelligence system to a third party, the covered provider shall
11 require by contract that the licensee maintain the system's
12 capability to include a disclosure required by subsection (2) of this
13 section in content the system creates or alters.

14 (b) If a covered provider knows that a third-party licensee
15 modified a licensed generative artificial intelligence system such
16 that it is no longer capable of including a disclosure required by
17 subsection (2) of this section in content the system creates or
18 alters, the covered provider shall revoke the license within 96 hours
19 of discovering the licensee's action.

20 (c) A third-party licensee shall cease using a licensed
21 generative artificial intelligence system after the license for the
22 system has been revoked by the covered provider pursuant to (b) of
23 this subsection.

24 (d) The provisions of this subsection do not apply to a license
25 to a third party for internal business purposes, where such
26 generative artificial intelligence system will not be made available
27 by the third party to the general public.

28 (4) A covered provider is not in violation of this chapter solely
29 because the manifest or latent disclosure required by this section
30 was unintentionally removed, altered, or rendered unreadable,
31 provided that the removal, alteration, or corruption occurred despite
32 the covered provider's use of commercially reasonable, industry-
33 accepted technical and organizational measures designed to preserve
34 each disclosure.

35 (5) A covered provider is not required to include disclosures in
36 accordance with this section for real-time translation of text or
37 speech.

38 NEW SECTION. **Sec. 5.** (1) This act does not apply to any
39 product, service, internet website, or application that provides

1 exclusively video game or interactive experiences including, but not
2 limited to, the sale of goods or services directly to consumers
3 through the internet, allowing customers to browse, select, and
4 purchase items virtually.

5 (2) This act does not apply to systems used solely for upscaling,
6 noise reduction, or compression.

7 NEW SECTION. **Sec. 6.** (1) Any waiver of the provisions of this
8 chapter is contrary to public policy and is void and unenforceable.

9 (2) The attorney general may bring an action in the name of the
10 state, or as parens patriae on behalf of persons residing in the
11 state, to enforce this chapter. For actions brought by the attorney
12 general to enforce this chapter, the legislature finds that the
13 practices covered by this chapter are matters vitally affecting the
14 public interest for the purpose of applying the consumer protection
15 act, chapter 19.86 RCW. For actions brought by the attorney general
16 to enforce this chapter, a violation of this chapter is not
17 reasonable in relation to the development and preservation of
18 business and is an unfair or deceptive act in trade or commerce and
19 an unfair method of competition for purposes of applying the consumer
20 protection act, chapter 19.86 RCW.

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

23 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act
24 constitute a new chapter in Title 19 RCW.

25 NEW SECTION. **Sec. 8.** This act takes effect January 1, 2028.

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