
HOUSE BILL 1170

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By Representatives Shavers, Taylor, Ryu, Ramel, Fosse, Wylie, Pollet, Ormsby, and Hill

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

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) "Artificial intelligence" or "AI" means an engineered or
9 machine-based system that varies in its level of autonomy and that
10 can, for explicit or implicit objectives, infer from the input it
11 receives how to generate outputs that can influence physical or
12 virtual environments.

13 (2) "Covered provider" means a person that creates, codes, or
14 otherwise produces a generative artificial intelligence system that
15 has over 1,000,000 monthly visitors or users and is publicly
16 accessible within the geographic boundaries of the state.

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

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

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

3 (6) "Metadata" means structural or descriptive information about
4 data.

5 (7) "Personal information" has the same meaning as defined in RCW
6 19.255.005.

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

9 (a) Personal information; or

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

12 (9) "Provenance data" means data that is embedded into digital
13 content or that is included in the digital content's metadata for the
14 purpose of verifying the digital content's authenticity, origin, or
15 history of modification.

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

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

21 (b) Information related to content authenticity.

22 NEW SECTION. **Sec. 2.** (1) A covered provider shall make
23 available an artificial intelligence detection tool at no cost to the
24 user that meets all of the following criteria:

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

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

31 (c) The tool does not output any personal provenance data that is
32 detected in the content;

33 (d) The tool is publicly accessible, although a covered provider
34 may impose reasonable limitations on access to the tool to prevent,
35 or respond to, demonstrable risks to the security or integrity of its
36 generative artificial intelligence system;

37 (e) The tool allows a user to upload content or provide a uniform
38 resource locator linking to online content; and

1 (f) The tool supports an application programming interface that
2 allows a user to invoke the tool without visiting the covered
3 provider's internet website.

4 (2) A covered provider shall collect user feedback related to the
5 efficacy of the covered provider's artificial intelligence detection
6 tool and incorporate relevant feedback into any attempt to improve
7 the efficacy of the tool.

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

9 (a) Collect or retain personal information from users of the
10 covered provider's artificial intelligence detection tool, except:

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

15 (ii) User information collected may only be used to evaluate and
16 improve the efficacy of the covered provider's artificial
17 intelligence detection tool;

18 (b) Retain any content submitted to the artificial intelligence
19 detection tool for longer than is necessary to comply with this
20 section; or

21 (c) Retain any personal provenance data from content submitted to
22 the artificial intelligence detection tool by a user.

23 NEW SECTION. **Sec. 3.** (1) A covered provider shall offer the
24 user the option to include a manifest disclosure in image, video, or
25 audio content, or content that is any combination thereof, created or
26 altered by the covered provider's generative artificial intelligence
27 system that meets all of the following criteria:

28 (a) The disclosure identifies content as AI-generated content;

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

31 (c) The disclosure is permanent or extraordinarily difficult to
32 remove, to the extent it is technically feasible.

33 (2) A covered provider shall include a latent disclosure in AI-
34 generated image, video, or audio content, or content that is any
35 combination thereof, created by the covered provider's generative
36 artificial intelligence system that meets all of the following
37 criteria:

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

4 (i) The name of the covered provider;

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

7 (iii) The time and date of the content's creation or alteration;
8 and

9 (iv) A unique identifier;

10 (b) The disclosure is detectable by the covered provider's
11 artificial intelligence detection tool;

12 (c) The disclosure is consistent with widely accepted industry
13 standards;

14 (d) The disclosure is permanent or extraordinarily difficult to
15 remove, to the extent it is technically feasible.

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

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

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

31 NEW SECTION. **Sec. 4.** This act does not apply to any product,
32 service, internet website, or application that provides exclusively
33 video game, television, streaming, movie, or interactive experiences.

34 NEW SECTION. **Sec. 5.** The legislature finds that the practices
35 covered by this chapter are matters vitally affecting the public
36 interest for the purpose of applying the consumer protection act,
37 chapter 19.86 RCW. A violation of this chapter is not reasonable in
38 relation to the development and preservation of business and is an

1 unfair or deceptive act in trade or commerce and an unfair method of
2 competition for the purpose of applying the consumer protection act,
3 chapter 19.86 RCW.

4 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act
5 constitute a new chapter in Title 19 RCW.

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