HOUSE BILL 1168

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

By Representatives Shavers, Taylor, Ryu, and Fosse

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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

for use by members of the public. 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.

(4) "Generative artificial intelligence" means artificial
intelligence that can generate derived synthetic content, such as
text, images, video, and audio, that emulates the structure and
characteristics of the artificial intelligence'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 seed
data are used to create artificial data that have some of the
statistical characteristics of the seed data.

(8) "Train a generative artificial intelligence system or
service" includes testing, validating, or fine tuning by the
developer of the 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
January 1, 2022, is made publicly available to Washingtonians for
use, regardless of whether the terms of that use include
compensation, the developer of the system or service shall post on
the developer's internet website documentation regarding the data
used by the developer to train the generative artificial intelligence
system or service including, but not limited to:

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

(i) The sources or owners of the datasets;

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

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

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

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

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

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

(viii) Whether the datasets include aggregate consumer
information;

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

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

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

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

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

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

(ii) As applied to datasets without labeling, "types of data
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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