

Washington | AI Policy Overview

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AI Policy Overview

Washington lawmakers have taken a leading role in establishing artificial intelligence policies. In 2017, Washington enacted a biometric privacy law that prohibited businesses from collecting biometric information from consumers without first providing notice and obtaining consent. In 2020, Washington lawmakers enacted a law on government use of facial recognition technology. Additionally, in 2023 Washington lawmakers enacted a law requiring disclosure when any manipulated audio or visual media is used in electioneering communications. And in 2024, lawmakers enacted a law addressing the creation and spread of nonconsensual sexual deepfakes.

In 2024, Governor Inslee (D) signed an [executive order](#) requiring the development of guidelines for public sector procurement and the use of generative artificial intelligence. The guidelines would be developed over the following year and would use the White House [Blueprint for an AI Bill of Rights](#) as guidance. Washington lawmakers show no signs of backing away from establishing additional AI policies, and in December 2023 the Senate Environment, Energy, and Technology Committee [discussed AI](#) in their work session. Lawmakers enacted a law ([WA SB 5838](#)) in 2024 to create an AI Task Force to assess uses, develop guiding principles, and make recommendations for the regulation of generative AI.

Deepfakes

In 2023, Washington enacted a law ([WA SB 5152](#)) to require disclosure when any manipulated audio or visual media is used in electioneering communications. The law defines "synthetic media" as an image, an audio recording, or a video recording of an individual's appearance, speech, or conduct that has been intentionally manipulated with the use of generative adversarial network techniques or other digital technology in a manner to create a realistic but false image, audio, or video that produces: (a) a depiction that to a reasonable individual is of a real individual in appearance, action, or speech that did not actually occur in reality; and (b) a fundamentally different understanding or impression of the appearance, action, or speech than a reasonable person would have from the unaltered, original version of the image, audio recording, or video recording. The law allows a candidate whose appearance, action, or speech is altered through the use of synthetic media in an electioneering communication to seek judicial relief to stop publication of the media, unless the synthetic media contains a disclosure stating, "This (image/video/ audio) has been manipulated."

In 2024, Washington enacted a law ([WA HB 1999](#)) addressing the creation and spread of nonconsensual sexual deepfakes. The law criminalizes the disclosing of fabricated intimate images, expands criminal offenses to fabricated depictions of minors, and provides a civil cause of action for the nonconsensual, intentional disclosure or threatened disclosure of a fabricated intimate image.

Facial Recognition

In 2017, Washington enacted a biometric privacy law ([WA HB 1493](#)) that prohibits businesses from collecting biometric information from consumers without first providing notice and obtaining consent. The law also states that without this notice and consent, a business may not sell, lease, or disclose any biometric identifier about an individual unless doing so is necessary to provide the product or service being requested by the consumer. Additionally, businesses that collect biometric information from consumers must take reasonable care to guard against unauthorized access to that information and must retain the information no longer than is necessary to provide the product or service requested.

In 2020, the Washington legislature enacted a law ([WA SB 6280](#)) governing the use of facial recognition technology. The law requires any state or local government agency seeking to use facial recognition technology to first produce an accountability report and establish a data management policy. The law also requires that if the use of facial recognition technology may produce a legal effect, the results of any facial recognition search must be subject to human review.

Legislative & Regulatory History

- **2024** - Washington enacted [WA SB 5838](#), which creates an AI Task Force to assess uses, develop guiding principles, and make recommendations for the regulation of generative AI.
- **2024** - Washington enacted [WA HB 1999](#), which creates the offense of disclosing fabricated intimate images and establishes a private right of action for the nonconsensual, intentional disclosure or threatened disclosure of a fabricated intimate image.
- **2024** - Gov. Inslee issued [Executive Order 24-01](#) on Jan. 23, 2024, requiring the development of guidelines for public sector procurement and the use of generative artificial intelligence.
- **2023** - Washington enacted [WA SB 5152](#), which requires disclosures when any manipulated audio or visual media is used in an electioneering communication.
- **2020** - Washington enacted [WA SB 6280](#), which establishes safeguards for the use of facial recognition technology by state and local government agencies.
- **2017** - Washington enacted [WA HB 1493](#), which prohibits businesses from collecting biometric information from consumers without first providing notice and obtaining consent.