



Testimony on HB 1170

Chair and members of the committee, thank you. My name is John Coleman, and I'm a legislative counsel with the Foundation for Individual Rights and Expression — FIRE for short. We are a nonpartisan nonprofit that defends the free speech rights of all Americans.

This bill raises First Amendment concerns because it compels speech of large AI providers.

The bill does two main things. First, it requires providers to offer a detection tool that lets users determine whether content was generated or altered by a particular AI system and to view certain provenance data. Second, and more troubling, it mandates disclosures embedded directly into AI-generated image, video, or audio content. These latent disclosures must include:

- the provider's name,
- the model and version used,
- the time and date of creation, and
- a unique identifier that's permanent or extraordinarily difficult to remove.

This isn't like nutrition labels or other consumer disclosures, which appear on product packaging and provide basic information at the point of sale.

This bill instead requires the government's message to be embedded into the speech itself. Images, video, and audio, potentially including political speech, journalism, art, or satire, must carry a persistent, government-mandated label that becomes inseparable from the underlying expression.

This distinction matters legally. The limited doctrine allowing compelled disclosures applies primarily to commercial advertising and only to factual, uncontroversial information reasonably related to preventing consumer deception. HB 1170 goes far beyond that framework. It applies to noncommercial speech, regardless of whether anyone is misled, and forces provenance data that can also burden the right to speak anonymously.

Finally, this bill will also be extremely difficult to implement in practice. Embedding permanent or near-permanent identifiers into digital media is technically complex, easy to circumvent, and unlikely to function as intended once content is edited, transformed, or redistributed. The result will be uneven compliance, limited real-world benefit, and significant costs imposed on lawful speakers without meaningful consumer protection.

For these reasons, we oppose this bill.