

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4496

By Delegates Flanigan, Brooks, Martin, Willis, Mallow,
Butler, Akers, Maynor, Funkhouser, Roop, and
Hornby

[Introduced January 19, 2026; referred to the
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article
2 designated §46A-9-1, §46A-9-2, §46A-9-3, and §46A-9-4, relating to the disclosure of the
3 use of artificial intelligence; defining terms; setting out disclosure requirements;
4 enforcement; and creating civil penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9. ARTIFICAL INTELLIGENCE MEDIA DISCLOSURE.

§46A-9-1. Legislative intent.

1 The purpose of this article is to ensure transparency, consumer protection, and
2 accountability by requiring clear and conspicuous disclosure when media is created, generated, or
3 materially altered using artificial intelligence technologies.

§46A-9-2. Definitions.

1 For the purposes of this article:

2 "Artificial Intelligence" or "AI" means any machine-based system that, for a given set of
3 human-defined objectives, makes predictions, recommendations, or decisions influencing real or
4 virtual environments, including generative artificial intelligence models capable of producing text,
5 images, audio, video, or other media content.

6 "AI-Generated Media" means any image, video, audio, text, or other multimedia content
7 created, generated, or materially altered in whole or in part by artificial intelligence, including
8 deepfakes, synthetic media, or algorithmically-generated compositions.

9 "Disclosure" means a clear and conspicuous statement, watermark, digital marker, or on-
10 screen/on-audio identifier informing an individual that the media they are viewing, hearing, or
11 receiving is AI-generated.

12 "Materially Altered" refers to any modification of existing media using AI in a manner that
13 changes meaning, appearance, speech, identity, or context beyond basic correction or
14 enhancement.

15 "Covered Entity" means any individual, corporation, organization, platform, or

16 governmental body that creates, distributes, publishes, or transmits AI-generated media for public
17 consumption.

§46A-9-3. Disclosure of AI-generated Media.

1 (a) General Disclosure Requirement. A covered entity shall ensure that any AI-generated
2 media it creates, distributes, publishes, or transmits includes a clear and conspicuous disclosure
3 indicating that the media was created or materially altered using artificial intelligence.

4 (b) Form of Disclosure. The disclosure shall:
5 (1) Be easily visible or audible to a reasonable user.
6 (2) For any visual media include a watermark or text label of sufficient size and contrast
7 stating "AI-Generated", "Created with AI", or some other easily identifiable words or symbol to
8 indicate that AI was used.

9 (3) For audio media, include a voice or transcript statement at the beginning stating "This
10 audio contains content generated by artificial intelligence."

11 (4) For video media, include an on-screen disclosure lasting no fewer than 3 seconds at
12 the beginning of the video and a persistent but unobtrusive watermark throughout playback.

13 (c) Platform-Level Obligations. Any platform hosting or distributing AI-generated media
14 shall:

15 (1) Maintain functionality to preserve disclosures and watermarks;
16 (2) Prohibit removal or obfuscation of disclosures without explicit lawful justification; and
17 (3) Implement automated detection systems, when feasible, to identify unlabeled AI-
18 generated content and prompt disclosure.

19 (d) Exceptions. Disclosure is not required for:
20 (1) Internal research or development that is not distributed to the public;
21 (2) AI-assisted editing that does not materially alter the meaning, such as spell-checking;
22 or
23 (3) Any content created solely for private personal use and not publicly distributed.

§46A-9-4. Enforcement authority and penalties.

1 (a) *Enforcement Authority.* The attorney general shall have authority to enforce this Act.

2 (b) *Civil Penalties.* No person or organization may distribute AI-generated media in
3 violation of this article.

4 (1) An organization, including, but not limited to the creator, producer, and platform of the
5 AI-generated media, that violates the provisions of this article may be assessed a civil penalty of
6 up to \$100,000 per day for each separate violation.

7 (2) An individual who violates the provisions of this article may be assessed a civil penalty
8 of up to \$1,000 per day for each separate violation.

9 (3) Additional penalties of up to \$100,000 per day may be assessed when violations
10 involve political deception, identity manipulation, or public safety risks.

11 (c) *Right of Action.* Individuals harmed by undisclosed AI-generated media may pursue a
12 private right of action for damages, equitable relief, and attorney's fees.

13 (d) The provisions of this section shall not be construed to limit any person's right to pursue
14 any additional civil remedy otherwise allowed by law.

NOTE: The purpose of this bill is to protect West Virginians by requiring artificial intelligence created media to be disclosed.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.