

18 AI-Related Laws Governor Newsom Did Not Veto

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This blog post is part of an ongoing series exploring California's evolving AI regulatory landscape. Following our [analysis of SB 1047's potential impact before its veto](#), this blog post provides a summary of the 18 AI-related laws that Governor Newsom did enact in his most recent legislative cycle. These summaries are primarily sourced from Governor Newsom's website^[1] with additional notes provided where relevant and have been organized into four broad categories to help readers better understand the measures shaping the future of AI development and compliance in the state.

What Governor Newsom Did Not Veto

Despite Governor Newsom's recent veto of SB 1047—a bill widely regarded as having the potential to significantly impact the AI industry as a whole—he still enacted 18 other AI-related laws that are nonetheless set to reshape how the state governs the rapidly evolving technology. We have organized the 18 AI-related laws into the following four categories, reflecting the trends they address:

1. **Privacy, Data Protection, and Transparency in AI**
2. **Protection Against AI-Generated Harmful Content**
3. **AI and Election Integrity**
4. **AI Integration in Public Sectors**

PRIVACY, DATA PROTECTION, AND TRANSPARENCY IN AI

These bills address the protection of personal information, establish definitions, and promote transparency in AI systems.

- **AB 1008** by Assemblymember Rebecca Bauer-Kahan (D-Orinda)

- Clarifies that personal information under the California Consumer Privacy Act (CCPA) can exist in various formats, including information stored by AI systems.
 - **AB 2013** by Assemblymember Jacqui Irwin (D-Thousand Oaks)
 - Requires AI developers to post information on the data used to train the AI system or service on their websites.
 - **AB 2885** by Assemblymember Rebecca Bauer-Kahan (D-Orinda)
 - Establishes a uniform definition for AI, or artificial intelligence, in California law.
 - **SB 942** by Senator Josh Becker (D-Menlo Park)
 - Requires the developers of covered GenAI systems to both include provenance disclosures in the original content their systems produce and make tools available to identify GenAI content produced by their systems.
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PROTECTION AGAINST AI-GENERATED HARMFUL CONTENT

These bills focus on combating the misuse of AI in creating harmful content, such as deepfakes, sexually explicit material, and unauthorized use of individual's likenesses.

- **AB 1831** by Assemblymember Marc Berman (D-Menlo Park)
 - Expands the scope of existing child pornography statutes to include matter that is digitally altered or generated by the use of AI. Enacted in tandem with SB 1381, with a focus on amending sections related to possession and distribution offenses.
 - **AB 1836** by Assemblymember Rebecca Bauer-Kahan (D-Orinda)
 - Prohibits a person from producing, distributing, or making available the digital replica of a deceased personality's voice or likeness in an expressive audiovisual work or sound recording without prior consent, except as provided.
 - **AB 2602** by Assemblymember Ash Kalra (D-San Jose)
 - Provides that an agreement for the performance of personal or professional services which contains a provision allowing for the use of a digital replica of an individual's voice or likeness is unenforceable if it does not include a reasonably specific description of the intended uses of the replica and the individual is not represented by legal counsel or by a labor union, as specified.
 - **SB 926** by Senator Aisha Wahab (D-Silicon Valley)
 - Creates a new crime for a person to intentionally create and distribute any sexually explicit image of another identifiable person that was created in a manner that would cause a reasonable person to believe the image is an authentic image of the person depicted, under circumstances in which the person distributing the image knows or should know that distribution of the image will cause serious emotional distress, and the person depicted suffers that distress.
 - **SB 981** by Senator Aisha Wahab (D-Silicon Valley)
 - Requires social media platforms to establish a mechanism for reporting and removing "sexually explicit digital identity theft."
 - **SB 1381** by Senator Aisha Wahab (D-Silicon Valley)
 - Expands the scope of existing child pornography statutes to include matter that is digitally altered or generated by the use of AI. Enacted in tandem with AB 1831, with a focus on amending sections related to manufacturing and involving minors in the creation of explicit material.
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AI AND ELECTION INTEGRITY

These bills aim to maintain the integrity of elections by regulating the use of AI in political advertisements and preventing the spread of deceptive AI-generated content, specifically in the context of elections.

- **AB 2355** by Assemblymember Wendy Carrillo (D-Los Angeles)
 - Requires committees that create, publish, or distribute a political advertisement that contains any image, audio, or video that is generated or substantially altered using AI to include a disclosure in the advertisement disclosing that the content has been so altered.
- **AB 2655** by Assemblymember Marc Berman (D-Menlo Park)
 - Requires large online platforms with at least one million California users to remove materially deceptive and digitally modified or created content related to elections, or to label that content, during specified periods before and after an election, if the content is reported to the platform. Provides for injunctive relief.
- **AB 2839** by Assemblymember Gail Pellerin (D-Santa Cruz)
 - Expands the timeframe in which a committee or other entity is prohibited from knowingly distributing an advertisement or other election material containing deceptive AI-generated or manipulated content from 60 days to 120 days, amongst other things.

Note: As of October 2, 2024, U.S. District Judge John A. Mendez has granted a preliminary injunction blocking AB 2839, citing potential violations of the First Amendment. Judge Mendez acknowledged the significant risks posed by AI and deepfakes but ruled that the law likely infringes upon free speech protections. The judge noted that while concerns over the misuse of deepfakes are valid, the law “acts as a hammer instead of a scalpel,” stifling critique, parody, and satire that are traditionally protected under the First Amendment. The ruling emphasized that “counter speech” could be a less restrictive alternative to prohibiting AI-generated content. As a result, the law has been put on hold pending further legal review.

AI INTEGRATION IN PUBLIC SECTORS

These bills focus on the responsible integration of AI into education, healthcare, and government operations, with an emphasis on transparency, ethics, and risk assessment.

Education

- **AB 2876** by Assemblymember Marc Berman (D-Menlo Park)
 - Require the Instructional Quality Commission (IQC) to consider AI literacy to be included in the mathematics, science, and history-social science curriculum frameworks and instructional materials.
- **SB 1288** by Senator Josh Becker (D-Menlo Park)
 - Requires the Superintendent of Public Instruction (SPI) to convene a working group for the purpose of exploring how AI and other forms of similarly advanced technology are currently being used in education.

Healthcare

- **AB 3030** by Assemblymember Lisa Calderon (D-Whittier)
 - Requires specified health care providers to disclose the use of GenAI when it is used to generate communications to a patient pertaining to patient clinical information.
- **SB 1120** by Senator Josh Becker (D-Menlo Park)

- Establishes requirements on health plans and insurers applicable to their use of AI for utilization review and utilization management decisions, including that the use of AI, algorithm, or other software must be based upon a patient's medical or other clinical history and individual clinical circumstances as presented by the requesting provider and not supplant health care provider decision making.

Government Use and Risk Analysis

- **SB 896** by Senator Bill Dodd (D-Napa)
- Requires the California Department of Technology (CDT) to update report for the Governor as called for in Executive Order N-12-23, related to the procurement and use of GenAI by the state; requires OES to perform a risk analysis of potential threats posed by the use of GenAI to California's critical infrastructure (w/high-level summary to Legislature); and requires that the use of GenAI for state communications be disclosed.

[1] <https://www.gov.ca.gov/2024/09/29/governor-newsom-announces-new-initiatives-to-advance-safe-and-responsible-ai-protect-californians>

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