

Date of Hearing: April 7, 2026

Fiscal: Yes

ASSEMBLY COMMITTEE ON PRIVACY AND CONSUMER PROTECTION

Rebecca Bauer-Kahan, Chair

AB 2412 (Ta) – As Introduced February 20, 2026

PROPOSED AMENDMENT

SUBJECT: State agencies or departments: public communications

SYNOPSIS

SB 986 (Dodd, Ch. 928, Stat. 2024) established disclosure requirements for state agencies and departments that use generative artificial intelligence (GenAI) when communicating directly with a person about governmental services and benefits. This bill expands the disclosure requirements to include any form of communication with the public, not simply direct communication regarding governmental services and benefits.

An amendment described in Comment #4 would clarify that both individualized direct communications and general public announcements utilizing GenAI are subject to disclosure requirements.

This bill is author-sponsored and has no registered support or opposition.

EXISTING LAW:

- 1) Defines “Artificial intelligence” to mean an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments. (Gov. Code § 11546.45.5)
- 2) Defines “GenAI” or “Generative artificial intelligence” to mean an artificial intelligence system that can generate derived synthetic content, including text, images, video, and audio that emulates the structure and characteristics of the system’s training data. (Gov. Code. § 11549.64(b).)
- 3) Requires that a state agency or department that uses GenAI to directly communicate with a person regarding government services and benefits includes within those communications:
 - a. A disclaimer that the communication was generated using GenAI. (Gov. Code. § 11549.66(a).)
 - i. For written communications involving physical and digital media, including letters, email, and other occasional messages, the disclaimer shall appear prominently at the start of each communication.
 - ii. For written communications involving continuous online interactions, including interactions with chatbots, the disclaimer shall be prominently displayed throughout the interaction.

- iii. For audio communications, the disclaimer shall be provided verbally at the start and end of the interaction.
 - iv. For video communications, the disclaimer shall be prominently displayed throughout the interaction.
- b. Information, or a link to an internet website containing information, on how a person can contact a human employee of the state agency or department. (Gov. Code. § 11549.66(b).)

THIS BILL: Expands the disclosure requirements to include individualized direct communication with a person and general announcements to the public, not limited to communication regarding government services and benefits.

COMMENTS:

1) **Author’s statement.** According to the author:

Residents must know whether they are interacting with a human or an AI system when communicating with a government agency. Mandatory disclosures eliminate confusion and prevent deception. Government communications wield authority; therefore, nondisclosure of AI use damages public confidence. Transparency protects trust in state institutions. In the absence of a standard rule, agencies will disclose AI use inconsistently. AB 2412 sets uniform statewide standards for AI adoption.

2) **AI and GenAI.** The development of GenAI has created exciting opportunities for California’s economy and the lives of its residents. GenAI can generate compelling text, images and audio in an instant – but with novel technologies come novel safety concerns.

In brief, AI is the mimicking of human intelligence by artificial systems such as computers. AI uses algorithms – sets of rules – to transform inputs into outputs. Inputs and outputs can be anything a computer can process: numbers, text, audio, video, or movement. AI is not fundamentally different from other computer functions; its novelty lies in its application. Unlike normal computer functions, AI is able to accomplish tasks that are normally performed by humans.

AI that are trained on small, specific datasets in order to make recommendations and predictions are sometimes referred to as “predictive AI.” This differentiates them from GenAI, which are trained on massive datasets in order to produce detailed text and images. When Netflix suggests a TV show to a viewer, the recommendation is produced by predictive AI that has been trained on the viewing habits of Netflix users. When ChatGPT generates text in clear, concise paragraphs, it uses GenAI that has been trained on the written contents of the internet.

GenAI’s use has skyrocketed in recent years, with one report suggesting that roughly 115 million to 180 million people use GenAI daily.¹ With so many people relying on GenAI tools like ChatGPT and Claude, it’s unsurprising that states have also turned to the technology as a

¹ Andres, Guadamuz, “How many people are using generative AI on a daily basis? A Gemini report,” (Apr 14, 2025), <https://www.technollama.co.uk/a-gemini-report-how-many-people-are-using-generative-ai-on-a-daily-basis-a-gemini-report>.

potential tool to streamline tasks and promote efficiency. Indeed, a 2024 survey found that just over half (53 percent) of state employees surveyed said that they use GenAI in their work.² This number is only expected to grow as GenAI continues to develop and improve.

3) **Governor Gavin Newsom’s GenAI Executive Order.** In September 2023, Governor Gavin Newsom signed Executive Order N-12-23 with the stated goals of “deploy[ing] GenAI ethically and responsibly throughout state government, protect[ing] and prepar[ing] for potential harms, and remain[ing] the world’s AI leader.”³ The executive order lists a number of provisions:

- **Risk-Analysis Report:** Direct state agencies and departments to perform a joint risk-analysis of potential threats to and vulnerabilities of California’s critical energy infrastructure by the use of GenAI.
- **Procurement Blueprint:** To support a safe, ethical, and responsible innovation ecosystem inside state government, agencies will issue general guidelines for public sector procurement, uses, and required training for application of GenAI – building on the White House’s Blueprint for an AI Bill of Rights and the National Institute for Science and Technology’s AI Risk Management Framework. State agencies and departments will consider procurement and enterprise use opportunities where GenAI can improve the efficiency, effectiveness, accessibility, and equity of government operations.
- **Beneficial Uses of GenAI Report:** Direct state agencies and departments to develop a report examining the most significant and beneficial uses of GenAI in the state. The report will also explain the potential harms and risks for communities, government, and state government workers.
- **Deployment and Analysis Framework:** Develop guidelines for agencies and departments to analyze the impact that adopting GenAI tools may have on vulnerable communities. The state will establish the infrastructure needed to conduct pilots of GenAI projects, including California Department of Technology approved environments or “sandboxes” to test such projects.
- **State Employee Training:** To support California’s state government workforce and prepare for the next generation of skills needed to thrive in the GenAI economy, agencies will provide trainings for state government workers to use state-approved GenAI to achieve equitable outcomes, and will establish criteria to evaluate the impact of GenAI to the state government workforce.
- **GenAI Partnership and Symposium:** Establish a formal partnership with the University of California, Berkeley and Stanford University to consider and evaluate the impacts of GenAI on California and what efforts the state should undertake to advance its leadership in this industry. The state and the institutions will develop and host a joint summit in

² Amy Glasscock, “Generating opportunity: The risks and rewards of generative AI in state government,” *National Association of State Chief Information Officers*, (Nov 2024), https://www.nascio.org/wp-content/uploads/2024/11/NASCIO_Risks-and-Rewards-of-GenAI_2024_a.pdf.

³ Governor Gavin Newsom, Executive Order N-12-23, <https://www.gov.ca.gov/2023/09/06/governor-newsom-signs-executive-order-to-prepare-california-for-the-progress-of-artificial-intelligence/>.

2024 to engage in meaningful discussions about the impacts of GenAI on California and its workforce.

- **Legislative Engagement:** Engage with Legislative partners and key stakeholders in a formal process to develop policy recommendations for responsible use of AI, including any guidelines, criteria, reports, and/or training.
- **Evaluate Impacts of AI on an Ongoing Basis:** Periodically evaluate for potential impact of GenAI on regulatory issues under the respective agency, department, or board's authority and recommend necessary updates as a result of this evolving technology.

In response to Governor Newsom's executive order, the California legislature drafted SB 896 (Dodd, Ch. 928, Stat. 2024), which codified several provisions of N-12-23.⁴ Specifically, SB 896 required that the Office of Emergency Services perform a risk analysis of potential threats to California's critical infrastructure posed by GenAI, to be updated as needed to address significant developments. SB 986 also established disclosure requirements for state agencies and departments that use GenAI to communicate directly with a person regarding government services and benefits.

4) This bill expands disclosure requirements regarding governmental use of GenAI. AB 2412 expands the disclosure requirements of SB 986 (Dodd, Ch. 928, Stats. 2024) to any communication with the public, not simply communication regarding governmental services and benefits. Under this bill, state agencies would be required to include disclosures on all public-facing media that uses GenAI in the drafting, such as social media posts, press releases, public health messaging, and general informational content. Existing law only requires disclosures for state agencies communicating directly regarding benefits and services. Transparency surrounding AI usage, especially as it is employed by the government, is critical to both improve AI systems and to promote trust and accountability in governmental services. Additionally, requiring disclosures when GenAI is used to communicate with the public is useful in quickly identifying and remedying flaws in GenAI, such as hallucinations, and helps to promote sound governance of emerging technologies. According to Tech Policy Press, a nonprofit aimed at exploring pro-democracy approaches in tech, state agencies relying on AI:

must provide enhanced documentation on risk management practices, impact assessments, test environments, human oversight in decision-making, and ongoing performance monitoring. Agencies must also specify whether they notify affected populations about AI use, offer mechanisms to contest AI-driven decisions, and allow individuals to opt-out.⁵

With the growing reliance on GenAI, AB 2412 aims to promote transparency and accountability from state agencies by requiring conspicuous disclosures when GenAI is used. Requiring such disclosures is a critical first step to promoting sound governance over these technologies and ensures that the public is aware when they are engaging with GenAI-created content.

⁴ Governor Newsom released an updated Executive Order, N-5-26, on March 30, 2026, which requires companies interested in doing business with the state of California to certify that their AI systems include necessary safeguards against illegal content, harmful bias, and violations of civil rights and liberties. (Governor Gavin Newsom, Executive Order N-5-26, <https://www.gov.ca.gov/wp-content/uploads/2026/03/3.30-FINAL-Trusted-AI-Procurement-EO-N-5-26.pdf>.)

⁵ Clara Langevin, "AI Accountability Starts with Government Transparency," *Tech Policy Press*, (Mar 20, 2025), <https://www.techpolicy.press/ai-accountability-starts-with-government-transparency/>.

5) **Amendment.** To clarify which forms of communication with the public would be subject to disclosure agreements, the author has agreed to the following amendment:

A state agency or department that utilizes GenAI to communicate with the public, *including through both individualized direct communications and general public announcements*, shall ensure that those communications include both of the following:

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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