



May 6, 2026

Joint Commission on Technology and Science

Electronic Participation Policy

For Consideration at the JCOTS full commission meeting on 5/6/2026

It is the policy of the Joint Commission on Technology and Science (the Commission) that individual commissioners may participate in meetings by electronic means as permitted by Virginia Code [§ 2.2-3708.3](#) and subsequent amendments thereto. This policy shall apply to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. Whenever an individual commissioner wishes to participate from a remote location, the law requires a quorum of commissioners to be physically assembled at the primary or central meeting location. When such individual participation is due to a personal matter, such participation is limited by law to two meetings or 25 percent of the meetings of the public body per member each calendar year rounded up to the next whole number, whichever is greater.

Requests for remote participation or for the Commission to conduct an all-virtual public meeting shall be conveyed to staff, who shall then relay such requests to the Chair. Individual participation from a remote location shall be approved unless such participation would violate this policy or the provisions of the Virginia Freedom of Information Act. If a commissioner's participation from a remote location is challenged, then the Commission shall vote whether to allow such participation. If the Commission votes to disapprove of the commissioner's participation because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

Further, it is the policy of the Joint Commission on Technology and Science that the Commission may, upon the call or approval of the Chair, hold all-virtual public meetings pursuant to subsection C of [§ 2.2-3708.3](#) and subsequent amendments thereto. Such all-virtual public meetings are also limited by law to two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. Effective July 1, 2024, such all-virtual public meetings will be limited by law to two meetings per calendar year or 50 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. Additionally, an all-virtual public meeting may not be held consecutively with another all-virtual public meeting.

The meeting minutes shall include all information as required by [§§ 2.2-3707](#) and [2.2-3708.3](#) depending on the type of remote participation or all-virtual public meeting.



VIRGINIA  
IT AGENCY

# Briefing to The Joint Commission on Technology and Science (JCOTS)

Michael Watson  
Chief Information Officer of the Commonwealth

**May 6, 2026**





# Who we are and what we do

VITA is comprised of about 350 professionals who connect, protect and innovate for Virginia, as part of four main statutory roles.

We provide services to agencies with General Assembly oversight and reporting.

1. **Cybersecurity:** Protect people, assets and information from loss, damage and misuse
2. **Infrastructure:** Ensure the operating environment is efficient, secure, available, and delivers the best value
3. **Governance:** Provide policy and standards for technology, best practices, cybersecurity, project management, enterprise optimization and data.
4. **Procurement:** Develop value-driven statewide IT contracts that enable Commonwealth public bodies to obtain the best value for their organizations (from \$1.1B FY22 to \$1.3B FY25 with ~ 1/3 being used by localities; 18% increase)



## Data Centers

### Physical data centers

QTS Ashburn  
QTS Sandston

### Virtual data centers

Amazon web services (AWS)  
Microsoft Azure  
Oracle cloud infrastructure (OCI)  
Google cloud



# 65

Executive branch agencies



# 1,700

Locations served in Virginia



## Enterprise services and solutions

Enterprise Solutions  
Business Platform Solutions  
Application Modernization and Integration Services  
Artificial Intelligence

# Cybersecurity in everything!



## Managed storage

~66

**petabytes**

petabyte = 1,000 terabytes

Mainframe  
IBM

## Computers

64,022 PCs  
4,377 Servers

## Communications

31,652 VOIP phones  
3,200 Circuits  
1,406 Managed network devices

## Printers

2,410 Network

## Mailboxes

67,169 Accounts

## Procurements

Over 150 state contracts  
8 Supplier Towers  
400 COV Ramp solutions  
Over \$1.3 billion of contract spending

# VITA's leadership team



**Michael Watson**  
Chief Information Officer  
of the Commonwealth



**Trey Stevens**  
Acting Chief Information  
Security Officer



**Cynthia Cordova-Edwards**  
Chief Financial Officer



**Naveen Abraham**  
Deputy CIO and Chief of Core  
Infrastructure Services



**Marcus Thornton**  
Deputy Chief Data  
Officer



**Brahma Alaparthy**  
Chief of Enterprise and  
Intelligent Solutions



**Jason Brown**  
Chief Administrative  
Officer



**Richard Matthews**  
Chief Customer  
Experience Officer

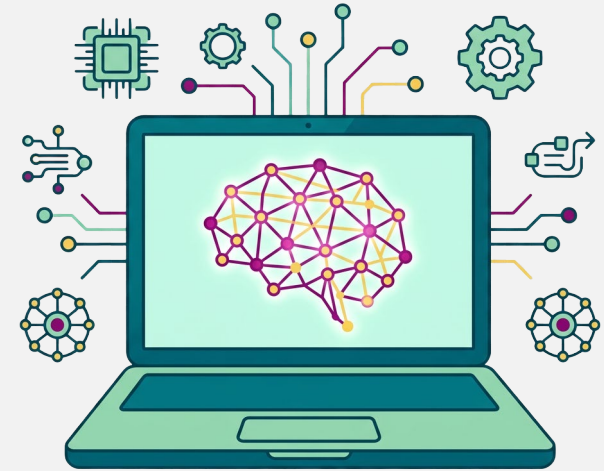
# VITA's priorities



**Process  
Optimization**



**Recompetes**



**AI**

# Questions?





# Administrative Updates

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Presented by Jodi M. Kuhn

# 2026 Meeting Dates

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Wednesday May 6

Wednesday June 3

Wednesday August 5

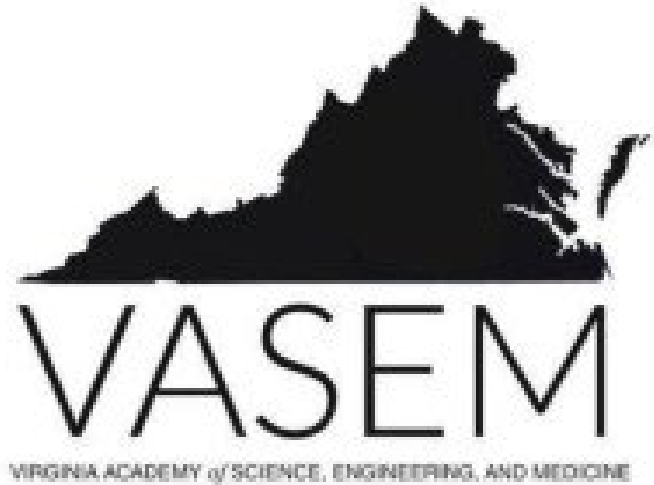
Thursday October 8

Wednesday November 4

All meetings  
are at 10 a.m.

- 2025 JCOTS Recommendations
  - Bills
  - Budget Amendments
- 2026 Bill Assignments
  - Eight bills sent by letter
  - One Section 1 bill

# COVES Fellow



- Launched in 2020 to strengthen ties between Virginia's scientific community and state government.
- A 12-week summer program placing young scientists as policy advisors in legislative offices, executive branch agencies, and Virginia companies and nonprofits.
- Open to current graduate students from universities across Virginia, selected on career interests, desire to learn, and scientific integrity.

# William & Mary Partnership



**WILLIAM & MARY**  
CHARTERED 1693

- Three-year strategic partnership
- JCOTS will gain access to W&M Library and Research Services.
- JCOTS will host two W&M students as summer interns.
- JCOTS will host a research symposium on W&M's campus in the spring of 2026.

## Agenda

10-12 Full Commission Meeting

12-1 Lunch

1-5 Symposium



Scan to Register



**TECH  
POLICY  
SYMPOSIUM**

June 3, 2026

Location:  
Brinkley Commons, W&M

**Registration is open:**

<https://jcots.notion.site/tech-policy-symposium>

**JCOTS**  
JOINT COMMISSION ON  
TECHNOLOGY & SCIENCE

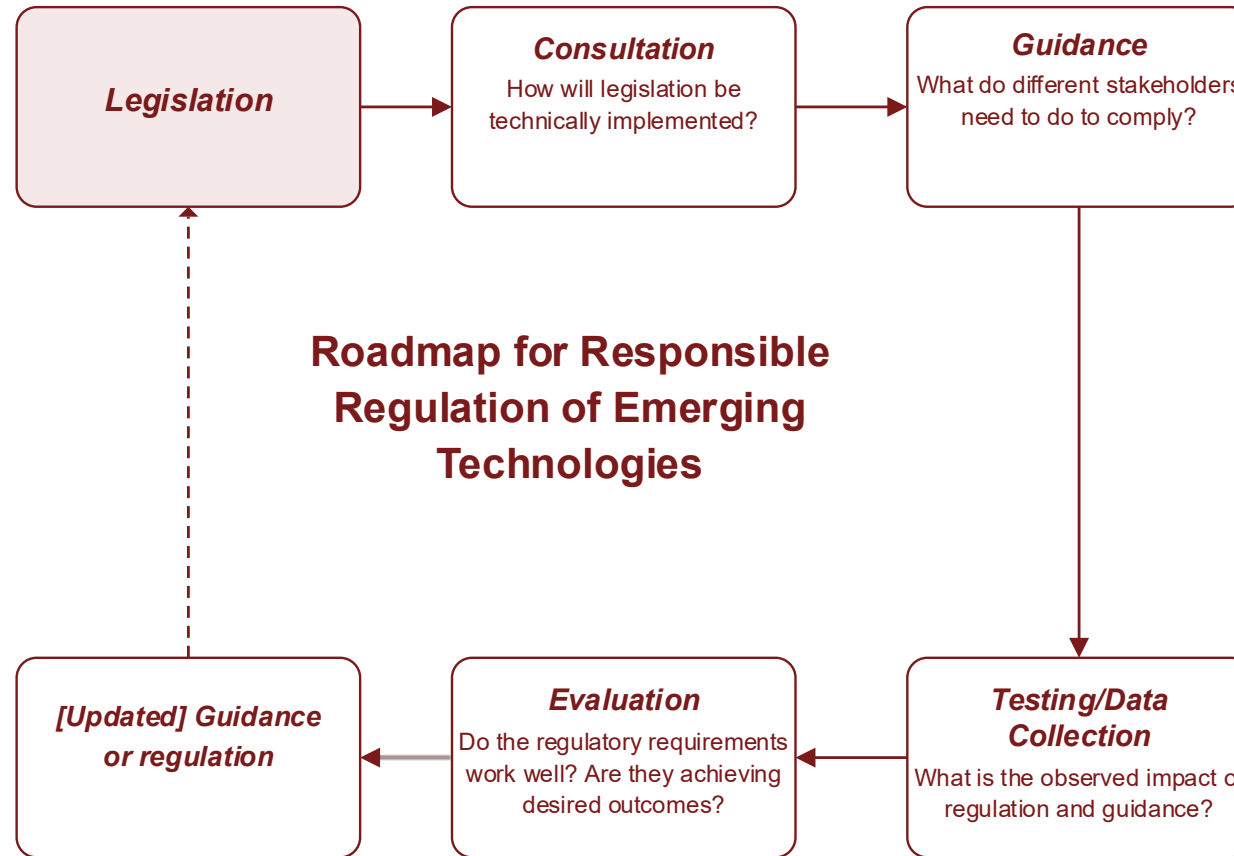
**WILLIAM  
& MARY**



# 2026 Workplan

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Presented by Jodi M. Kuhn



## Research Questions

What constitutes best practice in an evidence-based regulatory process?

How is regulation of emerging tech tested/monitored/evaluated at the federal level? In other states or jurisdictions?

How are (similar) regulations currently studied/monitored/evaluated in Virginia?

In an agile regulatory roadmap, which state agencies could perform the various institutional roles required?

What policies or practices could Virginia adopt to encourage agile, evidence-based regulation of emerging technologies?

# Bills Sent to JCOTS

1. [HB 635](#) Maldonado - Artificial Intelligence Chatbots Act; established, prohibited practices, penalties.
2. [HB 707](#) Hayes - State government; transaction of public business; prohibited website domains.
3. [HB 782](#) Hayes - Health care providers; caller identification information, civil penalty.
4. [HB 1170](#) Carrol - Law-enforcement agencies & sheriff's dept.; policy on use of covered AI system.
5. [SB 85](#) VanValkenburg - CDPA; social media platforms & model operators, interoperability interfaces.
6. [SB 237](#) Head - App Store Accountability Act; civil penalties, civil action.
7. [SB 365](#) Pekarsky - Fostering Access, Innovation, and Responsibility in Artificial Intelligence Act; established.
8. [SB 796](#) Durant – AI Companion Chatbots and Minors Act; established, enforcement, civil penalty.

## Section 1 Bill

[SB 384](#) Williams Graves / [HB 797](#) Hayes - Artificial intelligence; framework for person/entity acting as an independent verification organization.

# Deliverable: Workgroup

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1. [HB 707](#) Hayes - State government; transaction of public business; prohibited website domains.
2. [HB 782](#) Hayes - Health care providers; caller identification information, civil penalty.

*Description: Workgroup meeting for each topic in June and July.  
A synthesis of the discussions will be provided to the participants and JCOTS.*

# Deliverable: Resource Brief

1. [HB 1170](#) Carrol - Law-enforcement agencies & sheriff's dept.; policy on use of covered AI system.
2. [SB 85](#) VanValkenburg - CDPA; social media platforms & model operators, interoperability interfaces.
3. [SB 365](#) Pekarsky - Fostering Access, Innovation, and Responsibility in Artificial Intelligence Act; established

*Description: A resource brief identifying key stakeholders, considerations, and recent articles/peer reviewed literature will be provided to the patron and JCOTS.*

# Deliverable: Bill Study

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SB 237 Head - App Store Accountability Act; civil penalties, civil action.

*Description: A standard bill study will be conducted and presented in August.*

# Deliverable: Expand Previous Snapshot

1. [HB 635](#) Maldonado - Artificial Intelligence Chatbots Act; established, prohibited practices, penalties.
2. [SB 796](#) Durant – AI Companion Chatbots and Minors Act; established, enforcement, civil penalty.

*Description: The 2025 AI Chatbot Snapshot will be expanded with a focus on companion chatbots and children. This will be presented in August.*

# Section 1 Bill

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[SB 384](#) Williams Graves / [HB 797](#) Hayes - Artificial intelligence; framework for person/entity acting as an independent verification org.

That the Joint Commission on Technology and Science (JCOTS) shall evaluate the feasibility and impact of developing a framework for any person or entity seeking to act as an independent verification organization that assesses artificial intelligence models' or applications' adherence to standards reflecting best practices for the prevention of personal injury and property damage.

*Description: Establishing a university contract to support this research study*

# Questions



## Bills Sent to JCOTS in the 2026 Session

1. [HB 635](#) Maldonado - Artificial Intelligence Chatbots Act; established, prohibited practices, penalties.
2. [HB 707](#) Hayes - State government; transaction of public business; prohibited website domains.
3. [HB 782](#) Hayes - Health care providers; caller identification information, civil penalty.
4. [HB 1170](#) Carrol - Law-enforcement agencies & sheriff's dept.; policy on use of covered artificial intelligence syst.
5. [SB 85](#) VanValkenburg - Consumer Data Protection Act; social media platforms & model operators, interoperability interfaces.
6. [SB 237](#) Head - App Store Accountability Act; civil penalties, civil action.
7. [SB 365](#) Pekarsky - Fostering Access, Innovation, and Responsibility in Artificial Intelligence Act; established.
8. [SB 796](#) Durant - Artificial Intelligence Companion Chatbots and Minors Act; established, enforcement, civil penalty.

### Section 1 Bill

[SB 384](#) Williams Graves / [HB 797](#) Hayes - Artificial intelligence; framework for person/entity acting as an independent verification org.

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## Bills sent by letter

1. [HB 635](#) Maldonado - **Artificial Intelligence Chatbots Act; established, prohibited practices, penalties.**

Creates the Artificial Intelligence Chatbots Act, which prohibits an operator from making a companion chatbot, as those terms are defined in the bill, available to a user in the Commonwealth unless the companion chatbot is incapable of certain actions specified in the bill. The bill also requires an operator of a companion chatbot to include a disclaimer to users of all ages that a companion chatbot is not a human via a static, persistent disclosure and notify a user via a pop-up that he is not engaging with a human counterpart at specified intervals. The bill makes it unlawful for any operator of a companion chatbot to operate or provide a companion chatbot to a user unless such companion chatbot contains a protocol to take reasonable efforts for detecting and addressing expressions of suicidal ideation or self-harm by a user to the companion chatbot. The bill also includes certain data privacy and

transparency requirements. The bill provides that a violation of its provisions constitutes a prohibited practice under the Virginia Consumer Protection Act.

**2. [HB 707](#) - State government; transaction of public business; prohibited website domains.**

Prohibits a public body, defined in the bill, from maintaining an official website for public use with a domain other than a .gov, .edu, or .museum domain. The bill provides that any email address that a public body provides to its employees shall utilize a .gov domain and directs the Virginia Information Technologies Agency to promulgate regulations to implement the provisions of the bill. The bill has a delayed effective date of July 1, 2029.

**3. [HB 782](#) Hayes - Health care providers; caller identification information, civil penalty.**

Requires a health care provider to ensure that the caller identification information associated with his practice readily identifies such practice to the recipient of his practice's telephone call. The bill further provides that any person who knowingly causes a telephone to ring and engages in conduct that results in the display of false caller identification information, as defined in the bill, on the called party's telephone shall be subject to a civil penalty in an amount not to exceed \$500 plus reasonable attorney fees, expenses, and court costs, as determined by the court.

**4. [HB 1170](#) Carrol - Law-enforcement agencies & sheriff's dept.; policy on use of covered artificial intelligence syst.**

Requires the Department of Criminal Justice Services to establish a model policy for the use of a covered artificial intelligence system, defined in the bill, by any state or local law-enforcement agency or sheriff's department by October 1, 2026. The bill also requires each local law-enforcement agency and sheriff's department and the Department of State Police to establish and adopt a written policy for the use of a covered AI system by such agency or department that meets or exceeds the model policy established by the Department of Criminal Justice Services by January 1, 2027. The bill requires such policies be publicly available on the law-enforcement agency's or sheriff's department's website.

**5. [SB 85](#) VanValkenburg - Consumer Data Protection Act; social media platforms & model operators, interoperability interfaces.**

Requires social media platforms and operators, defined in the bill, to implement third-party interoperability interfaces to allow users to share social graph data, defined in the bill, and contextual data associated with artificial intelligence systems, defined in the bill, as the user designates. The bill has a delayed effective date of July 1, 2027.

6. **SB 365 Pekarsky - Fostering Access, Innovation, and Responsibility in Artificial Intelligence Act; established.**

Establishes the Fostering Access, Innovation, and Responsibility in Artificial Intelligence Act (FAIR AI Act) that requires a developer of a base artificial intelligence model, as defined in the bill, to clearly and conspicuously disclose, in a manner that is appropriate for the medium of the content and is easily accessible to the user of such model, in the terms of service governing the use of such model, certain elements related to the artificial intelligence system. The bill creates the FAIR AI Enforcement Fund for the purpose of supporting agency enforcement of artificial intelligence system misuse, bias, and workforce disruption. Finally, the bill limits the defenses available in any criminal or civil action against a defendant that is alleged to have developed, modified, or deployed an artificial intelligence system that caused harm to a plaintiff. The bill has a delayed effective date of July 1, 2027.

7. **SB 237 Head - App Store Accountability Act; civil penalties, civil action.**

Requires an app store provider, defined in the bill, to verify the age category of an account holder, obtain verifiable parental consent for a minor account holder, and share such age category and consent information with the developer of an app, defined in the bill. The bill requires a developer to verify the age category of an account holder with a developer's app and notify app store providers of any significant change to a developer's app. The bill also requires a developer to provide a parental consent disclosure for each of its apps to each app store provider that makes the developer's app available on its app store, and such provider shall provide such disclosure on its app store. The bill allows the Attorney General and any minor or parent of a minor who suffers harm by reason of a violation of this bill to initiate an action. The bill has a delayed effective date of July 1, 2027.

8. **SB 796 Durant - Artificial Intelligence Companion Chatbots and Minors Act; established, enforcement, civil penalty.**

Creates the Artificial Intelligence Chatbots and Minors Act to require a covered entity, defined in the bill, to (i) implement certain reasonable systems and processes, (ii) make reasonable efforts to notify appropriate emergency services or law enforcement if it obtains knowledge that a user faces an imminent risk of death or serious physical injury, and (iii) submit a report to the Attorney General after obtaining knowledge of certain covered incidents, defined in the bill, connected to one or more of its chatbots. The bill also requires an operator, defined in the bill, to disclose the non-human nature of the chatbot to users at certain intervals. The bill authorizes the Attorney General to initiate an action to seek an injunction and civil penalties for violations and also provides an individual civil action for any person harmed by a violation or the parent or legal guardian of a minor harmed by a violation.

## Section 1 Bill

[SB 384](#) Williams Graves / [HB 797](#) Hayes - Artificial intelligence; framework for person/entity acting as an independent verification org.

That the Joint Commission on Technology and Science (JCOTS) shall evaluate the feasibility and impact of developing a framework for any person or entity seeking to act as an independent verification organization that assesses artificial intelligence models' or applications' adherence to standards reflecting best practices for the prevention of personal injury and property damage. In evaluating the feasibility and impact of developing such a framework, JCOTS shall consider

- (i) the nature and magnitude of risks imposed by artificial intelligence models or applications deployed in the Commonwealth;
- (ii) the availability of identifiable and measurable metrics to determine levels of risk;
- (iii) existing standards for technical, operational, and other mitigation requirements for persons or entities that deploy artificial intelligence models or applications in the Commonwealth or develop artificial intelligence models or applications that are deployed in the Commonwealth;
- (iv) current methodologies and sources used to evaluate the efficacy of such mitigation requirements;
- (v) practices and strategies employed in other states to assess artificial intelligence models' or applications' adherence to industry standards; and
- (vi) the fiscal impact of developing and implementing a framework for assessment of artificial intelligence models and applications through independent verification organizations.

If JCOTS recommends the development of such a framework, JCOTS shall further evaluate

- (a) the feasibility of a licensing scheme for independent verification organizations and
- (b) the viability of the Virginia Information Technologies Agency or any other state agency to implement and manage such licensing scheme.

JCOTS shall submit a report with its recommendations and any findings to the Chairs of the Senate Committees on Finance and Appropriations and General Laws and Technology and the House Committees on Appropriations and Communications, Technology and Innovation no later than November 1, 2026.



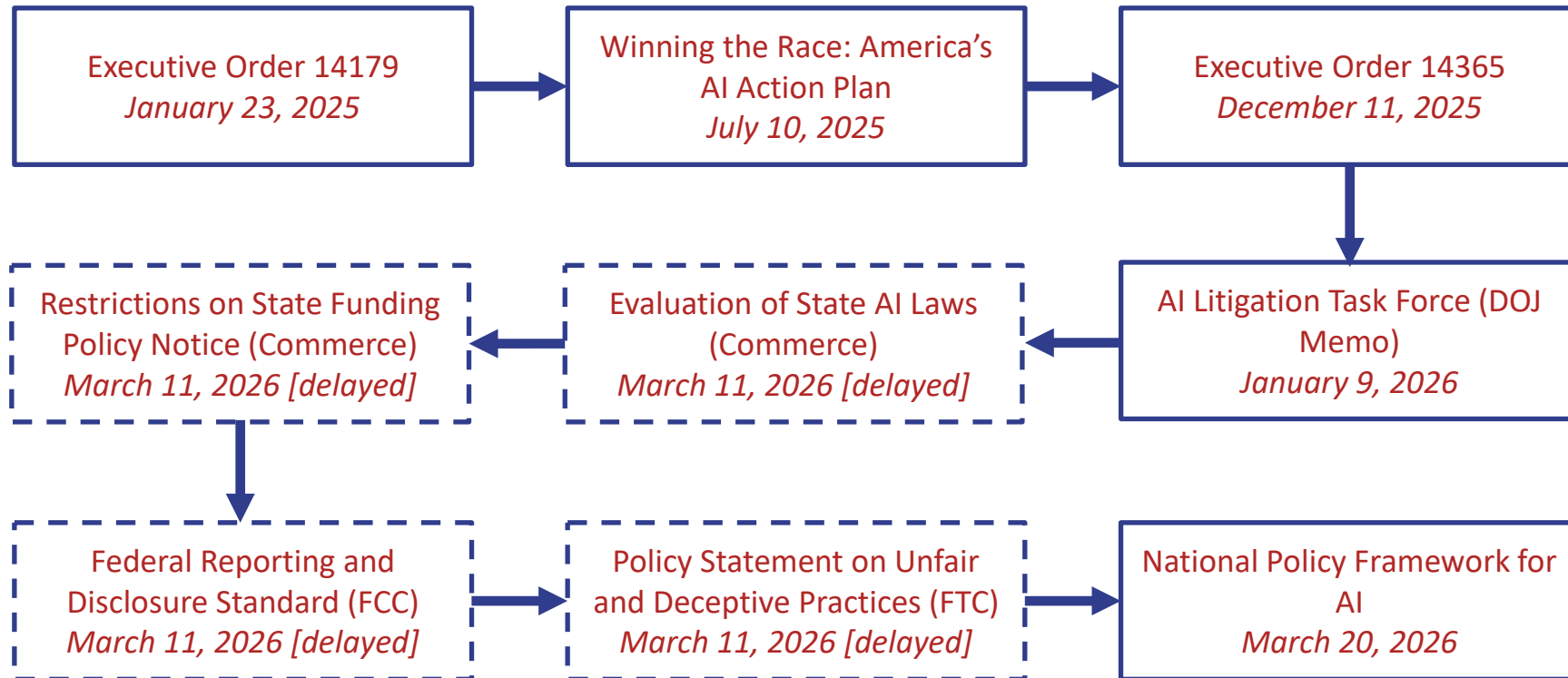
Overview

# White House AI EO & Framework

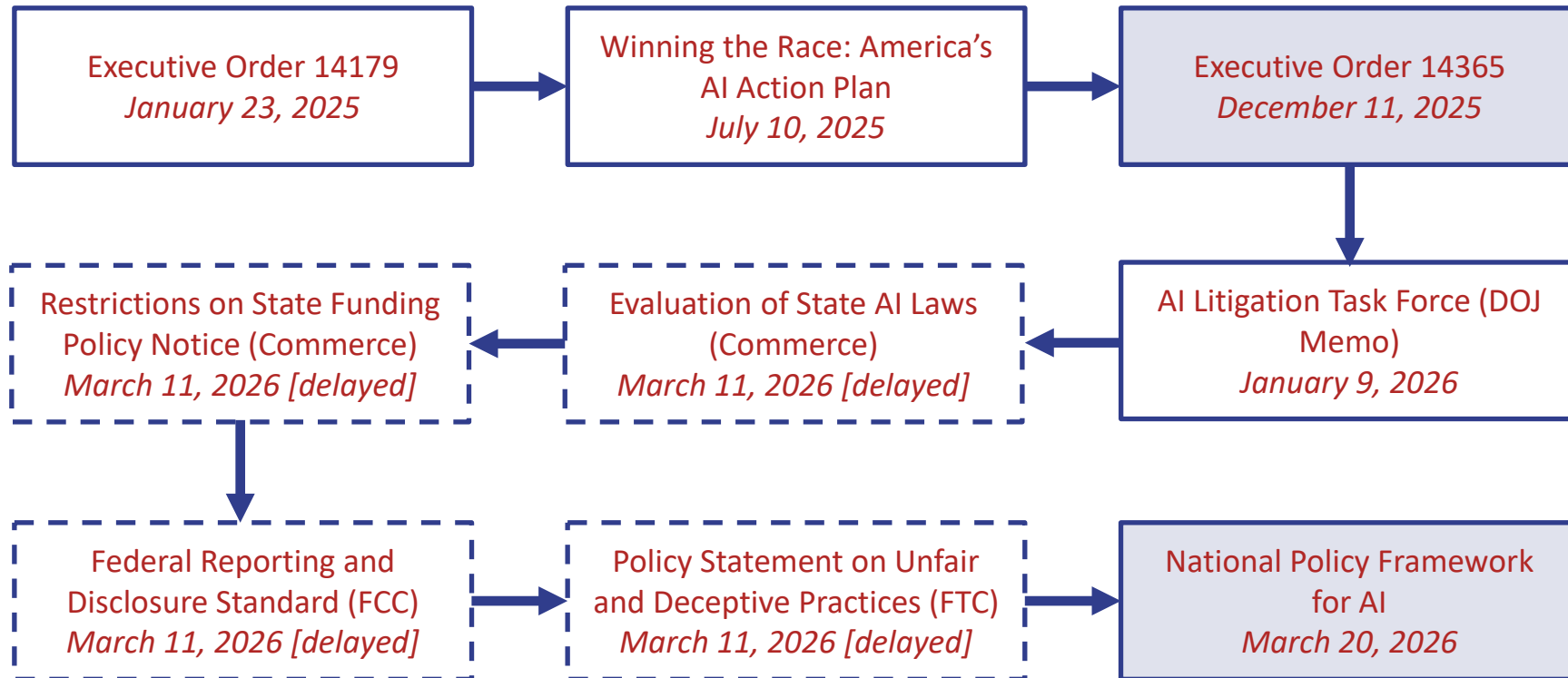
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Presented by Dr. Kira Allmann, JCOTS Chief Policy Analyst

# Timeline



# Recent Actions



# Executive Order 14365

## Key theme: pre-emption of state laws on AI

### AI Litigation

DOJ tasked with challenging state laws inconsistent with EO

### State funding

States with “onerous” AI laws will be ineligible for BEAD non-deployment funds

### Evaluation and policy notices

FCC, FTC tasked with issuing policy notices that preempt state laws; Commerce tasked with evaluating state laws

# National Policy Framework

## I. Protecting Children

Congress should ensure that it does not preempt states from enforcing their own generally applicable laws protecting children. (*emphasis added*)

## VII. Preempting states

Congress should preempt state AI laws that impose undue burdens, while respecting key tenets of federalism.

State laws do not govern areas better suited to the Federal Government.

# Federal Legislation

TRUMP AMERICA AI Act – introduced by  
Sen. Marsha Blackburn (R-Tennessee)  
aims to codify EO 14365

OLL26245 KX0 S.L.C.

119TH CONGRESS  
2D SESSION **S.** \_\_\_\_\_

To promote innovation in artificial intelligence and safeguard children,  
creators, communities and stop censorship.

\_\_\_\_\_

IN THE SENATE OF THE UNITED STATES

Mrs. BLACKBURN introduced the following bill, which was read twice and  
referred to the Committee on \_\_\_\_\_

\_\_\_\_\_

**A BILL**

To promote innovation in artificial intelligence and safeguard  
children, creators, communities and stop censorship.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**  
4 (a) SHORT TITLE.—This Act may be cited as “The  
5 Republic Unifying Meritocratic Performance Advancing  
6 Machine intelligence by Eliminating Regulatory Interstate  
7 Chaos Across American Industry Act”.

8 (b) TABLE OF CONTENTS.—The table of contents for  
9 this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. General definitions.

# Impact on State Legislation

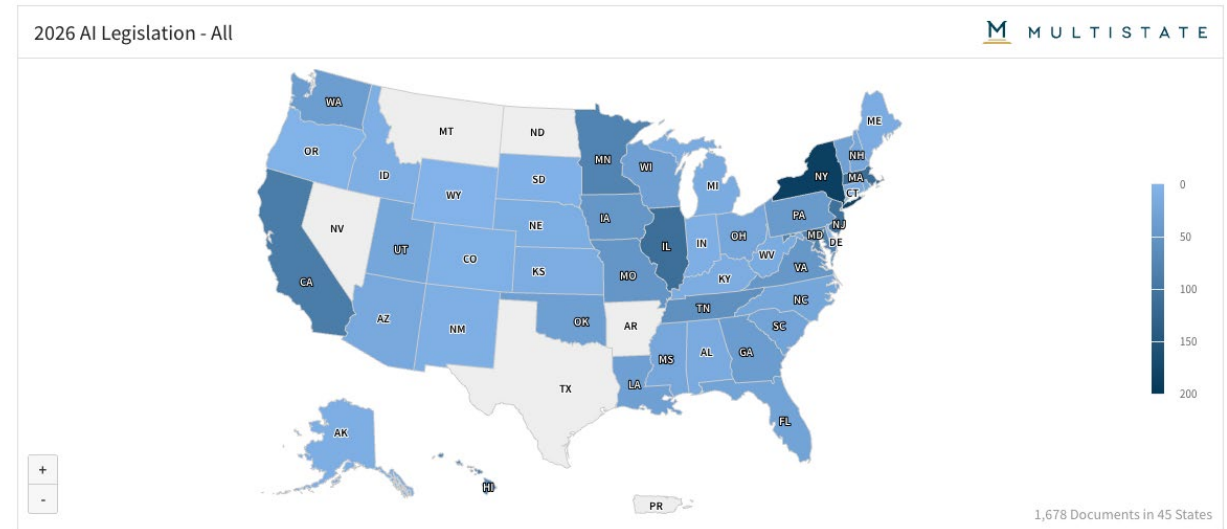
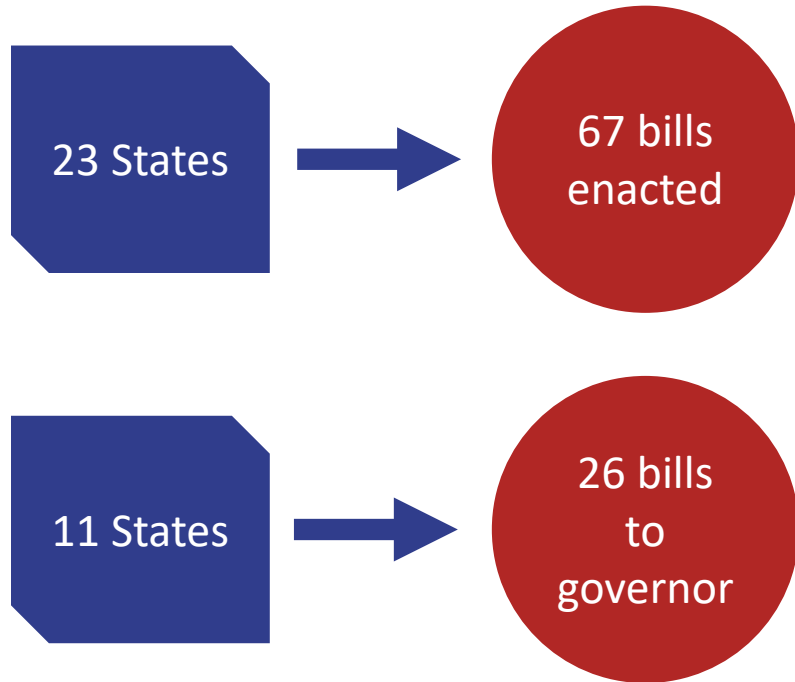


Image source: multistate.ai

Data source: NCSL AI Legislation Database

Thank you



# A National Policy Framework for Artificial Intelligence

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## I.

### Protecting Children and Empowering Parents

#### **AI services and platforms must take measures to protect children, while empowering parents to control their children's digital environment and upbringing.**

- Congress should build on actions to date by the Trump Administration to protect children, including the historic signing of the Take It Down Act, a key initiative of First Lady Melania Trump to protect children and adult victims from deepfake abuse.
- Congress should empower parents and guardians with robust tools to manage their children's privacy settings, screen time, content exposure, and account controls.
- Congress should establish commercially reasonable, privacy protective, age-assurance requirements (such as parental attestation) for AI platforms and services likely to be accessed by minors.
- Congress should require AI platforms and services likely to be accessed by minors to implement features that reduce the risks of sexual exploitation and self-harm to minors.
- Congress should affirm that existing child privacy protections apply to AI systems, including limits on data collection for model training and targeted advertising.
- Congress should avoid setting ambiguous standards about permissible content, or open-ended liability, that could give rise to excessive litigation.
- Congress should ensure that it does not preempt states from enforcing their own generally applicable laws protecting children, such as prohibitions on child sexual abuse material, even where such material is generated by AI.

## II.

### Safeguarding and Strengthening American Communities

#### **AI development, including data infrastructure buildout, should strengthen American communities and small businesses through economic growth and energy dominance, while ensuring communities are protected from harmful impacts.**

- In accordance with the [Ratepayer Protection Pledge](#), Congress should ensure that residential ratepayers do not experience increased electricity costs as a result of new AI data center construction and operation.
- At the same time, Congress should streamline federal permitting for AI infrastructure construction and operation so AI developers can develop or procure on-site and behind-the-meter power generation to accelerate AI infrastructure buildout and enhance grid reliability.
- Congress should augment existing law enforcement efforts to combat AI-enabled impersonation scams and fraud that target vulnerable populations such as seniors.
- Congress should ensure that the appropriate agencies within the national security enterprise possess sufficient technical capacity to understand frontier AI model capabilities and any associated national security considerations and establish plans to mitigate potential concerns, including through consultation with frontier AI model developers.
- Congress should provide AI resources to small businesses, such as grants, tax incentives, and technical assistance programs, to support wider deployment of AI tools across American industry.



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**III.**Respecting Intellectual Property Rights  
and Supporting Creators**American creators, publishers, and innovators should be protected from AI-generated outputs that infringe their protected content, without undermining lawful innovation and free expression.**

- Although the Administration believes that training of AI models on copyrighted material does not violate copyright laws, it acknowledges arguments to the contrary exist and therefore supports allowing the Courts to resolve this issue. Similarly, Congress should not take any actions that would impact the judiciary's resolution of whether training on copyrighted material constitutes fair use.
- Congress should consider enabling licensing frameworks or collective rights systems for rights holders to collectively negotiate compensation from AI providers, without incurring antitrust liability. Any such legislation, however, should not address when or whether such licensing is required.
- Congress should consider establishing a federal framework protecting individuals from the unauthorized distribution or commercial use of AI-generated digital replicas of their voice, likeness, or other identifiable attributes, while providing clear exceptions for parody, satire, news reporting, and other expressive works protected by the First Amendment. Congress should prevent persons from abusing such a framework to stifle free speech online.
- Congress should continue to carefully monitor the development of copyright precedents and enforcement in the courts and evaluate whether, due to novel AI considerations, additional action beyond that proposed here is needed to fill potential gaps or provide additional protections for content creators.

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**IV.**Preventing Censorship and Protecting  
Free Speech**The federal government must defend free speech and First Amendment protections, while preventing AI systems from being used to silence or censor lawful political expression or dissent.**

- Congress should prevent the United States government from coercing technology providers, including AI providers, to ban, compel, or alter content based on partisan or ideological agendas.
- Congress should provide an effective means for Americans to seek redress from the Federal Government for agency efforts to censor expression on AI platforms or dictate the information provided by an AI platform.

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**V.**Enabling Innovation and Ensuring  
American AI Dominance**The United States must lead the world in AI by removing barriers to innovation, accelerating deployment of AI applications across sectors, and ensuring broad access to the testing environments needed to build world-class AI systems.**

- Congress should establish regulatory sandboxes for AI applications that help unleash American ingenuity and further American leadership in AI development and deployment.
- Congress should provide resources to make federal datasets accessible to industry and academia in AI-ready formats for use in training AI models and systems.
- Congress should not create any new federal rulemaking body to regulate AI, and should instead support development and deployment of sector-specific AI applications through existing regulatory bodies with subject matter expertise and through industry-led standards.



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**VI.**

## Educating Americans and Developing an AI-Ready Workforce

**American workers must benefit from AI-driven growth, not just the outputs of AI development, through youth development and skills training, the creation of new jobs in an AI-powered economy, and expanded opportunities across sectors.**

- Congress should use non-regulatory methods to ensure that existing education programs and workforce training and support programs, including apprenticeships, affirmatively incorporate AI training.
- Congress should expand Federal efforts to study trends in task-level workforce realignment driven by AI in order to inform policies supporting the American workforce.
- Congress should bolster capabilities at land-grant institutions to provide technical assistance, launch demonstration projects, and develop AI youth development programs.

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**VII.**

## Establishing a Federal Policy Framework, Preempting Cumbersome State AI Laws

**The federal government must establish a federal AI policy framework to protect American rights, support innovation, and prevent a fragmented patchwork of state regulations that would hinder our national competitiveness, while respecting federalism and State rights.**

- Congress should preempt state AI laws that impose undue burdens to ensure a minimally burdensome national standard consistent with these recommendations, not fifty discordant ones.
- This national standard should respect key principles of federalism and not preempt:
  - The traditional police powers retained by the states to enforce laws of general applicability against AI developers and users, including particular laws to protect children, prevent fraud, and protect consumers.
  - State zoning laws, including state authorities, to determine the placement of AI infrastructure.
  - Requirements governing a state's own use of AI, whether through procurement or services they provide like law enforcement and public education.
- Preemption must ensure that State laws do not govern areas better suited to the Federal Government or act contrary to the United States' national strategy to achieve global AI dominance.
  - States should not be permitted to regulate AI development, because it is an inherently interstate phenomenon with key foreign policy and national security implications.
  - States should not unduly burden Americans' use of AI for activity that would be lawful if performed without AI.
  - States should not be permitted to penalize AI developers for a third party's unlawful conduct involving their models.

# The Federal Preemption Push.

*How EO 14365 and the March 2026 AI Framework  
are impacting state AI legislation.*

**A STATE-BY-STATE ANALYSIS**

Bills affected · Halted legislation · Recommended actions

*Prepared for the VA JCOTS Committee, May 6, 2026*

# 60+ Combined Years of Tech Exec Experience

## A focus on getting things done

- Remain firmly non-partisan across legislatures, AG offices, and governors.
- Bring a pragmatic approach on what can get done and will have efficacy all the way through enforcement.
- Focus primarily at the state level, where corporate tech money has less of a stranglehold than federally.



**ROB ELEVELD**

CEO, CO-FOUNDER

MBA & MSE, Stanford

US Navy Submarine Officer  
(5 yrs active duty)

Co-founder, 4 time CEO, EVP at  
Mastercard (27 yrs in tech)



**JAI JAISIMHA**

COO, CO-FOUNDER

PhD Electrical Engineering,  
University of Washington

Founder and CEO, CTO, and  
stints at Microsoft & Amazon,  
(30+ yrs in tech)



**STEVE WIMMER**

TECHNICAL POLICY EXPERT

MS in Computer Science,  
Washington University

Chief Product Officer and  
Development Lead, with stints at  
Real Networks, Microsoft, and  
Providence St. Joseph Health  
(25+ yrs in tech)

# Transparency Coalition capabilities and reach

## Our capabilities

- Bill & policy review and analysis
- Expert witness testimony
- AI educational briefings - lawmakers & staff
- Model bills (4) upon request
- Amendment review and recommendations
- Bringing partners, especially parent groups, to bear in support of bills

## 2026 Legislative Session

- Sponsoring/supporting a bill with 30+ bill authors in 25 states. Current states for 2026 session:
  - Republican-majority: UT, TX, GA, AL, FL, SC, KY, LA, TN, NE
  - Democratic-majority: VA, VT, MD, CO, IL, CA, WA, NY, RI, OR, NM, NJ, HI
  - Hybrid: MI, NH, PA
- Sponsoring 50+ bills and will support another 50 with a letter

# The EO in a nutshell

Between December 2025 and March 2026, the White House issued an Executive Order, stood up a DOJ AI Litigation Task Force, and released a National AI Policy Framework designed to discourage and ultimately preempt state AI laws. The strategy combines litigation threats, conditional federal funding, and a softer legislative push.

## 01 Litigation pressure

DOJ Task Force has been ordered to challenge "onerous" state AI laws - Colorado named explicitly.

## 02 Funding pressure

States with flagged laws may lose access to ~\$21B in remaining BEAD non-deployment funds.

## 03 Direct intervention

White House moved beyond courts in Feb 2026, pressuring Utah Republicans to kill HB 286.

## 04 Stalled legislative progress

Virginia tabled most AI bills to 2027; Florida, Tennessee, Louisiana and others slow down

### BY THE NUMBERS

# 1,561

AI bills introduced across 45 states by Mar 2026

# ~145

AI bills enacted across 2025

# \$21B

BEAD non-deployment funds at stake

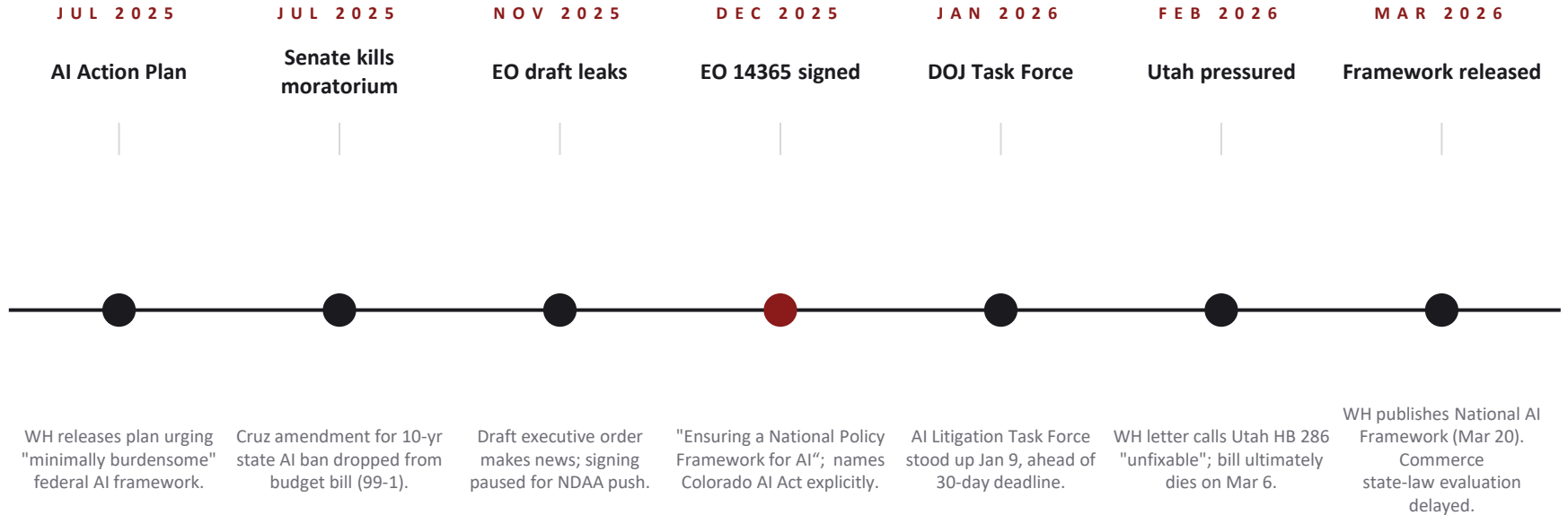
# 1

state named in EO 14365 - Colorado

# 280

state lawmakers signed letter against federal preemption

# How we got here.



# The AI Executive Order - Operational Details

*An executive order alone cannot displace state law. It can, however, raise the cost of passing one.*

## I. Litigate

DOJ AI Litigation Task Force is directed to challenge state AI laws under the Dormant Commerce Clause and federal-preemption theories. Sole responsibility: bring suit. Stood up Jan 9, 2026.

## II. Defund

Commerce conditions remaining BEAD non-deployment funds (~\$21B) on states either repealing flagged laws or signing non-enforcement agreements. Other discretionary grants directed to do the same.

## III. Reinterpret






FCC initiates a proceeding on a federal AI reporting/disclosure standard. FTC issues a policy statement framing state-required bias mitigation as a deceptive practice under 15 U.S.C. § 45.

## IV. Legislate






Special Advisor + OSTP draft a legislative recommendation. Released as the National AI Framework on Mar 20, 2026 - a four-page document, not binding, that Congress is asked to enact.

# Critical Limitation: What EO 14365 Cannot/Can Do

## X What It CANNOT Do

-  Directly overturn existing state law - only Congress or courts can do that
-  Independently preempt statutes - preemption flows from congressional acts, not EOs
-  Compel states to repeal enacted legislation
-  Stop enforcement of laws already signed - state AGs retain authority
-  Constitutionally condition ALL federal grants on AI compliance (Tenth Amendment limits)

## ✓ What It CAN Do

-  Instruct DOJ to file lawsuits challenging specific state laws
-  Create regulatory uncertainty that chills legislative action
-  Condition certain discretionary federal grants on compliance
-  Direct FTC & FCC to issue preemptive federal standards
-  Shape the narrative for Congressional preemption legislation

# Three carve-outs the EO and Framework explicitly preserve.

*The administration's own legislative recommendation states preemption "shall not" extend to these areas.*

## 01 Child safety protections

Strongest safe harbor

Laws addressing AI harms to minors, e.g. chatbot safety, sexual exploitation, age-assurance. The Mar 2026 Framework also tells Congress not to preempt "generally applicable laws protecting children."

## 02 AI compute & data center infrastructure

Bipartisan support

State and local rules governing siting, energy, water use, and zoning of data centers, except for "generally applicable permitting reforms." Local control of community impact is preserved.

## 03 State government procurement & use

Low litigation risk

How a state itself buys, deploys, and governs AI inside its own agencies, including bias audits and disclosure rules for state-funded AI tools. Not subject to preemption.

# Colorado: the only state cited by name in EO 14365.

## SB 24-205 - Colorado AI Act

*Polis (signed May 17, 2024) - 2024 session, with 2025 amendments and 2026 working group*

First-in-the-nation comprehensive AI law. Imposes risk-management, impact-assessment, and disclosure duties on developers and deployers of "high-risk" AI systems making consequential decisions.

### EO 14365 quotes the law directly:

*"...may even force AI models to produce false results in order to avoid a 'differential treatment or impact' on protected groups."*

**The Act is a near-certain priority for the DOJ AI Litigation Task Force.**

### LEGISLATIVE TIMELINE

**May 17, 2024**

**SB 24-205 signed**

Original Feb 1, 2026 effective date.

**May 7, 2025**

**SB 25-318 fails**

Substantive amendment effort dies in regular session.

**Aug 28, 2025**

**SB 25B-004 signed**

Special-session bill delays effective date to Jun 30, 2026.

**Dec 11, 2025**

**Named in EO 14365**

Cited as example of "onerous" state law.

**Mar 2026**

**Working-group draft + updates**

Polis-led group proposes ADMT-focused rewrite, Jan 1, 2027 effective date. Federal stay on 4/26. SB 26-189 introduced 5/1...to replace SB 24-205

# Three states, three different stories.

## TENNESSEE

### Softened State Bills.

#### SB 2171/HB 1898

Referred back to Senate Commerce & Labor Committee

#### What it does (would have)

Aimed at regulating large-scale artificial intelligence developers and chatbots to improve safety and transparency

#### EO impact

Concerns that the bill would put TN "at odds" with the EO and make the state a target for the federal AI Litigation Task Force. The ELVIS Act (2024, to protect artists' NIL) is seen as the "correct" way to handle AI, protecting individual rights and creators

## ILLINOIS

### Pushing forward with strong AI agenda.

#### 47 AI-related bills introduced in the Senate

Comprehensive state-wide AI strategy that balances protections and innovation in play.

#### What it does

Product liability + Frontier model transparency as a foundation, supported by a variety of consumer-facing protections (chatbot, provenance, ADS)

#### EO impact

Prior legislative setbacks have re-invigorated appetite for aggressively pushing for AI regulation in the state

## UTAH

### Direct White House intervention.

#### HB 286 - AI Transparency Act

Passed committee unanimously. Note that several other bills were unaffected

#### What it does (would have)

Frontier-model safety + child-protection plans; whistleblower protections; up to \$3M penalties.

#### EO impact

Feb 12, 2026 WH letter calls bill "unfixable". Bill stalls. Session closes Mar 6, 2026 without floor vote - first known direct WH intervention.

# Where the pressure landed.

*Examples of bills withdrawn, tabled, vetoed, or deliberately narrowed during the 2025–2026 sessions. Others include MO, NE*

## UTAH

### HB 286 stalled.

Republican-led frontier-AI transparency bill killed after Feb 2026 WH "unfixable" letter. Session closed Mar 6, 2026. Sponsor signals re-introduction in 2027 with EO-aligned scope.

DIRECT INTERVENTION

## VIRGINIA

### Most AI bills held to 2027.

House Communications, Technology and Innovation Committee tabled HB 635 (chatbots), HB 668 / SB 269 (mental-health AI), and others. Legislator (D) cited Utah letter as warning sign even for child-safety bills.

PROACTIVE HOLD

## FLORIDA

### AI Bill of Rights stalled.

Senate-passed bipartisan bill stalled in House. Gov. AI package adjourned without passage. GOP messaging fight over state-level AI regulation visibly cooled the package.

INTRA-PARTY FRICTION

## COLORADO

### SB 24-205 narrowed and twice delayed.

Effective date pushed Feb→Jun 2026 by SB 25B-004; Mar 2026 working-group draft proposes substantive narrowing and a further push to Jan 2027. Industry pressure compounded by EO citation.

NAMED IN EO

## LOUISIANA

### Legislative cooling.

Legislature began pushing back on its own proposed AI oversight bills (such as those requiring broad disclosures). Lawmakers cited the threat of the federal government withholding BEAD funding

CHILLING EFFECT

## ALABAMA

### Bills languish in committee.

HB 324 (chatbot age verification), HB 325 (chatbot disclosure), SB 129 (gen-AI disclosure), and addictive-feed bills HB 171/173 all stalled in committee through the 2026 session.

QUIET ATTRITION

# Why some states have pulled back

## FOUR DETERRENCE LEVERS

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### A. Direct WH letters

Office of Intergovernmental Affairs writes to legislative leaders calling a bill "unfixable." Used against Utah HB 286 in Feb 2026. Public - designed to be cited in committee.

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### B. BEAD funding threats

Up to ~\$21B in non-deployment broadband funds linked to AI-law posture. Governors and state CIOs feel the squeeze even before any law is enforced.

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### C. Litigation overhang

DOJ Task Force has "sole responsibility" to challenge state AI laws. Even unsuccessful suits cost states millions in defense and freeze enforcement during pendency.

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### D. Industry coordination

A16Z, Chamber, and aligned PACs pour money into state campaigns and lobbying - citing the EO's posture as constitutional cover.

“

*We stand to lose a lot of money in the state of Louisiana that would help a lot of people if we go forward with this bill. [...] I decided to not move forward with Senate Bill 246 after I learned it put the BEAD funds at risk.*

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**State Senator Jay Luneau (D-LA)**

- Quoted in *Broadband Breakfast*, "Louisiana AI Bills Halted After Trump White House Threatens BEAD Funding," April 1, 2026.

# States Holding Firm

<b>CA</b>	<b>CK</b> AG Rob Bonta pledged to examine legality of EO and defend CA authority. AI laws enacted across 2023 –2026 remain on the books
<b>WA, OR</b>	Comprehensive chatbot and transparency legislation passed in 2026 session
<b>UTAH</b>	Pulled back on HB 286, but enacted 9 others including deepfake protections and expanded chatbot rules for minors
<b>FLORIDA</b>	Gov. DeSantis flatly stated: 'An executive order doesn't/can't preempt state legislative action.' Proposed state AI Bill of Rights.
<b>STATE AGs</b>	Bipartisan coalition sent letter in Nov 2025 opposing anticipated federal preemption EO before it was even signed.
<b>NY (Post-Amendment)</b>	NY retains transparency/reporting obligations with penalties up to \$1M (first offense) and \$3M (repeat)

# State AI Legislation: Scale of the Landscape

**1,208**

AI bills introduced  
across all 50 states in 2025

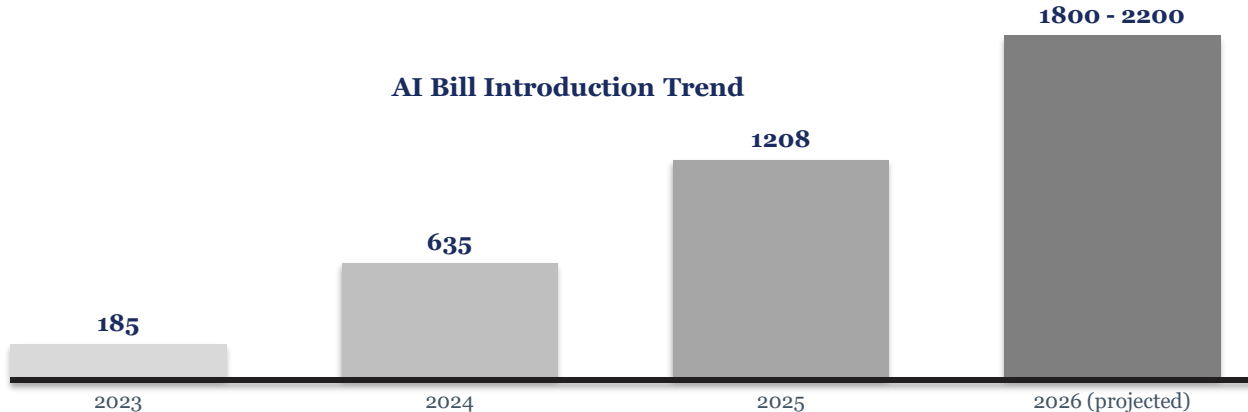
**145**

Bills enacted  
into law in 2025

**1,561**

Bills introduced in 2026  
(as of March – still growing)

**AI Bill Introduction Trend**



## Key Observations

- All 50 states introduced at least 1 AI bill in 2025; 45+ in 2026
- Only 11% passage rate in 2025 - high friction
- 2026 already surpassed all of 2025
- Employment, chatbots & deepfakes: most enacted categories
- Federal preemption efforts have INCREASED state urgency

# Broad AI Bill Categories

1,561 AI-related bills introduced in 46 states through Q1 2026 were grouped into seven categories. Some sub-totals overlap because individual bills can implicate more than one topic.

**1**

## Deepfakes & Synthetic Media

Nonconsensual explicit deepfakes, election-related synthetic media, AI-generated CSAM, digital replicas.

**2**

## Government Use, Studies & Education

State agency AI use, sandboxes, task forces, K-12 AI literacy and classroom rules.

**3**

## Algorithmic Decisions, Jobs & Pricing

Hiring/employment AI, ADM, surveillance and algorithmic pricing, anti-discrimination.

**4**

## GenAI Transparency & Provenance

Content disclosure, watermarking, training-data transparency, AI labeling.

**5**

## Healthcare AI

Clinical use, mental health/therapy, insurance utilization review, patient notice.

**6**

## Chatbots & Conversational AI

Companion chatbots, consumer chatbots, mental-health chatbots, age and safety rules.

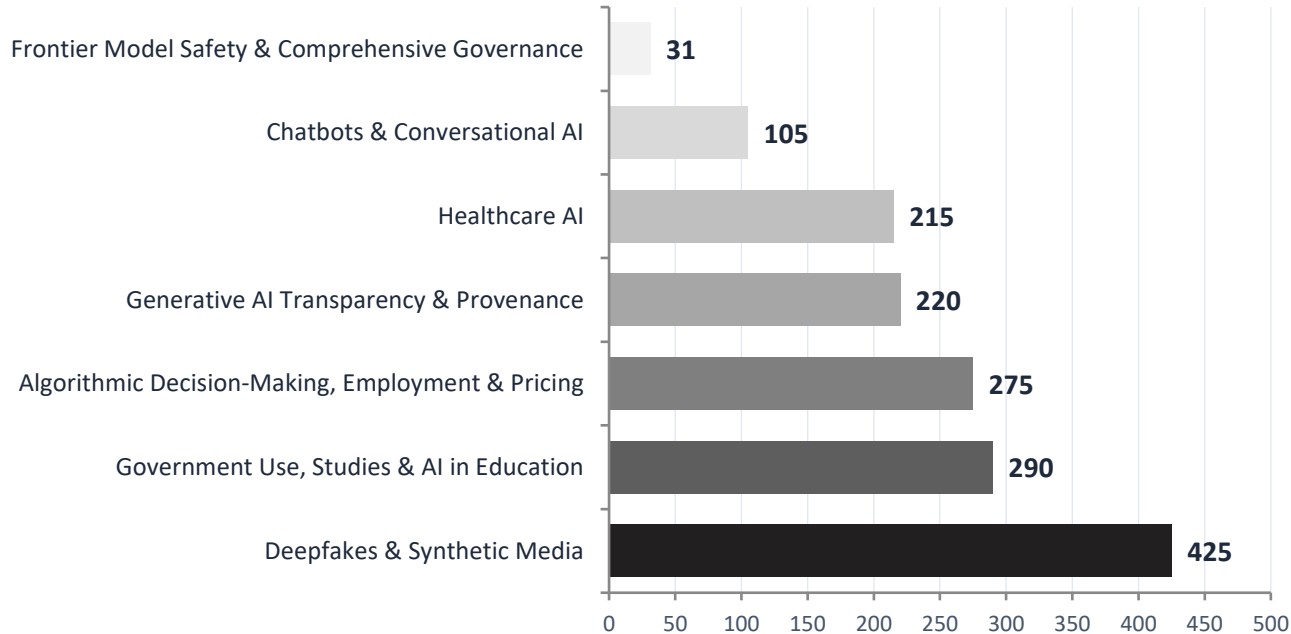
**7**

## Frontier Model Safety & Comprehensive AI Governance

Frontier developer obligations (RAISE Act / SB 53 style), Colorado-style comprehensive frameworks.

# AI bills introduced in 2026 state sessions, by category

All 46 states\*, through early Q2 2026 · n = 1,561



**1,561**

total bills introduced

across 45 states

## KEY FINDINGS

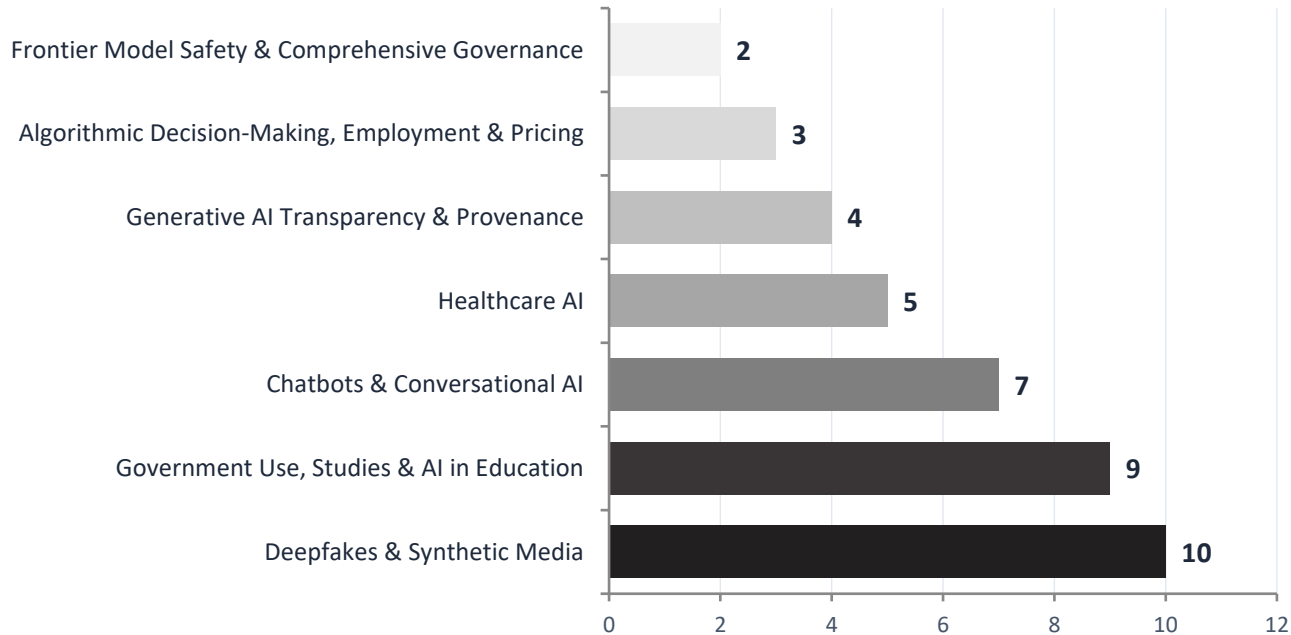
- Deepfakes & synthetic media remain the single largest category
- Chatbots are the fastest-growing topic — nearly 100 chatbot-specific bills filed in Q1 alone
- Frontier model legislation is rare but high-impact, concentrated in CA, NY, MI, MN

Source: Analyst categorization of 2026 state AI bills tracked by MultiState, NCSL, IAPP, Plural Policy, FPF, TCAI, and Troutman Privacy. Counts approximate; bills addressing multiple topics assigned by primary subject.

\* Only 46 states in session; TX, ND, MT, NV not in session

# AI bills enacted in the 2026 state session, by category

Through May 5, 2026 ·  $n \approx 40$  ·  $\sim 2.6\%$  of bills introduced



**~40**  
bills signed into law  
with 25+ awaiting governors

- KEY FINDINGS**
- WA, OR, ID, NE enacted chatbot-specific safety laws — the breakout category of 2026
  - Utah leads the country with 9 AI laws signed; deepfakes & education dominate
  - Very few comprehensive frameworks pass; CO AI Act is being scaled back via SB 189

Source: Analyst categorization of bills signed into law during the 2026 state legislative session through May 5, 2026. Includes carry-over enactments. Counts approximate.

PART II

# How to legislate without colliding with EO 14365.

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*Concrete recommendations for state legislators, AGs, and policy staff drafting AI bills in the remainder of 2026 and into 2027.*

# Anchor your bill in the EO's own carve-outs.

## 1

### Frame around child safety first.

Lead the bill's findings, title, and operative provisions with minor protection. The EO and Mar 2026 Framework explicitly tell Congress not to preempt "generally applicable laws protecting children." Keep this language verbatim in legislative findings.

## 3

### Use intent - not disparate impact - for civil rights provisions.

Texas TRAIGA shows the pattern: prohibit AI deployed "with the intent to" discriminate. Mirror federal civil-rights statutes. Avoids the EO's central objection that disparate-impact frameworks force "false outputs."

## 2

### Regulate state procurement, not the open market.

Apply requirements to vendors selling AI to the state, agencies deploying AI, and AI used to make state decisions. Newsom's EO N-5-26 is the model. Procurement is the second protected carve-out and is virtually unchallengeable under interstate commerce theory.

## 4

### Avoid altering model outputs as the operative duty.

Require disclosure, governance, audits, incident reporting - not output modification. The FTC policy statement specifically targets state laws that "require alterations to the truthful outputs of AI models." Governance-first bills are far harder to characterize as compelled speech.

# Build for both compliance and litigation defense.

## 5

### **Cite NIST AI RMF and ISO/IEC 42001 by name.**

Both Colorado SB 24-205 and the EO's own Framework reference NIST. A bill anchored in voluntary federal standards has a built-in preemption defense and a "reasonable care" safe harbor that the FTC cannot easily call deceptive.

## 6

### **Don't apply requirements extra-territorially.**

Limit operative duties to AI "deployed in" or "made available to residents of" the state. Avoid imposing rules on developers' national operations. This neutralizes the Dormant Commerce Clause theory the EO previews most aggressively.

## 7

### **Add a regulatory sandbox.**

Texas TRAIGA and Utah's Learning Lab both create sandboxes - and the EO praises innovation-supportive state approaches. Sandboxes signal good faith and let small developers test in-state, undercutting the "crushing patchwork" narrative.

#### THINGS TO AVOID

- × Disparate-impact liability standards.
- × Required "bias-mitigation" of model outputs.
- × Pre-deployment training audits or kill-switches.
- × Requirements aimed at developers "wherever located."
- × Reporting timelines shorter than 72 hours without a federal-rule pointer.
- × Penalties calibrated to compute cost or revenue %.
- × References to a private right of action (vs. AG enforcement).

# Collaborate, Coordinate & Innovate.

## 8 Join groups of engaged AGs and legislators

Virginia should actively coordinate with California, New York, Illinois, and Colorado. A multistate posture is harder to litigate against and creates de facto national standards - exactly what industry claims to want.

## 9 Leverage what has worked

Draft and/or adopt bills that have been successfully introduced and signed into law as a basis for VA's AI go-forward strategy. Consider frontier model legislation from CA and NY, chatbot legislation from WA, OR and CA, and digital provenance language from NY, CA and WA.

## 10 Push the envelope

Consider raising the bar by leveraging existing state and federal laws and bind AI legislation to them, e.g. product liability or Title VII, ADA, FCRA, HIPAA, and other federal frameworks. Laws that mirror, rather than conflict with, federal statutes are virtually immune to preemption claims.

# A 4-question screen for any AI bill in 2026.

**1. Does the bill fit one of three EO carve-outs?**

**STRONG POSITION**

Child safety · Procurement · Data center infrastructure

**REVISION TO MAKE**

Re-frame around the closest carve-out before introduction.

**2. Does the bill require modification of model outputs?**

**STRONG POSITION**

High risk under FTC Section 5 policy statement.

**REVISION TO MAKE**

Stick to disclosure, governance, audits, and incident reporting.

**3. Is liability based on intent or disparate impact?**

**STRONG POSITION**

Intent → consistent with EO 14281 and TRAIGA.

**REVISION TO MAKE**

Disparate impact → expect Commerce flag; add NIST safe harbor.

**4. Do duties extend beyond the state's borders?**

**STRONG POSITION**

Tighten scope to in-state deployment / in-state residents.

**REVISION TO MAKE**

Defensible against Dormant Commerce Clause challenge.

# What Virginia Could Pursue Next Session

Legislative Approach	Risk Under EO	Consumer Protection Value	Timeline to Enact
Government AI Procurement & Use Policy (EO carve-out: fully protected)	NONE	HIGH	1 session
AI Incident Disclosure for Regulated Entities (mirrors NIST Cyber AI Profile)	VERY LOW	HIGH	1–2 sessions
Employment AI Disclosure (notification when AI evaluates job applications)	LOW–MED	HIGH	1–2 sessions
Digital Likeness Right of Publicity	LOW–MED	HIGH	1–2 sessions
AI in Healthcare Prior Authorization Human oversight requirements	LOW–MED	MEDIUM	1 session
AI Transparency Act (SB 53 model) Frontier model risk framework & whistleblower	MEDIUM	HIGH	1–2 sessions
Algorithmic Discrimination Prohibition (Colorado SB 205 model - narrowed)	MEDIUM	HIGH	2–3 sessions
Comprehensive Cross-Sector AI Framework (broad high-risk AI governance)	HIGH	VERY HIGH	3+ sessions

# What to Watch: Key Trigger Events for State Legislators

## Commerce Dept. Evaluation

OVERDUE

The evaluation of 'onerous' state laws was due March 11, 2026 and has not been released. Its content will determine which specific laws the DOJ task force targets first.

## DOJ Task Force Litigation

PENDING

No major lawsuits filed yet. First cases will signal which legal theories (Commerce Clause vs. preemption) the Administration prefers - and which states are primary targets.

## TRUMP AMERICA AI Act

IN PROGRESS

Sen. Blackburn's 291-page draft (March 2026) would codify EO 14365 into law. If enacted, it would legally preempt conflicting state laws. Watch committee hearings closely.

## GUARDRAILS Act Coalition

INTRODUCED

Democratic legislation to repeal EO 14365. If the political balance shifts, in 2026 midterms or 2028, this or similar legislation could restore full state AI authority.

## FTC & FCC Proceedings

INITIATED

FTC and FCC proceedings on AI disclosure and deceptive practices standards are underway. Final rules, if adopted, could provide federal floors that actually help consumers.

## Colorado SB 205 Revision

JUNE 2026

Colorado's revised law will set a national template. If the working group's narrowed ADMT framework survives, it may become the compromise model that other states - and Congress - adopt.

TRANSPARENCY  
COALITION \*  →

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