

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-5-26

WHEREAS California is the global epicenter of artificial intelligence (“AI”) innovation, home to 33 of the 50 top artificial intelligence companies, leading academic and research institutions including five of the world’s top fifteen artificial intelligence higher education programs, and a vibrant ecosystem that drives economic growth and scientific advancement; and

WHEREAS on September 6, 2023, I issued Executive Order N-12-23 outlining how the State would safely learn, innovate, and use Generative Artificial Intelligence (“GenAI”) for the benefit of Californians and state workers, and in response my Administration has analyzed the most significant beneficial use cases for deployment; issued guidelines, policies, and procedures for responsible public sector procurement, uses, and required trainings; published guidelines for State agencies and departments to analyze the impact of GenAI tools on marginalized and vulnerable communities; and launched pilots of GenAI projects to reduce highway congestion, improve roadway safety, enhance customer service, accelerate the approval process for rebuilding permits, and improve firefighting detection and response; and

WHEREAS my administration has leveraged GenAI to foster greater collaboration and co-creation between the state and people of California through Engage California, a first-in-the-nation deliberative democracy program empowering Californians to help inform policy decisions and program design, and to strengthen public health innovation, collaboration, and communication through the Public Health Network Information Exchange (PHNIX); and

WHEREAS no state has taken more aggressive action to strengthen the safety and security of technology and online platforms, including through enacting legislation addressing AI trust and safety, children’s safety online, data privacy, cybersecurity, and consumer protection; and

WHEREAS the rapid development and adoption of GenAI since I issued Executive Order N-12-23 presents novel opportunities to make government more efficient, effective, and engaged; strengthen government transparency, accessibility, and accountability, including identifying and preventing fraud; support scientific research, especially in drug discovery, material science, fusion, quantum, energy, and climate change; and advance public health and safety, while simultaneously posing new risks if developed or deployed without appropriate safeguards or if misused, including the potential for mass surveillance, manipulation of information, and violations of civil rights and civil liberties; and

WHEREAS public procurement represents one of the most powerful tools available to governments to shape market behavior and encourage responsible innovation; and

WHEREAS the State of California has a responsibility to both leverage GenAI for the benefit of Californians and to ensure these tools are deployed transparently and in ways that protect privacy and civil liberties, demonstrating that innovation and democratic values are not mutually exclusive.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. Within 120 days of the issuance of this Order, the Department of General Services (DGS) and the Department of Technology (CDT) shall submit recommendations to the Governor for new certifications that may be incorporated into state contracting processes, where consistent with existing procurement statutes and regulations, allowing entities seeking to do business with the state of California to attest to and explain their policies and safeguards to protect public safety while preventing the misuse of their technologies, as applicable, including but not limited to:
 - a. Exploitation or distribution of illegal content, such as child sexual abuse material and non-consensual intimate imagery;
 - b. Utilization of models that display harmful bias or lack governance to reduce the risk of such harmful bias; and
 - c. Violation of civil rights and civil liberties such as free speech, voting, human autonomy, and protections against unlawful discrimination, detention, and surveillance.
2. The CDT State Chief Information Security Officer (CISO) shall review any new designations of companies as supply chain risks by the federal government. If the CISO concludes that the designation is improper, DGS and CDT will jointly issue guidance ensuring that departments and agencies can continue to easily procure from that company. The CISO may also review other federal procurement changes to assess whether they improperly restrict procurement and to recommend appropriate measures in response.
3. Within 120 days of the issuance of this Order, the Government Operations Agency (GovOps), in consultation with DGS and CDT, shall submit recommendations to the Governor on any reforms to contractor responsibility provisions, including suspension and ineligibility authorities, needed to ensure state entities do not contract with entities judicially determined to have unlawfully undermined privacy or civil liberties, as applicable, such as but not limited to freedom of speech, voting, and protections from unlawful discrimination and surveillance.
4. Within 120 days of the issuance of this Order, GovOps, including CDT, the Office of Data and Innovation (ODI), DGS, and the California Department of Human Resources (CalHR), shall:
 - a. Facilitate employee access to vetted GenAI tools for general use cases with appropriate privacy and cybersecurity safeguards, and in accordance with procedures specified in the Budget Act of 2025;
 - b. Leverage the State Technology Council and the AI Community of Practice to share best practices on responsible AI procurement and adoption while protecting public safety, civil liberties, and privacy;
 - c. Update the State Digital Strategy to identify opportunities for GenAI to strengthen government transparency and accountability, improve performance, and make government services easily accessible for every Californian;
 - d. Develop a pilot of an application or website using GenAI to provide Californians with streamlined and user-friendly access to

government services organized by life event, such as disaster relief, starting a business, and finding a job;

- e. Expand trainings on emerging technology, including artificial intelligence, leveraging partnerships with industry and nonprofit partners; and
 - f. Publish a data minimization toolkit for departments and agencies with best practices, templates, special contract provisions, and program review checklists, and support select departments with sensitive data collection to implement this toolkit.
5. Within 120 days, CDT, in collaboration with GovOps, shall issue best practice guidance for departments and agencies to appropriately watermark, according to industry best practices and in line with the requirements outlined in California Business & Professional Code §§ 22757.2 & 22757.3, AI-generated or significantly manipulated images or video.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 30th day of March 2026.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH. D
Secretary of State