EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-9-26

WHEREAS California is the largest economy in the nation, the world's preeminent innovation ecosystem, and an incubator for new technologies, as well as the businesses that create and scale those technologies; and

WHEREAS California dominates AI innovation, with 32 of the top 50 private AI companies in the world based in California, even as no state has taken more aggressive action to strengthen the safety, security, and consumer privacy of technology and online platforms, including AI; and

WHEREAS, in the face of inaction by Congress, California has also led the nation by enacting laws and taking executive action addressing frontier AI trust and safety, children's safety online, data privacy, cybersecurity, and consumer protection, proving that innovation and economic growth are fully compatible with common sense regulations that address risks and advance public safety through responsible deployment of AI systems and models; and

WHEREAS on September 6, 2023, I issued Executive Order N-12-23 directing how the State would safely innovate to use AI for the benefit of Californians, as well as identify potential risks to individuals, communities, state government, and state workers; and

WHEREAS in response to Executive Order N-12-23, my Administration established guidelines for public sector procurement of AI products, uses, and required trainings; published guidelines for State agencies and departments to analyze the impact of AI tools on marginalized and vulnerable communities; published reports on building and supporting an AI-ready state workforce; and launched pilots of AI projects to help improve public services; and

WHEREAS in 2024, I convened a group of world-leading AI researchers and experts, who released a first-in-the-nation report on frontier AI guardrails, based on empirical, science-based analysis of the capabilities and attendant risks of frontier models, including recommendations on ensuring evidence-based policymaking, balancing the need for transparency, safety, and trust with innovation, and the group released its report in June 2025; and

WHEREAS in 2025, in partnership with the Legislature, I signed first-in-the-nation legislation, Senate Bill 53, addressing frontier AI trust and safety, which built on the recommendations included in the report released by the AI researchers and experts earlier that year and established baseline requirements for deploying safe, secure, and trustworthy artificial intelligence, which took effect this year; and

WHEREAS this nation-leading legislation, along with other legislation that, in partnership with the Legislature, I have signed addressing children's safety online, data privacy, cybersecurity, and consumer protection, proves that innovation and economic growth are fully compatible with appropriate guardrails; and

WHEREAS on March 30, 2026, I issued Executive Order N-5-26 directing my Administration to ensure AI procurement and adoption protect civil rights, civil liberties, and privacy, while reinforcing the importance of transparent, safe, and responsible AI adoption to make government more efficient, effective, and engaged; and

WHEREAS earlier this month, I signed legislation that establishes a first-in-the-nation framework for certifying independent verification organizations, with sufficient technical expertise to objectively review AI models and systems for safety risks and make recommendations to address identified risks and regulating AI auditors through independence, transparency, and integrity standards; and

WHEREAS my recent actions occurred against the backdrop of revelations of multiple instances of apparent attempts by individuals to use AI products to create bioweapons and AI agents working, at times independently and at times collectively, to defeat security protocols that AI companies had put in place and working, in some instances undetected for months, to hack other companies, and other behavior that raises grave concerns about potential threats to public safety; and

WHEREAS these revelations have prompted many Americans and some within the AI industry, including company leaders, to call on the industry to pace the development of AI systems and models and invite more stringent regulations by government to address security and safety risks; and

WHEREAS California must continue to lead, both in supporting responsible growth of emerging technologies and addressing their impacts on society and maintaining economic opportunity for all Californians, including by reviewing and updating, as needed, existing protections and exploring other tools for more broadly sharing the economic benefits with workers in industries and businesses impacted by AI and other emerging technologies; and

WHEREAS it is in our collective interest to respond swiftly to the recent developments that highlight emerging risks and the need for additional safeguards around the deployment of AI models; and

WHEREAS, absent federal action—which unfortunately is not forthcoming due to a failure of leadership by the President and Congressional leaders—California will continue to lead by taking action to swiftly implement our existing laws around AI security and risks and develop a roadmap for further strengthening our nation-leading laws to respond to these newly emerging risks.

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. No later than May 1, 2027, the Government Operations Agency shall complete the requirements of Section 8898.1 of the Government Code and develop application requirements, procedures, and criteria for independent verification organizations and publicly post them, as required by law.

2. No later than December 1, 2027, the Government Operations Agency shall complete the requirements of subdivision (a) of Section 11549.82 of the Government Code and begin taking the actions required by subdivision (b) of that Section.

3. The Government Operations Agency, in consultation with the Governor's Office of Emergency Services, shall, no later than November 16, 2026, submit to my office recommendations, developed in consultation with

national experts, addressing the technical feasibility and potential efficacy of amendments to existing state laws regarding AI safety and security, including at least the following:

a. Requiring that all large frontier developers embed designated independent verification organizations onsite in their labs to conduct periodic audits and evaluations.

b. Requiring that the safety frameworks, transparency reports, and risk assessments that frontier AI companies are required to file be independently verified pursuant to standards determined to be adequate by an independent verification organization.

c. Requiring the creation of a "kill switch" for frontier models, with the efficacy of the switch verified on an ongoing basis by an independent verification organization.

d. Updating the definition of critical safety incidents that AI companies are required to report to include a range of loss-of-control incidents, covering recently reported incidents from large frontier developers.

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 18th day of September 2026.

GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH. D
Secretary of State