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UC LEGAL AI TASK FORCE: LEGAL EXPERTISE

UC Legal has collected these resources to assist in navigating legal issues related to the use of artificial intelligence (AI). The resources are arranged by area of law (*e.g.*, privacy, copyright, discrimination) and by government agency (*e.g.*, HHS, Department of Education). Some resources that might not strictly apply to UC are included for their value in guiding UC thinking in this highly dynamic area. Generally, when using these resources, please:

- Keep in mind the general principle that UC ought not use AI to do anything that UC is prohibited from doing without AI (*e.g.*, UC is prohibited from discriminating on the basis of race or religion, using AI or not).
- Note that everything about AI – AI technology itself, as well as legal rules, best practices and guidance relating to the use of AI – is changing rapidly and will continue to do so. You should verify independently that any guidance upon which you rely is that latest version.
- Before using AI, consider using the UC AI Risk Assessment Guide and consult with counsel either in the Office of the General Counsel or at your UC location as appropriate.
- Note that this resource is current as of June 16, 2026, and users should check for updates.

List of Practice Areas & UC Activities

Possible Area of Law Implicated	Possible UC Activity(ies) Implicated	Links to Relevant Legislation/Regulations/Guidance/Cases
Discrimination /Bias	• Admissions (outreach/recruitment, decisions) • Employment • Employee Benefits • Health Insurance • Housing • Disability • Financial Aid	Employment, CA: New regulations about the use of automated decision-making tools went into effect on October 1, 2025. Microsoft Word - CRD - Automated Decision System Regs - Final Unmodified Text Health insurance, CA: SB 1120 (2024) requires physicians to make final decisions on and provide oversight re: unitization review decisions by a health plan's AI tools/ algorithms. Effective 1/1/2025 Artificial Intelligence and Algorithmic Fairness Initiative, previously published by the EEOC in 2021, has been deleted and is now archived here: https://web.archive.org/web/20241223203410/https://www.eeoc.gov/ai The Americans with Disabilities Act and the Use of Software, Algorithms, and Artificial Intelligence to Assess Job Applicants and Employees, guidance issued by the EEOC on

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Possible Area of Law Implicated	Possible UC Activity(ies) Implicated	Links to Relevant Legislation/Regulations/Guidance/Cases
		May 12, 2022, has been deleted and is now archived here: https://web.archive.org/web/20241227070243/https://www.eeoc.gov/laws/guidance/americans-disabilities-act-and-use-software-algorithms-and-artificial-intelligence Select Issues: Assessing Adverse Impact in Software, Algorithms, and Artificial Intelligence Used in Employment Selection Procedures Under Title VII of the Civil Rights Act of 1964, a technical assistance document issued by the EEOC on May 18, 2023, has been deleted and is now archived here: https://web.archive.org/web/20241224163809/https://www.eeoc.gov/laws/guidance/select-issues-assessing-adverse-impact-software-algorithms-and-artificial AI & Inclusive Hiring Frameworks – Peatworks (Partnership on Employment and Accessible Technology – funded by Department of Labor) Original website has been deleted, Word document available here: PEAT_AI_and_Inclusive_Hiring_Framework_v24-Sept-2024-ODT.odt Artificial Intelligence and Worker Well-Being Principles and Best Practices for Developers and Employers, published by the U.S. Department of Labor, deleted but archived version is available here: https://web.archive.org/web/20250205182942/https://www.dol.gov/sites/dolgov/files/general/ai/AI-Principles-Best-Practices.pdf Employment – New York City: New York City Local Law 144 of 2021: prohibits employers from using automated decision tools unless there is a bias audit and provide notices to candidates. Employment – Illinois: Illinois, Artificial Intelligence Video Interview Act, 820 IL 42/1, requires employers to disclose the use of AI to analyze video interviews, provide other information, and obtain consent. Employment – Maryland: Maryland, HB 1202, prohibits employers from using facial recognition tools during interviews unless the candidate consents.

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		Employment, CA: SB 7 Employment: automated decision systems (McNerney) – (Amended 3/5/25) outlines employer obligations when using automated decision systems in the employment context (e.g. pre-use notice, employer requirements, post-use notice). Health insurance, MA: H.1210 AI Health Communications and Informed Patient Consent (2025: introduced) - amend state health insurance consumer protection law to require healthcare insurance carriers to disclose the use of AI or ADMT for reviewing insurance claims and report AI and training data info to MA Division of Insurance. Health insurance, IL: HB 5918 - AI Systems Use in Health Insurance Act (1/7/25: failed to move before close of legislative session) Insurance: WI: Bulletin on the Use of AI Systems in Insurance by Insurance Commission Bias: ADL, ""Generating Hate: anti-Jewish and anti-Israel bias in leading large language models" https://www.adl.org/resources/report/generating-hate-anti-jewish-and-anti-israel-bias-leading-large-language-models?utm_campaign=2025-03-26+Daily+Kickoff&utm_content=2025-03-26+Daily+Kickoff&utm_medium=email_action&utm_source=customer.io Health Insurance. Resources: State and Federal Legislative Tracker (Mannatt; covers Jan.-Mar. 2025)
Contract	• Business transactions • Real Estate transactions • Procurement • Due Diligence/Contract Review	Vanessa L. Miller and Raymond J. McVeigh, Foley & Lardner LLP. Agentic AI Liability in Autonomous Supply Chain Decisions: Identifying and Preventing Legal Risks May 20, 2026. Danny Tobey, et al., DLA Piper. The rise of "agentic" AI: Potential new legal and organizational risks. June 9, 2025.

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		Toby Yu, Annie McMillan, KPMG. Evolving CLM with Agentic AI: A human centered approach (2025). Colin Levy, Contract Nerds. How and When to Use Gen AI for Reviewing and Drafting Contract Clauses. January 2, 2025. John Linarelli. Artificial Intelligence and Contract Formation: Back to Contract as Bargain? Forthcoming in Stacy-Ann Elvy & Nancy Kim, Emerging Issues at the Intersection of Commercial Law and Technology (Cambridge University Press 2023).
Privacy	• Clinical Health Care • Student Records • Public Records/IPA • Financial Records • Advancement (donor records) • Employment Records • Employment Actions (processing disability/leave requests) • Research	California Privacy Rights Act: The CPRA, which generally does not apply to UC, applies to personal information that may be processed by AI systems "that are capable of outputting personal information." (AB 1008) The statute calls upon the California Privacy Protection Agency (CPPA) to issue regulations related to "automated decision-making technology" (ADMT). In September 2025, CPPA approved new regulations relating to ADMT. The regulations define ADMT as "any technology that processes personal information and uses computation to replace or substantially replace human decisionmaking." The regulations require that before using ADMT to make a significant decision, businesses must provide consumers with a prominent, plan language notice that explains the ADMT's purpose, categories of personal information that could affect ADMT output, the intended outputs, the extent to which humans may be part of the decisionmaking process, and a description of the consumer rights associated with the ADMT. Consumers have a limited right to opt out of ADMT used for significant decisions, and consumers have the right to request access to detailed information about the ADMT. These new requirements are effective 1/1/27. General Data Protection Regulation: Art. 22 GDPR; Recital 71. In December 2024, the European Data Protection Board (EDPB) adopted on opinion on the use of personal data for the development and deployment of AI models.

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		Under the GDPR, individuals living in the European Economic Area have the right not to be subject to a decision based solely on automated processing. At present, the GDPR applies to University activities only if they are offered to people living in the EU.
Data Security	• Research • Health care • Information Technology • HR Records (UC Path and RASC) • Education Records • Chatbots on UC websites • Procurement	Executive Order, Promoting Advanced Artificial Innovation and Security. 6/2/26 CISA. Careful adoption of agentic AI services. 5/1/26. NIST, Concept Note: AI RMF Profile on Trustworthy AI in Critical Infrastructure. 4/7/26. NIST, Cybersecurity Framework Profile for Artificial Intelligence (Cyber AI Profile) (Initial Preliminary Draft). Comments due 1/30/26. NIST, Adversarial Machine Learning: A Taxonomy and Terminology of Attacks and Mitigations (NIST.AI.100-2)
Due Process	• Student Conduct • Employment Law • Unlawful Search and Seizure	**Student Conduct** When AI Detectors Fail: The Groundbreaking Adelphi Plagiarism Case | LLF National Law Firm | National Education Student Defense Lawyers *Harris v. Adams*, No. 24-cv-12437-PGL, 2024 U.S. Dist. LEXIS 210951 (D. Mass. Nov. 20, 2024). *Mazile v. Larkin Univ. Corp.*, No. 1:23-cv-23306-LEIBOWITZ, 2024 U.S. Dist. LEXIS 128457 (S.D. Fla. July 22, 2024). *Doe v. Emory Univ.*, 734 F. Supp. 3d 1369 (N.D. Ga. 2024). **Employment Law** *Saas v. Major, Lindsey & Africa, LLC*, No. 1:23-cv-02102-JRR, 2024 U.S. Dist. LEXIS 84968 (D. Md. May 10, 2024). *Mobley v. Workday, Inc.*, No. 23-cv-00770-RFL, 2024 U.S. Dist. LEXIS 126336 (N.D. Cal. July 12, 2024). *H.B. 3773, Limit Predictive Analytics Use* [ILLINOIS] California Assembly Bill 1331 (2025) || Workplace Surveillance | [NOT ENACTED– ordered to inactive file]

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Possible Area of Law Implicated	Possible UC Activity(ies) Implicated	Links to Relevant Legislation/Regulations/Guidance/Cases
		California Senate Bill 238 (2025) || Workplace Surveillance Tools || [NOT ENACTED] **Procedural Due Process** *Hicks v. Collier*, No. 2:24-CV-00126, 2024 U.S. Dist. LEXIS 241129 (S.D. Tex. Oct. 31, 2024). Artificial Intelligence 2025 Legislation _____ Lars Daniel, FORBES: "Judge Throws Out Facial Recognition Evidence In Murder Case" (Clearview AI) Kevin Williams, CNBC: "How Trump's mass deportation plan can use AI to extend immigration crackdown" Cary Coglianese. How a lawsuit about pencils can protect rights in the AI era. The Hill (August 11, 2023). Chris Chambers Goodman, AI, Can You Hear Me? Promoting Procedural Due Process in Government Use of Artificial Intelligence Technologies, 28 RICH. J.L. & TECH. 700 (2022).Pasquale F. Inalienable Due Process in an Age of AI: Limiting the Contractual Creep toward Automated Adjudication. *Constitutional Challenges in the Algorithmic Society*. Cambridge University Press; 2021:42-56. Inaccurate allegations that students used AI to cheat: Davis (https://www.usatoday.com/story/news/education/2023/04/12/how-ai-detection-tool-spawned-false-cheating-case-uc-davis/11600777002/) and Yale (https://www.crowell.com/en/insights/client-alerts/ivy-league-lawsuit-centers-on-alleged-impermissible-use-of-ai-in-academia)
Intellectual Property – Copyright	Copyright, including: • Copyrightability and authorship • Registrability	USCO AI portal USCO AI Study USCO Copyright Registration Guidance AI copyright litigation tracker *Bartz v. Anthropic* summary judgment decision on fair use (N.D. Cal.)

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Possible Area of Law Implicated	Possible UC Activity(ies) Implicated	Links to Relevant Legislation/Regulations/Guidance/Cases
	• LLM input/ingestion (infringement / fair use?) • Output of AI tools (infringement / substantial similarity / infringing derivative works) • Fair use as to ingestion? ○ It's likely *not* fair use to download copyrighted content from piracy/"shadow" websites for ingestion of LLMs • Removal of "copyright management information" (CMI) as a potential violation of Section 1202 of DMCA	
Intellectual Property – Trademark	• Trademark	USPTO Report, "Public Views on Artificial Intelligence and Intellectual Property Policy" (October 2020) USPTO Artificial Intelligence and Emerging Technologies Partnership.
Intellectual Property – Patents	• Patents	USPTO revised inventorship guidance for AI-assisted inventions (11/26/35) White House Unveils America's AI Action Plan – The White House (updated (7/23/25) Promoting Advanced Artificial Intelligence Innovation and Security – The White House (June 2, 2026)
Finance/	• Investment decision-making	Klass, J.-L., Man, P. J., & Valente, C. "A Practical Guide for Advisers Considering the Use of AI." Alternative Investment Management Association (2025).

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Investment	• Obligations as a fiduciary making investment decisions	Joshua Dupuy, Legal transparency in AI finance: facing the accountability dilemma in digital decision-making. Westlaw Today. March 1, 2024. Caiazza, A., Rosenblum, R., & Sartain, D. "Investment Advisers' Fiduciary Duties: The Use of Artificial Intelligence." Harvard Law School Forum on Corporate Governance (2020).
Criminal	• Stalking/Harassment • Threat/Risk Assessment	**[CASE TO MONITOR—expect oral arguments in April 2026 and opinion by June 2026]** Supreme Court to decide legality of geofence search warrants - POLITICO (as of April 27, 2026, the court has not yet issued an opinion and appears deeply divided) *United States v. Cole*, No. 1:24-cr-00054-SKC, 2024 U.S. Dist. LEXIS 184877 (D. Colo. Oct. 8, 2024). Cheshire Police harnessing AI to help officers catch stalkers New OpenAI Court Order Raises Serious Concerns About AI Privacy and Safety for Survivors of Abuse - NNEDV [June 2025] District of Massachusetts | Serial Cyberstalker Who Terrorized Women for 16 Years Sentenced to Nine Years in Prison | United States Department of Justice [July 2025] Cyber Stalking (generally): CA Penal Code 646.9 Electronic Harassment (generally): CA Penal Code 653.2 U.S. Department of Justice Signals Tougher Enforcement Against Artificial Intelligence Crimes (Public remarks: here and here).
Ethics/Professional Responsibility	• Licensure (medical, legal) • Professional malpractice (medical, legal)	Updated CA State Bar Guidance for the Use of Generative AI (June 2026) - includes additional discussion of agentic AI. *United States v. Heppner*, No. 25 CR. 503 (JSR), 2026 WL 436479 (S.D.N.Y. Feb. 17, 2026); *Warner v. Gilbarco, Inc.*, No. 2:24-cv-12333, 2026 WL 373043 (E.D. Mich. Feb. 10, 2026).

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		California State Bar Committee on Professional Responsibility and Conduct "Practical Guidance For the Use of GenAI in the Practice of Law" American Bar Association. Formal Opinion 517. July 9, 2025. "A lawyer may not follow... AI software's guidance to exercise peremptory challenges if the lawyer knows or reasonably should know that the conduct will constitute unlawful juror discrimination." American Bar Association Standing Committee on Ethics and Professional Responsibility "Formal Opinion 512" American Bar Association Task Force on Law and Artificial Intelligence ALM has several AI-related California CLE courses, via Law.com, many of which touch upon ethical considerations American Medical Association: Augmented intelligence in medicine (Updated March 13, 2026) American Medical Association. "AMA adopts new policy aimed at ensuring transparency in AI tools." June 11, 2025. The policy calls for requiring an independent third party, such as regulatory agencies or medical societies, to determine whether an algorithm in explainable, rather than relying on claims made by the developer. American Medical Association "Principles for Augmented Intelligence Development, Deployment, and Use" [Note: AMA and other medical associations and groups use the term augmented intelligence vs artificial intelligence to indicate that it is still the physician who is practicing medicine and ultimately making the final decision on patient care and treatment.] Potential issue: does AI owe a duty of care to the patient? "AI's Limitations in Law: A Federal Complaint Underscores Challenges in Legal Drafting" in *Legal News Feed* (January 6, 2025).

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Possible Area of Law Implicated	Possible UC Activity(ies) Implicated	Links to Relevant Legislation/Regulations/Guidance/Cases
		California Attorney General's Legal Advisory on the Application of Existing California Law to Artificial Intelligence in Healthcare AB 489 (Bonta). Chaptered 10/11/2025. Effective 1/1/2026. CMA-sponsored AB 489 protects patients from artificial intelligence (AI) systems that misrepresent themselves as licensed medical professionals. The new law gives state health boards authority to enforce title protections against misleading AI tools, ensuring that emerging technologies in health care safeguard patient safety and preserve trust between patients and physicians. AB 3030 (disclosure of GenAI use re: patient communications). Chaptered 9/28/24. Effective 1/1/2025. Medical Board guidance here
Research	• Human subjects research	The National Advisory Committee on Human Research Protections (NACHRP) is comprised of former appointees of SACHRP and OHRP, operating as volunteers, not affiliated with the US federal government. NACHRP will issue new recommendations and archived SACHRP guidance. SACHRP has been disbanded. SACHRP was scheduled to meet in March 2025, but that meeting was canceled, and the SACHRP website shows no upcoming meetings. U.S. Health and Human Services (HHS) Secretary's Advisory Committee on Human Research Protections (SACHRP) provides expert guidance on issues and topics pertaining to or associated with the protection of human research subjects. In October 2022, SACHRP answered 10 questions regarding IRB Considerations on the Use of Artificial Intelligence in Human Subjects Research. OHRP Exploratory Workshop on Human Research with AI, September 2024
Labor and Employment		CA: SB 947 No Robo Bosses Act (McNerney) prohibits employers from using automated decision systems under certain circumstances against an employee (i.e. disciplinary actions, infer protected status, etc.) **6/11/26: Passed legislature, pending Governor signature**

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List of Legislation and Guidance (Enacted and Pending) – To Extent Not Noted Above

Issuing Agency (California or Federal)	Regulations	Resources and Guidance
White House	December 11, 2025: Executive Order, "Ensuring a National Policy Framework for Artificial Intelligence" initiates an AI Litigation task force to review state AI laws and establish a federal policy framework to preempt state AI laws. November 24, 2025: President Trump signed EO, "Launching the Genesis Mission", led by the Dept of Energy aimed at establishing AI capabilities in critical areas, including: (i) advanced manufacturing; (ii) biotechnology; (iii) critical materials; (iv) nuclear fission and fusion energy; (v) quantum information science; and (vi) semiconductors and microelectronics. Executive Order 14179. Removing Barriers to American Leadership in Artificial Intelligence. January 23, 2025. Executive Order Promoting Advanced Artificial Intelligence Innovation and Security, June 2, 2026.	The White House released "Winning the AI Race: America's AI Action Plan" in accordance with EO 14179. July 23, 2025 Executive Order 14277. Advancing Artificial Intelligence Education for American Youth. April 23, 2025. (K-12 education) "U.S. President-elect Donald Trump on Thursday said he was appointing former PayPal Chief Operating Officer David Sacks as his "White House A.I. & Crypto Czar," another step towards overhauling U.S. policy." Revolving Door Project, Tracking Uses of AI in the Trump Administration
U.S. Senate/Congress Proposed Legislation	**2025-2026 Session (pending bills):** Trump America AI Act (Blackburn, R-TN) -announced new federal comprehensive AI bill as a result of the AI state law review taskforce as a result of the Trump EO on AI. Announcement; Language of the Bill	A Roadmap for Artificial Intelligence Policy in the U.S. Senate Bipartisan House Task Force Report on AI (Dec. 2024) Generative AI: Overview, Issues, and Considerations for Congress (April 2, 2025) -Congressional Research Service report to Congress House Committee on Energy and Commerce held Hearing on AI and American Global Competitiveness

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Issuing Agency (California or Federal)	Regulations	Resources and Guidance
	HR 193 (Schweikert, R-AZ) –Direct HHS to issue guidance on payment under Medicare program for certain items involving AI (1/3/2025: referred to Committee on Energy and Commerce) HR 238: Health Technology Act of 2025 (Schweikert, R-AZ) -amend the FDCA to clarify that AI and ML technologies can qualify as a practitioner eligible to prescribe drugs if authorized by the State involved and approved, cleared, or authorized by the FDA (1/7/2025: referred to Committee on Energy and Commerce) S.1085 (Rounds, R-SD) - Require Secretary of HHS to implement a pandemic preparedness and response program using AI (3/14/2025: referred to Committee on Health, Education, Labor and Pensions) S.1110 (Husted, R-OH) -leveraging AI to streamline the Code of Federal Regulations Act (3/25/2025: referred to Committee on Homeland Security and Governmental Affairs) S.1269 (Blackburn, R-TN) -promote US leadership in technical standards by directing NIST and Dept of State to take certain actions to encourage and enable US participation in developing standards and specifications for AI and other critical and emerging technologies (4/2/2025: referred to Committee on Commerce, Science, and Transportation) S. 2750: SANDBOX Act (Cruz, R-TX) - establishes a program that allow AI developers and deployers to apply for 2-year waiver of federal agency regulations (can be renewed up to 10 years). The waiver would not exempt entities from criminal or consumer protection liabilities. (10/2/2025: introduced on 9/10/2025) S.3062: GUARD Act (Hawley, R-MO) -requires additional safeguards for the use of AI chatbots by minors, including required age verification mechanisms.	July 1, 2025: US Senate strikes state AI regulation moratorium from the Big Beautiful Budget

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Issuing Agency (California or Federal)	Regulations	Resources and Guidance
U.S. Department of Education	General nondiscrimination civil rights statutes apply to analysis of use of AI. ED Federal Register :: Proposed Priority and Definitions-Secretary's Supplemental Priority and Definitions on Advancing Artificial Intelligence in Education (Proposing to include certain categories of AI research related to education as a grant priority) (July 2025, comment period closed August 2025)	Office of Educational Technology. Artificial Intelligence (AI) and the Future of Teaching and Learning: Insights and Recommendations. May 24, 2023. Office of Educational Technology. Handout: AI and the Future of Teaching and Learning. (Accessed May 30, 2024). Grants and Programs Grants and Artificial Intelligence (AI) | U.S. Department of Education (Guidance on use of AI transcription or recordings by grantees.). Feb. 2025 OCIO Artificial Intelligence (AI) Guidance | U.S. Department of Education (Dept.AI-use cases by Program Office) Feb. 2025 Grants and Programs opepd-ai-dear-colleague-letter-7222025-110427.pdf (Guidance supporting grantees to explore how AI can enhance teaching and learning, etc. Includes Principles for Responsible Use) July 2025.
U.S. Federal Trade Commission	16 C.F.R. Part 465: Trade Regulation Rule on the Use of Consumer Reviews and Testimonials (effective October 21, 2024). 16 C.F.R. Part 461: Trade Regulation Rule on Impersonation of Government and Businesses (effective April 1, 2024).	FTC. FTC Launches Inquiry into AI Chatbots Acting as Companions. September 11, 2025. FTC issued orders to seven companies that provide consumer-facing AI-powered chatbots seeking information on how these companies measure, test, and monitor potentially negative aspects of AI on children and teens. FTC Chairman Andrew Ferguson and Commissioner Melissa Holyoak have publicly commented that FTC should "not charge headlong to regulate AI" potentially signaling less FTC enforcement of AI tools. Concurring and Dissenting Statement of Commissioner Ferguson. January, 17, 2025. FTC. AI and the Risk of Consumer Harm. January 3, 2025.

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Issuing Agency (California or Federal)	Regulations	Resources and Guidance
		FTC. FTC Announces Crackdown on Deceptive AI Claims and Schemes. September 25, 2024.
U.S. Department of Health and Human Services	HHS' proposed changes to the HIPAA Security Rule (proposed rule released 1/6/25) include implications for AI: healthcare organizations must conduct risk assessments of the cybersecurity threats of new AI tools (including considerations of factors including the type and amount of ePHI access by the AI tool, to whom the data is disclosed, and to whom the output is provided). As AI evolves, a regulated entity should conduct risk assessments to consider the effects of such changes on the confidentiality, integrity, and availability of ePHI. Additionally, regulated entities must develop written inventories of their technology assets (including AI software). ASTP (formerly ONC) published HTI-5: Deregulatory Actions to Unleash Prosperity, which proposes to revise information blocking definitions of "access," "use," and "exchange" to explicitly codify that these terms include accessing, exchanging or using electronic health information (EHI) through automated technologies, and that information blocking occurs when an actor interferes with such access, exchange, or use of EHI. The proposed rule also reduces the scope of the ''decision support interventions'' certification criterion for health IT to fully remove the artificial intelligence (AI) ''model card'' requirements. HHS imposes transparency requirements on developers of certified health information technology regarding predictive decision support interventions (generally understood to be AI). Office of National Coordinator for Health Information Technology. Health Data, Technology, and Interoperability: Certification Program Updates, Algorithm Transparency, and Information Sharing. 89 Fed. Reg. 1192 (January 9, 2024).	On December 23, 2025, HHS issued a Request for Information seeking broad input on how HHS can accelerate its adoption of AI to improve patient care, reduce provider burden, and reduce health care costs. HHS' overall AI Strategy is shaped by the Office of the Chief Artificial Intelligence Officer (OCAIO), which sets forth an approach and focus areas intended to encourage AI adoption; enable HHS-wide familiarity, comfort, and fluency with artificial intelligence (AI) technology and its potential; promote AI scaling with the application of best practices and lessons learned from piloting and implementing AI capabilities to additional domains and use cases across HHS; and spark AI acceleration by increasing the speed at which HHS adopts and scales AI and ML. HHS' AI website now lists two sections: Strategy and Implementation and AI Use Cases Inventory. Chin, M. et al. Guiding Principles to Address the Impact of Algorithm Bias on Racial and Ethnic Disparities in Health and Health Care. JAMA Network Open. 2023; 6(12):e2345050.doi:10.1001/jamanetworkopen.2023.45050 In May 2025, HHS designated Peter Bowman-Davis, a Yale undergraduate, as acting Chief AI Officer.
U.S. Centers for Medicare and	CMS reorganized the proposed rulemaking that appeared in the December 10, 2024 Federal Register (89 FR 99340) with the	January 1, 2026 Launch of WISer Model: Provider and Supplier Operational Guide, Version 3.0 Last Updated to

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Medicaid Services	clarification that CMS "do not intend to finalize the following provisions from the proposed rule: Enhancing Health Equity Analyses: Annual Health Equity Analysis of Utilization Management Policies and Procedures, Part D Coverage of Anti-Obesity Medications (AOMs) and Application to the Medicaid Program, and Ensuring Equitable Access to Medicare Advantage Services—Guardrails for Artificial Intelligence (AI)." 90 FR 15792 (April 15, 2025) Final Rule (2023): Medicare Advantage Organizations (MAOs) must make medical necessity determinations based on the circumstances of specific individuals, as opposed to relying on an algorithm or software that does not consider individual circumstances. CMS. Medicare Program; Contract Year 2024 Policy and Technical Changes to the Medicare Advantage Program, Medicare Prescription Drug Benefit Program, Medicare Cost Plan Program, and Programs of All-Inclusive Care for the Elderly Final Rule. 88 Fed. Reg. 22120, 22195 (April 12, 2023). (& Correcting Amendment, Aug. 1, 2023) CMS Guidance clarifying the Final Rule (FAQ #2 addresses AI). Feb. 6, 2024.	include participant contact info and updates applicable payment codes and required documentation. WISeR (Wasteful and Inappropriate Service Reduction) Model will run for six performance years from January 1, 2026 to December 31, 2031 in six states: New Jersey, Ohio, Oklahoma, Texas, Arizona, and Washington. Providers and suppliers for people with fee-for-service Medicare in selected regions will have the choice of submitting a prior authorization request for the AI/ML model's selected items and services or go through a post-service/pre-payment review. All recommendations for non-payment will be determined by appropriately licensed clinicians who will apply standardized, transparent and evidence-based procedures to their review. December 2025 CMS is included in "OneHHS" AI agency-wide Strategy Plan and Compliance Plan (OMB Memorandum M-25-21) Revised September 12 -2025-CMS Artificial Intelligence Playbook broadly describes AI in general terms potential use cases for CMS. CMS's AI Resource Webpage Artificial Intelligence at CMS. Now includes a link to Executive Order Executive Order 14179: Removing Barriers to American Leadership in Artificial Intelligence and link to National Artificial Intelligence Act of 2020. CMS holds quarterly CMS AI Demo Days starting Oct. 2024 in which health care providers and companies give 15 min demonstrations to the agency of their AI products and services (for info and planning purposes, may be made

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		public). CMS sent out an initial ROI in Sept. 2024 to solicit submissions. Jun 27, 2025: CMS launches new model to target wasteful, inappropriate services in original Medicare. CMS will partner with companies specializing in "enhanced technologies," including AI, to test ways to provide an improved and expedited prior authorization process via the Wasteful and Inappropriate Service Reduction (WISeR) model. Pending Federal Bill. S 1399: Health Tech Investment Act, amends the Social Security Act to ensure appropriate payment of certain algorithm-based healthcare services under Medicare program. Status: read twice and referred to Committee on Finance (4/9/2025). Resources: Sidley Article
U.S. Copyright Office		U.S. Copyright office AI resource page
U.S. Patent and Trademark Office		USPTO. Memorandum: The Applicability of Existing Regulations as to Party and Practitioner Misconduct Related to the Use of Artificial Intelligence. February 6, 2024. Reminders on evaluating subject matter eligibility of claims under 35 U.S.C. 101 (for examiners in AI) (Aug 4, 2025) USPTO AI resource page which includes a link to the 2024 Inventorship Guidance on AI-Assisted Inventions
U.S. Equal Employment		None

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Opportunity Commission		
Executive Office of the President/U.S. Office of Management and Budget		Executive Office of the President, Office of Management and Budget. Memorandum: Accelerating Federal Use of AI through Innovation, Governance, and Public Trust. April 3, 2025. Executive Office of the President, Office of Management and Budget. Memorandum: Driving Efficient Acquisition of Artificial Intelligence in Government. April 3, 2025.
U.S. Department of Defense		Department of War. Artificial Intelligence Strategy for the Department of War. January 9, 2026. Department of War. Transforming the Defense Innovation Ecosystem to Accelerate Warfighting Advantage. January 9, 2026. Department of War. Artificial Intelligence Spotlight. Department of Defense. Hicks Highlights DOD’s Commitment to Responsible AI Use. October 29, 2024. Department of Defense, Chief Digital & Artificial Intelligence Office. Responsible AI Toolkit. November 14, 2023. Department of Defense. AI Ethical Principles. February 24, 2020.

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U.S. Food and Drug Administration	FDA issues guidance aimed at easing regulation of digital health products: General Wellness: Policy for Low Risk Devices; Clinical Decision Support Software (1/6/26). FDA Draft Guidance Document: "Artificial Intelligence Enabled Device Software Functions: Lifecycle Management and Marketing Submission Recommendations" (issued 1/7/25) FDA Draft Guidance Document: "Considerations for the Use of Artificial Intelligence To Support Regulatory Decision-Making for Drug and Biological Products" (issued 1/7/25)	FDA and European Medicines Agency. Guiding Principles of Good AI Practice in Drug Development. January 2026. Request for Public Comment: Measuring and Evaluating AI-enabled Medical Device Performance in the Real-World. Comment period ends 12/1/25. FDA. Digital Health Center of Excellence. Goal is to empower stakeholders to advance health care by fostering responsible and high-quality digital health innovation. FDA. Artificial Intelligence and Machine Learning (AI/ML) Enabled Devices (updated January 6, 2025). FDA. Artificial Intelligence and Machine Learning in Software as a Medical Device (updated March 25, 2025). FDA. Artificial Intelligence for Drug Development (updated Feb. 20, 2025). FDA. Artificial Intelligence and Medical Products: How CBER, CDER, CDRH, and OCP are Working Together. Revised February 14, 2025. In May 2025, FDA hired Jeremy Walsh, IT professional, as the first Chief AI Officer and head of IT. In June 2025, FDA launched a system-wide general-purpose chatbot, Elsa. Elsa was touted as the beginning of AI-driven transformation within the agency that will speed up drug and device review.
National Institute of Standards and Technology		See Data Security

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Various federal agencies		Joint Statement on Competition in Generative AI Foundation Models and AI Products, issued 7/23/24
California Governor's Office	Executive Order N-6-26 labor and AI (May 2026). Executive Department, State of California. Executive Order N-12-23. September 6, 2023.	Governor Newsom deploys first-in-the-nation GenAI technologies to improve efficiency in state government (Apr. 29, 2025) Finalized California Report on Frontier AI Policy (June 17, 2025) CA state launched website focused on the GenAI work happening across state government, including projects at CalHHS, CDPH, and CalTrans : https://www.genai.ca.gov/ State of California Guidelines for Evaluating Impacts of Generative AI on Vulnerable and Marginalized Communities (Dec. 2024) California, NVIDIA launch first-of-its-kind AI collaboration (August 2024) California strengthens its position as the global AI leader with new working report issued by experts and academics (March 18, 2025) -working report on the effects and impact of AI Governor Newsom launches new initiatives to partner with tech policy experts and accelerate responsible AI in state government (Dec. 16, 2025) Launched the California Innovation Counsel with 4 committees focused on 1) protecting child online safety and countering image-based abuse, 2) modernizing government service delivery, 3)

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		technology, economic development, and workforce, and 4) countering tech fraud. California Department of Technology launched a new AI tool, Poppy, a digital assistant.
California State Bar		Updated Guidance for the Use of Generative AI (June 2026) - includes additional discussion of agentic AI. The State Bar of California Standing Committee on Professional Responsibility and Conduct. Practical Guidance for the Use of Generative Artificial Intelligence in the Practice of Law (accessed May 30, 2024)
California Medical Board, Registered Nursing	SB 1120 (Becker, sponsored by CA Medical Assn.) requires physicians to make final decisions on and provide oversight re: unitization review decisions by a health plan's AI tools/ algorithms. Chaptered 9/28/24. AB 3030 (disclosure of GenAI use re: patient communications). Chaptered 9/28/24. Effective 1/1/2025. Medical Board guidance here. AB 489 (Bonta). Chaptered 10/11/2025. Effective 1/1/2026. CMA-sponsored AB 489 protects patients from artificial intelligence (AI) systems that misrepresent themselves as licensed medical professionals. The new law gives state health boards authority to enforce title protections against misleading AI tools, ensuring that emerging technologies in health care safeguard patient safety and preserve trust between patients and physicians.	California Attorney General's Legal Advisory on the Application of Existing California Law to Artificial Intelligence in Healthcare The Federation of State Medical Boards published guidance on the ethical use of AI (April 2024) Professional associations also have AI guidance/policies: • American Medical Association: Nov. 14, 2023 principles/policy, central webpage (updated 4/1/25) • Nursing: American Nurses Association position statement (effective '22); National Nurses United (union) and California Nurses Association have raised concerns about AI threatening patient safety (NNU's patient bill of rights here) • American Counseling Association AI Work Group Recommendations & press release

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		UC Health. UC nurses set a vision for the future of AI in nursing (Apr. 21, 2025).
California Attorney General	Pursuant to SB 53 Transparency in Frontier Artificial Intelligence Act (Bus. & Prof. Code, § 22757.10 et seq.) employees responsible for assessing, managing, or addressing risk of critical safety incidents regarding AI foundation models ("Covered Employees") may disclose information to the Attorney General, or to other specified entities, that the employee has reasonable cause to believe discloses either of the following: - The frontier developer's activities pose a specific and substantial danger to the public health or safety resulting from a catastrophic risk - The frontier developer has violated the Transparency in Frontier Artificial Intelligence Act (Bus. & Prof. Code, § 22757.10 et seq.) The Attorney General is required to produce an annual report with anonymized and aggregated information about reports made to the Attorney General from Covered Employees. (Bus. & Prof. Code, § 22757.14, sub. (d).)	Attorney General Bonta Issues Legal Advisories on the Application of California Law to AI | State of California - Department of Justice - Office of the Attorney General (1/13/25) Legal Advisory - Application of Existing CA Laws to Artificial Intelligence.pdf (1/13/25) Final Legal Advisory - Application of Existing CA Laws to Artificial Intelligence in Healthcare.pdf (1/13/25)
States Other Than California	**Passed:** Arkansas: Amendment to the Publicity Rights Protection Act to include AI generated likeness and voice (in effect) Colorado Artificial Intelligence Act - repealed and replaced with Automated Decision-Making Technology Act (ADMTA) in June 2026. ADMTA is narrower in scope and takes effect 1/1/2027.	National Conference of State Legislatures. Summary Artificial Intelligence 2024 Legislation (June 3, 2024). Husch Blackwell State AI Legislation Tracker (December 30, 2025) IAPP AI Governance Legislative Tracker (updated October 6, 2025)

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	CO: SB 25B-004 –AI Sunshine Act: extends the effective date of the CO AI Act to June 30, 2026 (effective date: November 25, 2025) IL: HB 3773: regulates the use of AI in the employment context (effective date: January 1, 2026) NY Legislative Oversight of Automated Decision-making in Government (or LOADinG) Act (SB7543/A9430) (immediate effect signed Dec. 21, 2024;1 year delay of section 2) Utah AI Policy Act (AIPA) (effective May 1, 2024) UT: SB 332 –amends AIPA to extend the repeal date to July 1, 2027 (effective May 7, 2025) UT: SB 266- AI Consumer Protection Amendment (Effective May 7, 2025) UT: HB 452 –Regulation of mental health chatbots that use AI (effective May 7, 2025) NY: AB 6453B/ S6953 –Responsible AI Safety and Education (RAISE) Act (effective January 1, 2027) VA: HB 2094 High-Risk AI Developer and Deployer Act (vetoed) For complete list see tracker.	IAPP US State Privacy Legislation Tracker (updated October 6, 2025) Future of Privacy Forum: US State AI Legislation Trend Report (2024) Future of Privacy Forum: State of State AI: Legislative Approaches to AI in 2025 (October 2025) Dec. 30, 2024 State AI Update Illinois Supreme Court Policy on Artificial Intelligence (effective January 1, 2025)
Europe/ International	European Union. Artificial Intelligence Act. June 13, 2024.	IAPP. Global AI Law and Policy Tracker (updated November 2024). General-Purpose AI Code of Practice (voluntary for organizations looking to demonstrate compliance with the EU AI Act)
California	**2023-2024 Legislative Session:**	**2026-2027 (pending bills):**

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	AB 2013 (generative AI training data transparency); AB 2885 (definition of AI); SB 942 (California Transparency Act); AB 2602 (digital replicas); AB 3030 (requires specified health care providers to disclose the use of GenAI when used to generate communications to a patient pertaining to patient clinical information); SB 1120 (establishes requirements on health plans and insurers applicable to their use 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). **2025-2026 Legislative Session:** AB 316 AI Defenses (Krell) -Prohibits defendants, who developed, modified, or used AI, from asserting that the AI autonomously caused the alleged harm to plaintiffs in civil matters. Defendants may still assert other affirmative defenses. (effective January 1, 2026) AB 489: Healthcare professions: deceptive terms or letters: AI (Bonta; 2025-2026) – prohibits and enforceable against an entity who develops or deploys AI tech that uses specific terms, letters, or phrases to falsely indicate or imply possession of a license or certificate to practice a healthcare profession. (Effective January 1, 2026) AB 566 CPPA OOPS (Lowenthal) – re-introduced global opt-out preference signal for browsers and mobile operating system (passed	AB 322 Precise Geolocation (Ward) Require notice to consumers by businesses the collection of precise geolocation data, overall one-year limit on retention of data, ban the sale, lease, or trade of such data, and prohibits businesses from disclosing such information to state and local agencies without court order or unless required by federal law. **Suspended** SB 435 CCPA: Sensitive Personal Information (Wahab) (gut and amend) remove CCPA exemption for publicly available sensitive personal information. **Ongoing in committee** AB 1159 Student Personal Information (Addis) extends data protection of K-12 students (KOPIPA) and pre-kindergarten (ELPIPA) to students in higher education along with conforming edits. Main concern of bill author is the lack of transparency of disclosure of student data to third party educational technology platforms and the use of data for AI training. **Ongoing in committee** AB 2021 California Consumer Privacy Act of 2018: whistleblower complaints (Schiavo) provides financial incentives, confidentiality, and strong anti-retaliation protections to encourage individuals to report data-privacy violations. AB 1337 IPA Amendment (Ward) amends IPA to include state agencies. SB 947 No Robo Bosses Act (McNerney) prohibits employers from using automated decision systems under certain circumstances against an employee (i.e. disciplinary

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	Legislature last year but vetoed by Governor). (effective January 1, 2027) SB 53 Transparency in Frontier Artificial Intelligence Act (Wiener) Re-introduced portions of SB 1047, which require disclosures, audits, and transparency related to frontier AI models created by frontier developers and large frontier developers, creates the Cal Compute consortium in partnership with UC; signed into law on September 29, 2025 Gov. Newsom previously vetoed SB 1047 SB 243 Companion Chatbots (Padilla) Requires operators of companion chatbots to implement a variety of safeguards, particularly when engaging with minor users. The safeguards includes, among others, notifying a user they are interacting with a bot that is artificially generated and not a human, implement protocol against the generation of suicidal ideation, suicide, or self-harm content to the user, and annual report to the Office of Suicide Prevent specific metrics related to the operator's protocols around suicidal ideation of users and chatbot responses. (effective January 1, 2026) SB 524 AI Use by Law Enforcement Agencies (Arreguín) Requires law enforcement agencies to implement procedures and policies on the use of AI in drafting in full or in part official reports, disclosure of AI use, and retention of supporting materials. (effective January 1, 2026) SB 361 Data brokers: data collection and deletion (Becker) -amends the Data Broker Registration Law by informing consumers about the personal information collected by data brokers and who may access	actions, infer protected status, etc.) **6/11/26: Passed legislature, pending Governor signature**

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	consumer’s data. (earliest effective provision January 1, 2026, variety of effect dates for other provisions)	