

The federal government wants to overrule state AI laws. These states could be in the crosshairs.

Thirteen states have passed laws that cut against the White House's AI framework.



BY: **ROSMERY IZAGUIRRE** | 08/06/2026 01:32 PM EDT



Flanked by Sen. Ted Cruz R-Texas, left, and Secretary of Commerce Howard Lutnick, President Donald Trump displays his signed AI initiative in the Oval Office of the White House, Thursday, Dec. 11, 2025, in Washington. (AP Photo/Alex Brandon)| AP

Pushes from Congress and the Trump administration to enact national rules on advanced artificial intelligence could wipe out laws in at least 13 states, including California, New

York and Texas, according to a POLITICO analysis.

The brewing conflict pits state lawmakers who have spent years building their own AI guardrails — aimed at worries such as child safety and compelling transparency from the model developers — against a federal government that wants to free U.S. companies to dominate the technology’s future.

State laws have the potential to shape the industry beyond their borders, as states with large technology sectors like California influence how companies build and deploy AI across the country. That’s fueled Silicon Valley to keep prodding Capitol Hill to eliminate what tech companies call an unworkable patchwork of state-level AI controls — a concern echoed by President Donald Trump in [his AI executive order](#) late last year.

“To win, United States AI companies must be free to innovate without cumbersome regulation,” the executive order stated. “But excessive State regulation thwarts this imperative.”

Some AI proposals in the House have sought to [preempt a wide range of state laws](#) and rules for three years, while others in the [Senate have focused on kids’ online safety legislation](#) as a vehicle to block a narrower array of state actions. Last month, Reps. Jay Obernolte (R-Calif.) and Lori Trahan (D-Mass.) unveiled the FRONTIER Act, a bill that [would](#) preempt some state laws while allowing the federal government to limit deployment of the riskiest AI models.

But governors of both parties — as ideologically opposed as Florida Republican Ron DeSantis and California Democrat Gavin Newsom — are pushing back.

Trump’s December order directed the Commerce Department to publish an “evaluation” of states’ laws that run counter to the administration’s priorities on AI — something the agency has not done yet. The department did not respond to a request for comment.

To identify the state laws that could come under federal scrutiny, POLITICO reviewed more than 300 enacted AI laws across nearly every state during the past year and a half to see if they aligned or conflicted with the president’s framework goals.

The review found 18 laws in 13 states that explicitly cut against the White House’s approach to state regulation by setting limitations on AI developers.

The White House did not respond to questions about whether it would target the specific pieces of legislation identified in POLITICO’s review.

Here is POLITICO’s breakdown of the state laws most at risk if federal AI preemption advocates succeed.

Among **Republican-led** states, the laws at issue are:

State	Law	What it does...
Georgia	SB 540	Requires disclosure of AI chatbots, establishes protection for minors from harmful content, provides privacy controls and self-harm safeguards
Idaho	SB 1297	Requires AI chatbots to disclose they are AI and sets consumer safeguards
Iowa	SB 2417	Establishes disclosure and safety requirements for AI chatbots, includes protections for minors and self-harm response protocols
Nebraska	LB 525	Protects agricultural data and requires AI chatbots to disclose they are AI
Texas	HB 149	Creates statewide rules for the development and use of AI, including transparency and anti-discrimination requirements
Utah	HB 452	Expands Utah's AI law with new disclosure requirements and consumer protections

In Republican-led states, Texas shows how conservative governments are willing to impose statewide AI guardrails, even if the emphasis is more on consumer protection and prohibited uses than on direct requirements for “frontier” model developers.

Texas enacted a statewide AI framework that holds developers liable if they deploy a system intended to encourage self-harm or criminal activity, unlawfully discriminate or generate illegal sexual material involving minors. It also authorized civil penalties.

Republican Gov. Greg Abbott and Attorney General Ken Paxton, both allies of Trump, have not explicitly spoken out against federal preemption. Yet their positions in the state government set them up to conflict with Trump’s AI agenda, with Abbott having signed Texas’ AI law and Paxton set to serve as its chief enforcer.

Abbott and Paxton’s offices did not respond to requests for comment.

Beyond Texas, one state that industry groups have identified as “under the radar” is Utah. Led by Republican Gov. Spencer Cox, Utah passed a law establishing protections for users of mental health chatbots and requiring that consumers be told when they’re interacting with an AI chatbot.

Earlier this year at POLITICO’s 2026 Governors Summit, Cox criticized the Trump administration’s approach to artificial intelligence.

In an interview during the summit, Cox said the federal government “coming in and trying to tell us” to back off state-level fixes is “preposterous.”

Idaho has taken a narrower approach focused on chatbot safeguards, while its top officials have been among the clearest opponents of federal preemption. Republican Gov. Brad Little opposed federal preemption efforts by Congress last summer, when the issue came to a head over a proposal in the One Big Beautiful Bill Act that lawmakers ultimately did not include. Little was among 17 Republican governors who [signed a letter](#) opposing the provision.

Idaho Attorney General Raúl Labrador was one of 36 attorneys general who signed [a similar letter](#) to Congress.

“I will never support the federal government telling a state what it can and cannot do to protect our citizens within the framework of the Constitution,” Labrador said in a press release.

Similar to some other states, Idaho enacted a law requiring disclosures to consumers when they interact with an AI chatbot. Idaho’s law also establishes special protections for minors and sets limits for AI used to address mental health.

Nebraska is another Republican-led state at risk of preemption with a law focused on consumer protection and chatbot safeguards. Like laws signed in May by Iowa Gov. Kim Reynolds and Georgia Gov. Brian Kemp, Nebraska’s law requires disclosures when users are interacting with AI and establishes protections for minors and self-harm safeguards.

Nebraska Republican Gov. Jim Pillen was among the 17 governors who signed the letter last summer opposing an AI regulation moratorium in the One Big Beautiful Bill Act.

“AI holds great promise for innovation across our economy, but it also poses a grave threat to our kids if it is abused,” Pillen wrote [in an X post](#). “State leaders know best how to strike this balance, and Congress should respect that.”

Spokespeople for Little and Pillen did not respond to requests for comment.

Among Democratic-led states, the laws at issue are:

State	Law	What it does...
California	SB 53	Imposes requirements on large developers of advanced AI models, including public disclosure of safety practices, reporting risk assessments and publishing safety frameworks
	SB 243	Requires operators to disclose when users are interacting with AI rather than a human, among other consumer safeguards
Colorado	SB 4	Updates Colorado's AI law with new transparency, disclosure and consumer notice requirements for high-risk AI systems
	HB 1263	Requires AI chatbots to disclose they are AI and establishes consumer protections
	SB 189	Regulates the use of AI in important decisions, including impact assessments and protections against algorithmic discrimination
Connecticut	HB 5222	Includes provisions requiring AI platforms providing a subscription to disclose consumer limitations on usage and feature access
	SB 5	Creates online safety rules for platforms, including provisions addressing AI and algorithmic systems
Hawaii	SB 3001	Requires operators of AI companions to disclose that users are interacting with AI and to adopt protocols and safeguards, including protections related to self-harm and minors
Illinois	SB 315	Imposes safety and compliance requirements on frontier AI developers and models
New York	SB 8828	Requires developers of advanced AI models to publish safety practices and report serious incidents
	SB 6953	Imposes safety and reporting requirements on developers of frontier AI models
Rhode Island	SB 2195	Requires AI companion model operators/providers to implement safety features and disclosures, including safeguards related to self-harm and notice that the companion is not human

California, which sits at the epicenter of AI development, has passed two laws placing requirements on AI developers and chatbots. Both reflect the state's willingness to regulate the developers building AI systems and the operators deploying those systems to the public.

Democratic state Sen. Steve Padilla, author of the state's chatbot disclosure bill, argued that states are stepping in because the federal government has not enacted legislation regulating AI. Padilla and lawmakers in several other states have pushed chatbot disclosure requirements amid growing concern over lawsuits alleging that AI companion chatbots have contributed to minors dying by suicide.

"States like California, the largest in the country, and others are acting because the federal government has not," Padilla said in an interview.

Other California leaders share Padilla's view. Newsom and California Attorney General Rob Bonta have repeatedly opposed federal efforts to preempt state AI laws, arguing that states are best positioned to protect consumers while Congress remains deadlocked.

"Federal preemption would wipe away state laws that protect people, including children, from abuse and exploitation," said Marissa Saldivar, a Newsom spokesperson. "That's not some abstract legal debate; it's taking a sledgehammer to the protections Californians rely on."

New York has taken a similar approach. The state enacted one law establishing transparency requirements for developers of AI models, and another governing the use of advanced artificial intelligence models. Lawmakers also passed a separate bill that would require generative AI systems to warn users that outputs may be inaccurate or inappropriate.

"New York is not waiting for Republicans to act on AI," said Kristin Devoe, a spokesperson for Democratic Gov. Kathy Hochul. "In the absence of any serious framework by the federal government, New York will keep driving responsible innovation, setting clear common-sense guardrails and proving that at the same time it's possible to grow the innovation economy."

Democratic state Sen. Andrew Gounardes, who authored both bills passed last year, pointed to similarities between New York's legislation and Congress' most recent push to preempt state AI laws.

"This is problematic for states like New York that have laws on the books, but also other states that might want to look to take additional measures to ensure AI safety for their own residents," Gounardes said.

Colorado, by contrast, has been more open to a national approach even as it has pursued AI regulation at the state level.

Colorado has been a pioneer in AI state regulation, having passed the first comprehensive state AI law with its AI transparency measure in 2024. State lawmakers,

however, decided to delay the law's effective date to summer of this year to allow companies more time to prepare, and have since passed additional legislation to repeal and narrow parts of the 2024 law.

Democratic Gov. Jared Polis, who signed both pieces of legislation, now says a “patchwork of state laws is unsustainable.”

“I welcome federal action that preempts state laws and protects consumers, provides businesses of all sizes with predictability, and allows American innovation to thrive in every state,” Polis said in a statement.

This year, Colorado passed two more laws that impose restrictions on developers and operators. A law to regulate AI chatbots — especially when the user is a minor — requires developers to filter content and disclose interaction with AI. The other law requires developers of automated decision-making technology to provide documentation on their systems to deployers.

Connecticut has also taken a broad regulatory approach. “We can no longer wait for Washington, D.C., to do the right thing and enact protections over these digital tools that give parents more control,” Democratic Gov. Ned Lamont said in a press release for the signing of SB 5, the state’s comprehensive AI law. “It is time for the states to take action.”

SB 5 regulates the use of AI over a range of products — including frontier models and AI meant to simulate human interaction — as well as requirements for developers to make disclosures and allow AI-generated photos and video to be detectable. The bill also establishes AI oversight bodies within the state government and regulates AI tools used to make hiring and workplace decisions.

Lamont’s office did not respond to a request for comment.



YOUR ACCOUNT MANAGEMENT TEAM

James Bambara

Associate Director, BDA Management

jbambara@politico.com