STATE NUCLEAR POLICIES

Description: "State Nuclear Policies" is a compilation of introduced, enacted, failed, and vetoed legislation intended to accelerate the deployment of advanced nuclear technology in the U.S. These topics derive from major themes seen in various advanced nuclear technology-related legislation, and the document is organized by the following topics:

CONTENTS

SUMMARY 2
EXPLORATORY LEGISLATION 3
Feasibility Studies and Working Groups 3
Establishment of Authorities 4
DEPLOYMENT-FOCUSED LEGISLATION 5
State Energy Planning 5
Classifying Nuclear 5
Promoting Development 6
Energy Standard Mandates 6
Moratorium Repeals and Exemptions 7
Market Incentives 7
State Energy Financing Institutions 8
Tax Credits 8
Advanced Rate Recovery 8
Tax Exemptions and Deferments 9
Appropriations of Funds 9
Siting 10
Regulatory 11
Brownfield Development 12
SUPPLY CHAIN-FOCUSED LEGISLATION 13
Nuclear Reactor Manufacturing 13
Workforce Development 14
NUCLEAR-CONSTRAINING LEGISLATION 14

SUMMARY

The Commonwealth of Kentucky showcases how a state government can begin to prepare for a burgeoning, new nuclear industry. The Kentucky General Assembly opened the door to nuclear construction and generation through the repeal of their nuclear moratorium in 2017. There was a years-long lapse in nuclear legislation being considered in the General Assembly; however, during the 2022, 2023, and 2024 legislative sessions, multiple pieces of legislation were enrolled into law to examine funding sources, study the potential for a state nuclear development authority, establishing the Kentucky Nuclear Energy Development Authority, and directing the state Public Service Commission to make preparations for the siting and construction of nuclear development in the Commonwealth. During the 2025 and 2026 legislative sessions, the Kentucky General Assembly enrolled legislation that focused on grant funding for nuclear energy ecosystem projects, community engagement and education, and funding for site-specific readiness and NRC licensing.

**Disclaimer: This document is not intended to serve as a list of policy recommendations, nor is it a comprehensive list of all state nuclear policies impacting nuclear energy in a state. The inclusion or exclusion of bills is not an endorsement or in political opposition toward the intent or language of a bill. The "topics" listed here do not represent all areas of subject matter introduced by legislative bodies but are rather limited to topics that impact or may impact nuclear power.*

EXPLORATORY LEGISLATION

States that don't have the experience and knowledge of the legacy nuclear fleet in their state will often begin to inform themselves through mandating nuclear feasibility studies to get an understanding of the technology and how it could fit in their state. Other states have also established nuclear energy-specific authorities or positions in the state to be the point of contact for nuclear energy ecosystem projects in the state.

Feasibility Studies and Working Groups

State and local governments assess the potential for new nuclear power generation by mandating focused feasibility studies on new nuclear technology. Since 2020, over 30 studies to be conducted by legislative interim committees, specialized working groups, state agencies or contracted consulting firms. These studies generally provide an overview of the technical, economic and political impacts of new nuclear technology. For a full list of state-driven nuclear feasibility studies since 2022, click here.

Arkansas HB1572 (2025): Require the Arkansas Corporation Commission to contract an outside consulting firm to perform a nuclear feasibility study, including the economic and environmental advantages and disadvantages, ways to maximize existing workforce, and design and siting characteristics, among others.

> *Completed study:* The state could have a new nuclear power plant operating by the mid-2030s if development moves forward aggressively, identifying six potential sites and citing growing electricity demand from data centers, industry, and population growth.

Oklahoma SB130 (2025): Require the Oklahoma Corporation Commission to perform a nuclear feasibility study, including the economic and environmental advantages and disadvantages, ways to maximize existing workforce, and design and siting characteristics, among others.

> *Completed study*: While there are no apparent technical barriers preventing the development of nuclear energy in the state, there are challenges including timelines, financing considerations, policy determination, economic impacts, and public perception.

Kentucky SJR79 (2023): Establish the Nuclear Energy Development Working Group within the Energy and Environment Cabinet to study and identify barriers to nuclear energy development in the state; develop recommendations for a permanent nuclear authority; and consult with federal, state, and local agencies and organizations.

> *Completed study:* Although spent nuclear fuel, and radioactive waste in general, is of heightened concern in Kentucky, the Working Group concluded that there are no insurmountable barriers to nuclear energy development in the state.

New Hampshire HB543 (2022): Establish a commission to perform an analysis on the advances in Generation IV reactors, passive safety systems, nonelectric applications, potential siting options within the state, federal incentives for nuclear power generation and potential obstacles with federal nuclear regulation.

> *Completed Study*: First-of-a-kind reactors will have a better chance of success in regulated markets as construction costs can be spread out over time; advanced nuclear power is necessary for reducing emissions in New Hampshire, and cost efficiency and reliability of new nuclear is the primary driver for interest as opposed to climate change.

See also: Colorado HB1247, Florida SB1624, Kentucky SB198, Maryland SB805, Nebraska LB1100, New Hampshire HB1644, Pennsylvania HR238, Texas governor letter to public utilities chair, Minnesota HF2438

Establishment of Authorities

State governments have established nuclear-specific authorities, usually within state agencies, to research, promote and even develop new nuclear technologies within their states. These authorities serve as the clearinghouse for all nuclear-related topics; resources for other state-level stakeholders; and points of contact for federal, nuclear-related entities.

Indiana EO48 (2025): Establish the Nuclear Indiana Coalition consisting of representatives from relevant state agencies and the nuclear industry to examine the streamlining of both state and federal permitting and licensing of advanced nuclear reactors, cost reduction, and public engagement and education.

Kentucky SB198 (2024): Establish the Kentucky Nuclear Energy Development Authority within the University of Kentucky Center for Applied Energy Research to support and facilitate development of a nuclear energy ecosystem and prepare a nuclear energy workforce.

See also: Texas HB14

Virginia SB1138 (2013): Establish the Virginia Nuclear Energy Consortium Authority to make Virginia a national and global leader in nuclear energy and to serve as an interdisciplinary study, research and information resource on nuclear energy issues for the commonwealth.

See also: Virginia HB894

DEPLOYMENT-FOCUSED LEGISLATION

States that are focused on the deployment of nuclear energy technologies for the purpose of electrical generation will often consider legislation that promotes the development of the resource through classifying nuclear as an eligible technology, removing prohibitions of the technology in the state, and attract the industry to the state through various financing mechanisms.

State Energy Planning

States have incentivized technologies that qualify them for various market incentives. By classifying nuclear energy into a suite of energy technology, utilities and technology developers can access regulatory and financial mechanisms for commercialization. State legislatures have expressed intent to attract and promote development of advanced nuclear energy, sometimes requiring state agencies to include new nuclear energy in their energy planning. Additionally, state legislatures have created or amended existing clean energy mandates to include nuclear energy, allowing equity in future deployment.

Classifying Nuclear

Ensuring that nuclear energy is classified as "clean" or "green" energy under state statute often allows the technology to be allowed similar, if not the same, state tax credits and other financial incentives that renewable resources can obtain.

Colorado HB1040 (2025): Update two statutory definitions of "clean energy" and "clean energy resources" to include nuclear energy for participation in state clean energy project financing and inclusion of a qualifying energy technology under the 2050 clean energy mandate.

See also: Idaho HB96, Iowa HB2279, Ohio HB308

Utah HB241 (2024): Define nuclear generation as a clean energy system in the state allowing for the exchange of renewable/clean energy credits.

Promoting Development

Although it is difficult for state governments to mandate the construction of new nuclear generation, the legislative and executive branch can foster a nuclear-friendly environment through legislative intent, requiring requests for proposals and mandating the potential inclusion in state energy planning and strategy.

Iowa HB2554 (2024): Modify the Legislature's intent to attract and encourage the development of nuclear power in Iowa to meet local and regional power needs.

See also: Tennessee HJR1009

Maine HB1549 (2023): Require the Public Utilities Commission to annually issue requests for proposals soliciting informational bids for small modular nuclear reactors, including the cost of establishing a reactor in the state, proposed location, timeline for development and annual operational costs.

New Mexico HB12 (2023): Classify nuclear as an advanced energy technology, allowing for a public-private partnership of an advanced energy technology project to provide economic and administrative efficiencies.

Washington SB5129 (2023): Add "advanced nuclear reactor technology" to the requirement of developing and implementing a strategy to reduce dependence on fossil fuel energy sources in the state.

Energy Standard Mandates

As states assume greater responsibility for shaping the energy generation mix in a carbon-constrained future, adding nuclear as an eligible technology in renewable portfolio standards or amending clean energy standards to include nuclear allows for its integration into the state's future energy mix. These mandates ensure that clean energy, including nuclear, make up a given percentage of the state's energy portfolio by various dates in the future.

New Jersey AB4881 (2026): Establish an advanced nuclear energy procurement program under which electric suppliers would be required to purchase Reliable Capacity Certificates (RCCs) from qualifying advanced nuclear projects. The BPU will evaluate EOIs for advanced nuclear projects and negotiate key project terms, including commercial operation timing, construction costs, project milestones, and the value of RCCs.

Alaska HB368 (2024): Establish a clean energy standard of 35% by 2036 and 60% by 2051 and add a clean energy transferable tax credit worth 0.2 cents per kilowatt hour to the state's framework, including nuclear generation.

See also: Michigan SB271, Minnesota HF7, North Carolina HB951

New Hampshire HB616 (2023): Add Generation IV reactors or later nuclear energy systems deployed after Jan. 1, 2024, as a new eligible class under the state's renewable portfolio standard.

See also: Connecticut SB300, Virginia SB557, Massachusetts HB3216

Moratorium Repeals and Exemptions

Ten states have some sort of restrictions on the construction of new nuclear generation, with most of them including a clause that no new construction can start before the federal government establishes a permanent repository for spent nuclear fuel from commercial nuclear generation. Since 2016, seven states (Wisconsin, Kentucky, Montana, Connecticut, West Virginia, Illinois, and New Jersey) have enacted legislation to either fully or partially repeal their nuclear moratoria.

Connecticut SB4 (2025): Ease the moratorium by allowing new advanced reactors if host and nearby municipalities approve by vote or referendum.

See also: Oregon HB2410

West Virginia SB4 (2022): Repeal the requirement that a federal waste depository is required before the construction of a nuclear plant in the state is approved.

See also: Kentucky SB11, Wisconsin AB384, Illinois SB25, New Jersey SB3870

Connecticut HB5202 (2022): Exempt new nuclear construction at Connecticut nuclear facilities from the state nuclear moratorium.

Montana HB273 (2021): Transfer the power to authorize the construction of nuclear power facilities in the state from the public, via referendum, to the Legislature.

See also: Oregon SB676

Market Incentives

There are various avenues state governments can take to enable markets for the commercialization of new technologies and incentives that the federal government has unlocked for advanced nuclear reactors.

State Energy Financing Institutions

States also can establish their own intrastate public financing options to offer low-to-no interest loans for large, capital-intensive energy projects through avenues such as state-run clean energy banks. Such organizations can seek qualification as a "state energy financing institution" designation by the federal government, potentially allowing access to U.S. Department of Energy financing mechanisms without having to satisfy certain requirements that the private sector is adherent to.

Virginia SB225 (2026): Establish the Virginia Clean Energy Innovation Bank to provide mixed financing mechanisms to support the deployment of a number of renewable, clean energy, energy efficiency, energy storage, district heating, and smart grid and microgrid systems in the state of Virginia. While nuclear energy projects are eligible to receive financial support from the bank, that financial support is capped at 15% of the bank's available funds.

Tax Credits

The main source of market incentives that state governments have used to attract advanced nuclear development is through the implementation of tax credits. State-funded tax credits have been critical in the development of first-of-a-kind technologies in the past and will be an important implementation, alongside federal tax credits, for new nuclear generation.

Illinois SB193 (2024): Establish carbon mitigation credits for carbon-free energy resources, which are defined as a nuclear power plant that is interconnected to the JPM Interconnection market.

See also: Pennsylvania SB979

Utah HB124 (2024): Add nuclear to the definition of an "energy delivery project" allowing access to High-Cost Infrastructure Development Tax Credits.

New Jersey AB4592 (2022): Create the New Jersey Advanced Nuclear Energy Development Program to incentivize construction of advanced nuclear energy facilities and provide tax credit incentives for constructing and producing energy.

Advanced Rate Recovery

Due to the high upfront costs of nuclear plant development, licensing and construction, some states have begun to allow their electric utilities to recoup costs through rate recovery before the plant is commissioned and supplying electricity to the grid.

Missouri HB2122 (2026): Allow for construction work-in-progress mechanisms of new nuclear plant construction with a capacity of 600 megawatts or less.

Virginia SB454 (2024): Allow Dominion Energy to achieve advanced rate recovery for development costs of new nuclear, including evaluation, design, engineering, federal approvals and licensing, environmental analysis and permitting, early site permitting, equipment procurement, and an authorized rate of return.

See also: Virginia HB1491, Indiana SB423, Indiana SB424, Missouri SB1493, North Carolina SB266

Tax Exemptions and Deferments

Tax exemptions allow electric utilities planning to build a new nuclear power plant to either defer or exempt property tax payments through the planning and development stages until construction starts or to be exempt from all property taxes in general.

Iowa HF2757 (2026): Create a state sales and use tax exemption for site preparation, construction, maintenance, repair, and restarting of nuclear power plants in the state after January 1, 2028. In order to receive that sales and use tax exemptions, a utility must contribute annually $2,200 per MW into the Nuclear Energy Workforce Fund.

See also: Wisconsin SB637

Wisconsin AB567 (2026): Create a sales and use tax exemption for nuclear fusion technology projects in the state.

Kansas HB2768 (2024): Exempt "new electric generation facilities," which is defined as nuclear energy for generation, from all property or ad valorem taxes levied under Kansas law.

Wyoming HB213 (2023): Exempt energy production equipment for future generating facilities from property taxes before the start of construction.

Appropriations of Funds

States have begun to appropriate funds through their state budgeting process, showcasing an increasing desire to attract the nuclear industry to their respective states. To see a comprehensive list of state nuclear appropriations since 2022, click here.

Texas HB14 (2025): Create the Texas Advanced Nuclear Deployment Office and provide funding mechanisms within the Office of the Governor and Texas Public Utility Commission to support the deployment of advanced nuclear reactors in this state. The Office would have the authority to administer the Advanced Nuclear Construction Program grant, the Advanced Nuclear Workforce Development Program, and the Texas Advanced Nuclear Completion Fund of $350 million investment to jumpstart the next-generation nuclear development and deployment

Tennessee HB1409 (2025): Allocate $50 million for the Clinch River project, $10 million for the Nuclear Energy Investment Fund, and $10 million for higher education grants, $20 million for the Federal Grant Matching Fund, and $2.6 million to develop a framework for commercial nuclear fusion power.

Kentucky SB179 (2025): Create and appropriate $8 million to the Nuclear Energy Development Grant Program within the Kentucky Nuclear Energy Development Authority to supply grants for the advancement and location of nuclear energy ecosystem projects.

See also: Utah HB545

Siting

Clear rules around siting energy sources could streamline the approval process, reducing costs and saving time. States are allocating funds, creating new regulations and encouraging early site permits to minimize siting hurdles.

Arizona SB1418 (2026): Prohibit state zoning ordinances that restrict SMRs that are co-located with large industrial energy users.

See also: Arizona HB2457, Kansas HB2483

Kentucky SB57 (2026): Establish a performance-based, utility-anchored grant program to co-fund up to $25 million of NRC licensing and site-readiness costs for new nuclear projects in designated nuclear-ready communities. Also allows for the advanced rate recovery of costs that have been incurred in applying for and procuring an early site permit, construction permit, or combined operating license for a new nuclear energy generating facility in the state.

See also: South Carolina SB909

Wyoming SF123 (2026): Create the Energy Dominance Fund, and appropriated $105 million, to provide matching grants and funds for projects related to Wyoming's energy needs, including uranium conversion, uranium enrichment, and fuel fabrication.

Indiana SB425 (2025): Streamline the development process by eliminating the need for a local zoning or siting permit through existing land use and regulatory requirements. A project owner would not be required to obtain zoning permits or approvals from local authorities for constructing a nuclear facility if: 1) the Indiana Utility Regulatory Commission either approves the project or declines jurisdiction, 2) the facility is located on land with an existing large generation facility or former mine as of January 1, 2025, and 3) the owner meets notice and hearing requirements.

Washington HB1123 (2024): Establish that the state cannot override local tribes or county government resolutions supporting the siting of a nuclear energy facility over a wind or solar project.

Nebraska LB1100 (2022): Appropriate $1 million to conduct a feasibility study to assess (a) siting options for new advanced nuclear reactors throughout Nebraska and (b) existing electric generation facilities based on key compatibility assets for advanced nuclear reactors.

Regulatory

Many states do not have historical precedent for the approval process of nuclear power plants and have been directing their respective utilities commission to begin promulgating rules and regulations for new nuclear development. Although most of the major nuclear licensing and regulations derive from the federal Nuclear Regulatory Commission, there are still approval processes that need to happen at both the state and local levels.

Colorado SB33 (2026): Establish a Clean Energy Permitting Coordination Office to streamline and coordinate state and local permitting for large clean energy projects, including nuclear, while requiring early community engagement, community benefit agreements, safety and emergency preparedness planning, and grid reliability coordination.

Indiana SB258 (2026): Streamline the permitting process for nuclear-powered generating facilities and fuel reprocessing plants by removing the requirement for state-level permits for such facilities and repeals provisions authorizing the environmental rules board to establish operating conditions.

New York SB8458 (2026): Establish a statewide framework to streamline permitting for advanced nuclear reactors, create a Nuclear Energy Coordinator to assist project development, and authorize NYSERDA to administer a dedicated Nuclear Energy Deployment Fund, financed through the Clean Energy Fund, to provide competitive grants of up to $200 million per project for licensing, development, and construction of advanced nuclear facilities.

Utah HB78 (2026): Create the Nuclear Energy Regulatory Office within the Division of Waste Management and Radiation Control to coordinate with the federal government and oversee the regulation of nuclear fuel cycle activities under state jurisdiction and authorizes Utah to pursue expanded NRC Agreement State authority over nuclear fuel cycle activities.

See also: Utah SB135, Montana HB696

Virginia HB2333 (2023): Establish a small modular nuclear reactor pilot program under which any entity that holds a license from the Nuclear Regulatory Commission may apply to the Virginia State Corporation Commission for a Certificate of Need.

See also: Kentucky SJR140, New Jersey SB1187, Oklahoma SB206, Oklahoma SB1712, West Virginia HB4656, West Virginia HB5150, Indiana SB271

Brownfield Development

States with retiring baseload generation assets are interested in repurposing those sites to ensure future grid stability and reliability. States are eager to explore new job creation and revenue streams, as these ~~clean~~ energy assets are vital to communities and their economies. Legislators have also considered mandating like-for-like replacement of retiring fossil assets with other dispatchable generation, including nuclear energy.

Missouri SB1423 (2024): Require state agencies planning to reduce emissions of an electric generating facility to achieve it through generation from clean energy resources, including nuclear energy.

See also: West Virginia HB4904

Oklahoma SB1712 (2024): Require electric utilities to prioritize replacement of a retiring coal plant with an advanced nuclear reactor.

See also: Arizona HB2646, Nebraska LB1370, Wyoming HB74

SUPPLY CHAIN-FOCUSED LEGISLATION

The limited construction of nuclear plants in recent decades, combined with new requirements from advanced reactors, makes building the nuclear supply chain essential for nuclear energy's commercial success. Opportunities for involvement in the new nuclear ecosystem go well beyond the deployment of reactors for electrical and industrial generation; there must be a revitalization of the full nuclear fuel cycle and improvements in advanced manufacturing to meet the goals of a more carbon-constrained future. Additionally, building out the workforce for the nuclear energy ecosystem will be a paramount to the success of the future of nuclear energy in the country as the industry has been relatively stagnant over the last four decades.

Nuclear Reactor Manufacturing

Some of the prospects of the advanced nuclear industry are the possibility and applicability to off-site factory manufacture and assemble as many components as possible of a nuclear reactor before being sent to the construction site to have additional quality control over the process. Due to this, some states are focusing on the economic opportunity of the manufacturing of components for the nuclear energy ecosystem by incentivizing the establishment or modification of existing capabilities for nuclear reactor manufacturing.

Mississippi HB697 (2026): Establish the Nuclear Energy Supply Chain Investment Fund to promote nuclear development and manufacturing in Mississippi through grants administered by the Mississippi Development Authority.

Utah HCR1 (2026): Express support for the advanced nuclear manufacturing industry and the legislature's desire to host advanced manufacturing in the state.

Indiana HB1007 (2025): Provide a 20% tax credit for qualified investments in SMR manufacturing in Indiana.

See also: Washington SB5244**,** New Jersey SB235**,** Illinois SB2721, New Jersey AB1533

Washington HB1981 (2024): Provide preferential business and occupation tax rates to attract the production of nuclear fuel, advanced small modular reactors, and microreactors.

See also: New Jersey AB3074**,** Washington HB2120

Workforce Development

A Department of Energy report projects a need for over 375,000 additional workers to construct and operate 200 gigawatts of new nuclear capacity in the U.S. by 2050. State, community and technical colleges will play a crucial role in training construction workers, welders, electricians and pipefitters; thus, states have created initiatives and allocated funding to support a new nuclear workforce.

Colorado SB45 (2026): Create the Colorado Nuclear Workforce Development and Education Council within the Colorado School of Mines to provide grants and technical assistance to eligible institutions of higher education for the development or expansion of nuclear energy degree and training programs.

See also: Michigan HB5608, Virginia HB1779, Utah HCR13, Nebraska LB568

New Jersey SB1637 (2026): Appropriate $1 million to establish a Nuclear Energy Apprenticeship, Training, and Employment Resources Pilot Program within the Department of Labor and Workforce Development for adult apprenticeship programs in nuclear energy infrastructure, nuclear energy utilities and other nuclear energy-related sectors.

Texas SB1535 (2025): Establish an advanced nuclear energy workforce development program through the Texas Workforce Commission to address labor gaps and talent retention for the advanced nuclear industry.

NUCLEAR-CONSTRAINING LEGISLATION

Some state legislative stakeholders have shown wariness to the advancement of the nuclear energy ecosystem in their state due to various reasons. Certain constraining legislation through imposing taxes on the electrical generation of the technology may help states put money aside for certain purposes, but it can also potentially constrain the development of the technology.

New York SB9962 (2026): Prohibit certain state funds and subsidies from being expended for new, reopened, or rebuilt closed nuclear power facilities in the state.

Wyoming HJ3 (2026): Initiate a statewide ballot question to amend the Wyoming constitution to require an affirmative vote of the state's electors before high-level radioactive waste and spent nuclear fuel can be stored in Wyoming.

Wyoming HB46 (2026): Impose a tax on each MWh produced at nuclear power generating facilities after their third year of production

Wyoming SF91 (2026): Mandate legislative approval prior to the construction of an "industrial-scale generating facility" defined as having a nameplate capacity of 150MW or more. Would mandate legislative approval prior to the allocation of state funds, through grants or loans, to support energy projects in the state, including nuclear energy.

Each state's energy policy and strategy are unique, shaped by its natural resources and generation portfolio. This diversity is evident in the numerous nuclear-related legislations introduced recently. Regardless of the state considering the attraction and deployment of advanced nuclear technology and the broader nuclear supply chain, multiple innovative approaches will be necessary to advance the industry. If you are interested in proposing nuclear legislation and need technical information and resources, please reach out to the Gateway for Accelerating Innovation in Nuclear team.

About the Idaho National Laboratory
Battelle Energy Alliance manages INL for the U.S. Department of Energy's Office of Nuclear Energy. INL is the nation's center for nuclear energy research and development, celebrating 75 years of scientific innovations in 2024. The laboratory performs research in each of DOE's strategic goal areas: energy, national security, science and the environment. For more information, visit *www.inl.gov*. Follow us on social media: *Facebook*, *Instagram*, *LinkedIn* and *X*.

About Gateway for Accelerated Innovation in Nuclear
The Gateway for Accelerated Innovation in Nuclear (GAIN) initiative provides the nuclear community with access to the technical, regulatory, and financial support necessary to move innovative nuclear energy technologies toward commercialization. GAIN's mission is to support the development and deployment of advanced nuclear technologies and support community engagement seeking to learn more about advanced nuclear energy. For more information, visit *gain.inl,gov*. Follow us on *Facebook, Instagram, LinkedIn* and *X*.