



July 13, 2026

The Honorable Phil Weiser
Office of the Attorney General
Colorado Department of Law
Ralph L. Carr Judicial Building
1300 Broadway, 10th Floor
Denver, CO 80203

**RE: Pre-Rulemaking Considerations for the Automated Decision-Making
Technology (Senate Bill 26-189) and Chatbot Safety (House Bill 26-1263) Acts**

Dear Attorney General Weiser,

The Business Software Alliance appreciates the opportunity to share our views on the Pre-Rulemaking Considerations for the Automated Decision-Making Technology (Senate Bill 26-189) and Chatbot Safety (House Bill 26-1263) Acts. Our comments focus on the Automated Decision-Making Technology Act ("the Act"). BSA is the leading advocate for the global software industry and our members create cutting edge business-to-business products and services that are used by companies of all sizes across every sector of the economy.¹

AI is changing the way we live and work and it has real-world benefits. Realizing the potential of AI requires trusting that the technology is developed and deployed responsibly. Crafting AI legislation that promotes responsible uses of AI and protects against misuse is one of the most important technology issues today, and one we already see governments beginning to tackle. The most effective way to address this issue is through a single, national law. However, just as states took the lead in adopting consumer privacy laws, we recognize states are again leading with AI legislation.

We appreciate Colorado's work to create guardrails for AI technologies that are intended to make decisions that significantly impact consumers' lives. BSA supports the overarching goals of the Act. We respond below to three of the Pre-Rulemaking Considerations, which can help identify the most pressing areas for rulemaking to improve how the Act will work in practice. Our recommendations focus on how rulemaking can clarify key definitions in the Act and support alignment with other state laws.

¹ BSA's members include: Adobe, Alteryx, Amadeus, Asana, Atlassian, Autodesk, Avalara, Bentley Systems, Box, Cisco, Cohere, Cohesity, Dassault Systemes, Databricks, Datadog, Docusign, Dropbox, Elastic, EY, Graphisoft, HubSpot, IBM, Kyndryl, MathWorks, Microsoft, Notion, Okta, OpenAI, Oracle, PagerDuty, Palo Alto Networks, PTC, Rubrik, Salesforce, SAP, ServiceNow, Shopify Inc., Siemens Industry Software Inc., Trend Micro, TriNet, Veeam, Workday, Zendesk, and Zoom Communications Inc.

Definitions – Q1: How could regulations clarify the current definitions of “ADMT,” “materially influence,” or “consequential decision”? How can they provide guidance to ensure that these definitions are not interpreted too broadly or too narrowly? What are concerns if the definition is interpreted too broadly or too narrowly?

We recommend that rulemaking clarify the definitions of ADMT and materially influence.

- **ADMT:** Regulations should clarify the exception to the definition of ADMT for tools that require human review. Specifically, we recommend clarifying that tools for operating, maintaining, ensuring the safety of, or optimizing physical, digital, or industrial systems or processes fall within the exception to the ADMT definition for technologies that are used to summarize, organize, translate, draft, route, or present information for human review (so long as such systems are not intended to make or assist in making a consequential decision).
- **Materially influence:** Regulations should clarify the definition of “materially influence,” to focus this term on factors that are actually relied upon in making a consequential decision and that alter the outcome of the decision. In addition, the rules should clarify that prong (a)(II) of the definition should not be read to treat *any* ADMT output that constrains, ranks, scores, recommends, or classifies as a covered ADMT. Rather, this prong should be read only to cover ADMT outputs that affect the outcome of a consequential decision. In other words, regulations should clarify that constraining, ranking, scoring, recommending, or classifying on its own does not meet the threshold of “materially influence,” unless that activity also affects the outcome of a consequential decision.

For example, AI-based tools that route a contract to the appropriate individual within a company to handle that contract, summarize the contract’s key terms and track its review status should not be treated as a covered ADMT — because these tools do not make or assist in making consequential decisions. Similarly, AI tools that are used to summarize meetings or to organize a set of documents should also clearly fall outside the definition of a covered ADMT.

Definitions – Q4: Are the definitions of “developer” and “deployer” sufficient? Is there any guidance that would help determine whether a company is a “developer” or “deployer”? Are there other roles that should be accounted for?

BSA strongly supports the Act’s recognition of the distinct roles and responsibilities of developers and deployers. All companies that develop and use AI systems that make consequential decisions have responsibilities to manage AI risks, but obligations must reflect the role of each type of company, since each will know different information about

the AI system and will be able to take different actions to identify and mitigate risks. Any AI legislation or regulation must recognize these differences to be workable in practice and to safeguard consumers.

We recommend that rulemaking clarify the definitions of developer and deployer, to create more certainty for businesses and consumers as the Act is implemented.

- **Deployer:** Regulations should define the term “deploy.” Under the Act, a Deployer is a person “that deploys” a covered ADMT — but the Act does not define “deploy.” We recommend the regulations clearly define this term to increase certainty for companies using ADMT. We recommend adding the following definition:
 - “Deploy” means “to use a covered ADMT.”
- **Developer:** Regulations should clarify that a company is not a developer if it makes a general purpose AI tool that another company uses to materially influence a consequential decision.
 - Under the Act, a company is a developer if it “develops . . . a covered ADMT.” Covered ADMT, in turn, is defined as an “automated decision-making technology *that is used* to materially influence a consequential decision” (emphasis added). This creates a risk of treating a company as a developer based on how *other companies* use its products. The regulations should clarify that a company is not a developer of covered ADMT if it creates a general purpose technology that is not intended to be used as a covered ADMT.
 - We recommend the regulations address this issue either through examples that clarify the definition of developer or by clarifying the definition of covered ADMT, to focus on technologies that are specifically intended to or contracted to make or materially influence a consequential decision.

Definitions – Q6: Are there frameworks or other laws that the Department can look into in drafting regulations related to the definitions of these terms?

Colorado is home to global companies and the Act will be most effective when it is interoperable with other approaches to AI regulation. Global companies can better serve their customers when they build strong compliance programs that work across markets. As Colorado policymakers address AI issues, we strongly encourage you to account for the global context surrounding the Act and any implementing regulations.

In particular, we encourage you to harmonize Colorado’s ADMT regulations with regulations recently issued by the California Privacy Protection Agency (CalPrivacy) on automated decisionmaking technology. California’s regulations use many of the same

terms as the Act and are similarly focused on high-risk uses of AI. Alignment between those two approaches will help create clarity for businesses seeking to understand their obligations and build compliance programs that work across state lines. For example, the California regulations focus on ADMT, which is defined as technology that “processes personal information and uses computation to replace human decisionmaking or substantially replace human decisionmaking.”² We recommend aligning the regulations’ interpretation of “material influence” in Colorado’s law with this aspect of the existing California regulations. To the extent the scope of Colorado’s rules align with the scope of California’s rules, it can help drive strong compliance practices across states.

We also recommend looking toward the NIST AI Risk Management Framework (AI RMF) as you draft and adopt rules to implement the Act. NIST’s AI RMF provides a well-known federal standard that many companies have used to implement risk management practices across their products and services. Either aligning with or pointing to the NIST AI RMF can leverage these existing practices and promote a predictable and globally interoperable baseline for responsible adoption of AI technologies.

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Thank you for allowing us to provide feedback on behalf of the enterprise software sector and for your consideration of our views. We welcome the opportunity to further engage with you or a member of your staff on these important issues.

Sincerely,

Meghan Pensyl
Director, Policy

² See 11 CCR Sec. 7001(e).