1919 S. Eads St.
Arlington, VA 22202
703-907-7600
CTA.tech

September 4, 2026

The Honorable Phil Weiser
Colorado Attorney General
Ralph L. Carr Judicial Building
1300 Broadway, 10th Floor
Denver, Colorado 80203

RE: Comments on Proposed Draft Rules for the Automated Decision-Making Technology Act

Dear Attorney General Weiser,

The Consumer Technology Association (CTA®) submits these comments on Colorado's proposed rules implementing the Automated Decision-Making Technology Act. CTA is North America's largest technology trade association, representing more than 1200 companies. Our members are the world's leading innovators, from startups to global brands that support more than 17 million American jobs. CTA also owns and produces CES®, the world's most powerful technology event.

Colorado has an important opportunity to establish a clear and effective framework for implementation of the Act. The final rules should protect consumers while providing companies with predictable, workable requirements that support innovation, investment, and job creation.

Most importantly, the final rules should implement the law enacted by the General Assembly without expanding its scope. The Colorado Department of Law (Department) should clarify the statute, harmonize Colorado's requirements with AI laws already in effect in other states where appropriate, and avoid new regulatory obligations or authorities that the legislature did not establish.

This is particularly important for startups and smaller companies, which are often least able to absorb unnecessary complexity or state-specific compliance requirements. A clear and appropriately tailored regulatory framework will better serve consumers while preserving Colorado's ability to attract investment and support innovation.

CTA evaluates every state through its U.S. Innovation Scorecard. Colorado was an Innovation Adopter in the 2025 Scorecard after earning Innovation Champion status in 2023. As CTA develops the 2027 Scorecard, state approaches to AI policy—including whether they establish clear, workable rules that welcome innovation and protect new market entrants—will inform that assessment.

CTA appreciates the Department's consideration of CTA's July 13, 2026, comments. The recommendations below focus on provisions of the draft rules that may exceed the statute or create unnecessary burdens across the AI ecosystem.

The Department should harmonize Colorado's proposed rules with AI laws and regulations adopted in other states, including California's regulations governing automated decisionmaking technology. The final rules should simplify and clarify the Automated Decision-Making Technology Act without creating regulatory burdens or authority that the General Assembly did not establish.

CTA represents the entire AI value chain, from developers to deployers. We recognize the range of perspectives on the balance of developer and deployer obligations. These comments focus on provisions that exceed the legislature's intent or affect the entire industry.

CTA Responses to Questions in the Notice of Rulemaking Hearing

Materially Influence: Standard 2 is the better option. It aligns more closely with California law, for which companies operating across state lines are already building compliance systems. Standard 1 would impose unique burdens in Colorado without providing more consumer protection. It would also capture routine AI uses beyond the law's intended scope.

The presumption of material influence in both proposed standards is problematic. Presuming that an automated decision-making technology materially influences a consequential decision in many situations would create significant compliance uncertainty, especially for smaller companies. The Department should establish a safe harbor when a human reviewer meets criteria similar to those in the rebuttal process. The rules should also clarify that any one of the listed criteria may demonstrate that an output was a de minimis factor.

Multiparty Arrangements and ADMT Vendors: The Department should not assign new responsibilities to vendors. Relationships between deployers and vendors vary widely, so the parties' contracts should determine responsibility for compliance.

ADMT Developer Obligations: Final rules should not require that developers disclose "known limitations" or "known risks" of a covered ADMT. The General Assembly extensively debated the concept of risk assessments, and ultimately determined that they should not be included in the final law. It would not be appropriate, or within scope, for the Department to reintroduce requirements similar to risk assessments via the rulemaking process.

Comments on the Draft Proposed Rules for the Automated Decision-Making Technology Act

1.3 - Effective Date: The Department should provide a compliance grace period or exercise enforcement discretion during an initial phase-in. Companies will not have enough time to ensure compliance between the rules' finalization and effective date.

2.2 - Defined Terms: The proposed definition of 'financial or lending service' would cover services the law was not intended to govern. For example, it could cover nonlending installment plans, such as device payments included in monthly cell phone bills. The final rules should exclude these payment plans whether a credit check was used.

4.2 - Midstream Developers: The final rules should not create a new "midstream developer" category, or any other new category of ADMT deployer or developer that was not envisioned in the original statute. Using the rulemaking process to create new obligations for new categories of businesses creates confusion and expands the statute beyond its intended scope.

6.2 - Form of ADMT Adverse Outcome Disclosure: One method of disclosing an adverse outcome should satisfy the standard. Requiring at least two methods would create compliance uncertainty, especially for companies operating at scale or maintaining consumer information in multiple systems.

6.4 - Content of ADMT Adverse Outcome Disclosure and Consumer Rights Procedures:

B (3): The final rules should not require that the specific date of an adverse outcome be disclosed. In many cases this may not be feasible.

B (5): This section expands the initial disclosure beyond the 'plain language description' required by the law. The Department should preserve the statute's distinction between initial disclosures and information required after a consumer requests more information. The law's simple initial-disclosure process gives consumers adequate notice and allows companies to respond efficiently. The proposed rules would undo that balance.

B (6): Disclosing specific scores and internal metrics creates a risk of trade secret disclosure. The final rules should ensure that consumers are adequately notified about an adverse outcome, but they should not mandate the release of proprietary internal information.

B (11-12): These sections are well beyond the scope of the legislation's requirements and should be struck from the final rules. Here, and throughout the final rules, the Department should ensure that legislative intent is preserved and new expansive obligations are not created. These sections, as currently written, would effectively nullify the law's trade secret protections.

6.5 - Content of ADMT Adverse Outcome Disclosures: Examples by Sector:
F: The example of an ADMT making a promotion recommendation is not within the scope of the original law. This example would create an entirely unworkable presumption that disclosures must

be made for any adverse outcome in any competitive decision process. That could imply required disclosures regarding discretionary promotions, early-stage candidate filtering processes and a wide variety of other circumstances that would drastically expand the law's scope and leave companies unable to comply with the volume of disclosures. Disclosures should be limited to circumstances where an adverse outcome relates to the denial or termination of existing access or opportunity.

6.6 - Deployer Responses to Consumer Requests Regarding Covered ADMTs:

A. Disclosures should exclusively focus on categories of personal data. This would maintain consistency with the underlying law and with the Colorado Privacy Act. The draft proposed rules introduce new data disclosures that were not included in the legislation. Using the rulemaking process to expand disclosure requirements beyond what is necessary would create a potentially unworkable compliance regime without delivering meaningful benefits to consumers.

B. In many circumstances 10 business days would not be a realistic timeline to provide a meaningful response to a consumer inquiry. California law requires a complete response within 45 days, which would be a more reasonable standard to benchmark to.

7.2 - Submitting Requests to Exercise ADMT Consumer Rights:
B-C. The final rules should allow companies to provide information through the channels they typically use to communicate with a consumer. The Department need not prescribe specific communication methods.

7.3 - Right to Request Personal Data used in a Consequential Decision that used a covered ADMT:

B. This section commingles non-personal ADMT outputs with personal data. Personal data should be specifically limited to input data that is truly personal. It should not include ADMT output recommendations and other information that is not actual personal data. As written this section would confuse consumers and create an impression that ADMT outputs could be included in a right to correct alongside personal data inputs. Final rules must preserve the statutory clarity that the right to correct only applies to incorrect personal information used as an input in a decision.

7.4 - Right to Correct Personal Data used in a Consequential Decision that Used ADMT:

D. This section could quickly lead to paralysis of countless decisions and should be removed from the final rules. The remainder of this section provides adequate means for a consumer to correct personal data.

7.7 - Right to Meaningful Human Review and Reconsideration:

C. The available pool of qualified reviewers that would satisfy the requirements of this section would be exceptionally small, or possibly non-existent, especially in small companies. The underlying law does not stipulate that review must be conducted by a person independent of the original decision. It is also counterproductive to prohibit the ADMT from assisting in a Meaningful Human Review. In fact, in some circumstances, it may be beneficial to involve the ADMT in order for a human to have all of the information for a thorough review. This entire section should be removed from the final rules.

D (3). The outcome of a decision should not determine whether a review was meaningful. This section should focus on process, not outcomes.

E (3). “Basic human need” is undefined in this context and could easily be interpreted to include situations far beyond the intended scope of the law. This term should either be narrowly defined or this section should be removed from the final rules.

G (1). The requirement to stay an Adverse Outcome pending Meaningful Human Review could create so much administrative complication and gridlock that it would not be feasible to use common AI tools in the state of Colorado. This section is highly problematic and is not required by the underlying law. It should be removed from the final rules.

G (3). The 45-day period for completing a Meaningful Human Review may not always be feasible. The final rules should allow an extension when needed, consistent with California's requirements.

CTA respectfully urges the Department to focus the final rules on implementing the law enacted by the General Assembly, harmonizing Colorado's requirements with other states where appropriate, and avoiding obligations beyond the statute.

A clear, predictable and appropriately tailored framework will protect consumers and help Colorado remain an attractive place for companies of all sizes to invest, innovate and create jobs. CTA looks forward to continuing to work with the Department.

For more information, please contact J. David Grossman (dgrossman@cta.tech) or Nabil Mai (nmai@cta.tech).

Sincerely,

J. David Grossman
Vice President, Policy & Regulatory Affairs
Consumer Technology Association

Nabil Mai
Manager, Technology Policy and State Legislative Affairs
Consumer Technology Association