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October 29, 2026

The Honorable Barry R. Finegold
Massachusetts State Senate
State House, Rm. 109-D
Boston, MA 02133

The Honorable Michael J. Rodrigues
Massachusetts State Senate
State House, Rm. 212
Boston, MA 02133

The Honorable Peter J. Durant
Massachusetts State Senate
State House, Rm. 520
Boston, MA 02133

The Honorable Carole A. Fiola
Massachusetts House of Representatives
State House, Rm. 236
Boston, MA 02133

The Honorable Aaron Michlewitz
Massachusetts House of Representatives
State House, Rm. 243
Boston, MA 02133

The Honorable Michael J. Soter
Massachusetts House of Representatives
State House, Rm. 551
Boston, MA 02133

RE: CTA Opposition to Section 164 of Senate Bill 3228, AI Frontier Models

Dear Members of the Conference Committee on Senate Bill 3228,

The Consumer Technology Association (CTA) urges you to revise Section 164 of Senate Bill 3228 to ensure that Massachusetts remains a leader in AI innovation while protecting consumers from real risks. We share the Commonwealth's commitment to responsible AI development, but several provisions of Section 164 would impose costly and difficult-to-implement requirements, create unnecessary uncertainty and make Massachusetts a less attractive place to develop and deploy new technologies.

CTA is North America's largest technology trade association, representing more than 1200 U.S. companies, including nearly 50 of which are based in Massachusetts. Eighty percent of our members are startups and small businesses, and together our members support more than 17 million American jobs. CTA also produces CES®, the world's most powerful technology event, and publishes the U.S. Innovation Scorecard, which measures how well states support innovation and entrepreneurship. The requirements in Section 164 could hurt Massachusetts' standing in future rankings as we expand the Scorecard to address emerging technologies like AI.

Massachusetts has built one of the world's greatest innovation economies through its universities, research institutions, entrepreneurs and technology companies. AI offers enormous opportunities to build on that success, from accelerating medical breakthroughs and improving education to strengthening manufacturing and creating new businesses and jobs. The state's approach to AI should encourage that progress while addressing real safety concerns, without making innovation more difficult or expensive.

California, New York and Illinois have already passed laws addressing frontier AI models, while Colorado has had to revisit its AI law after significant problems emerged. CTA strongly supports a single national framework for AI that establishes clear, consistent rules while protecting America's global leadership. Until Congress acts, states should make their laws as consistent as possible rather than force companies to navigate an increasingly complicated patchwork of different and sometimes conflicting requirements.

Unfortunately, several provisions of Section 164 would make Massachusetts an outlier without showing that the additional requirements would actually make people safer.

Third-party audits. Section 164 would require independent evaluations of frontier AI models at least every 120 days, going significantly beyond the annual compliance audits required under Illinois law. CTA has serious concerns about mandatory third-party audits, particularly because there are not yet enough qualified independent evaluators or widely accepted standards for conducting these assessments. Requiring companies to comply with an auditing system before the necessary expertise and standards exist creates enormous uncertainty and could make compliance difficult or even impossible.

We are also concerned about the requirement to independently assess a model's ability to automate AI research and development, which adds another layer of complexity without clear or widely accepted standards for how these evaluations should be conducted. At a minimum, Massachusetts should align its audit requirements with Illinois rather than create a separate and more burdensome system that companies would have to follow on top of other state laws.

Public reporting. Section 164 would require publicly available risk reports twice a year, going beyond what other states currently require. California, New York and Illinois already require companies to publicly explain their safety practices and report serious safety incidents, giving the public important information about how AI risks are being managed. Massachusetts should follow these approaches rather than add new reporting requirements that increase costs without making people safer.

Whistleblower protections. CTA supports protecting employees who raise legitimate AI safety concerns, and existing state laws already provide strong protections for these individuals. Massachusetts should build on those laws rather than create another set of rules that adds complexity and uncertainty without making those protections stronger.

These concerns go beyond the large AI developers directly covered by the legislation. AI innovation depends on a much broader network of startups, researchers, universities and businesses building new products and services with these technologies. When government makes AI development more expensive and complicated, those costs ripple through the entire industry, making it harder for smaller companies to compete and slowing the development of technologies that could improve people's lives.

America leads the world in AI because entrepreneurs have the freedom to take risks, researchers can pursue new ideas and companies of all sizes can compete. We should be protecting that advantage, especially as China and other countries invest heavily in developing their own AI capabilities. Creating a patchwork of state regulations, particularly rules that lack clear standards or practical ways to comply, risks weakening America's competitiveness at exactly the wrong time.

Massachusetts can protect its citizens while continuing its extraordinary record of attracting investment, supporting startups and creating jobs. These goals go hand in hand, and lawmakers should not have to choose between AI safety and innovation. We urge the conference committee to revise Section 164 to align its audit, reporting and whistleblower provisions with existing state AI laws and avoid imposing new costs and requirements that could drive innovation and jobs out of Massachusetts without making its citizens safer.

Sincerely,

A handwritten signature in black ink, reading "Kinsey Fabrizio". The signature is written in a cursive, flowing style.

Kinsey Fabrizio
President and CEO
Consumer Technology Association