

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

I. Introduction

1. Rulemaking process

The Colorado Department of Law (the Department) seeks input from interested persons to inform the drafting of effective rules that are consistent with the intent of Senate Bill 26-189 (the “Automated Decision-Making Technology Act” or “ADMT Act”) and House Bill 26-1263 (“Chatbot Safety Act”). The Department has developed a public input and outreach strategy to provide a means to contribute feedback, perspective, and expertise in connection with the acts.

In the first, and current, phase of this strategy we welcome informal input from all members of the public about any aspect of the Department’s upcoming rulemaking regarding the Automated Decision-Making Technology and Chatbot Safety Acts. Feedback will be collected through a publicly available comment form¹ through July 13, 2026.

At the end of the summer, the Department will begin the formal notice-and-comment rulemaking phase by providing a notice of rulemaking and accompanying draft regulations. The notice-and-comment phase will include at least one formal hearing as well as the continued opportunity to submit comments. Formal rulemaking will be governed by the Colorado Administrative Procedures Act (APA)² and comments received during the formal rulemaking process will be automatically included in the rulemaking record.

We encourage consumers, regulated entities, and other interested parties to participate in each phase of this process by providing comments and input relevant to any area of the Automated Decision-Making Technology and Chatbot Safety Acts. Comments may address but are not limited to: areas that need clarification; consumer concerns; anticipated compliance challenges; impacts of the Automated Decision-Making Technology and Chatbot Safety Acts on business or other operations; cost concerns; and any underlying or related research or analyses. In addition, we provide a list of topics and questions below for which we welcome specific feedback.

Please note that the topics and questions included in this document are not intended to limit input or indicate that the Attorney General is predisposed to any position or action.

¹ [Online comment form available on our website.](#)

² C.R.S. § 24-4-103.

2. *Automated Decision-Making Technology Act*

On May 14, 2026, Senate Bill 26-189 (the “Automated Decision-Making Technology Act” or “ADMT Act”) was signed into law. The ADMT Act repeals and reenacts the provisions of the Anti-Discrimination in AI Act (SB24-204; C.R.S § 6-1-1701, *et seq.*) with new requirements regarding the use of automated decision-making technology in consequential decisions. Among other obligations, the ADMT Act (1) imposes obligations on developers of covered automated decision-making technology to provide specific documentation to deployers of such technology when it is marketed or advertised to be used to materially influence a consequential decision; (2) requires deployers of covered automated decision-making technology that is used to make a consequential decision to provide notice of use and specific post-adverse-outcome disclosures; and (3) creates consumer rights to access and correct personal data used in, and an opportunity for meaningful human review of, an adverse consequential decision based on covered automated decision-making technology.

The ADMT Act requires the Colorado Attorney General to adopt rules to implement specific provisions of the Act by January 1, 2027. The ADMT Act specifies that the Attorney General shall adopt rules to clarify and implement the post-adverse outcome disclosure requirements and to clarify and implement requirements related to human review after an adverse outcome resulting from the use of a covered Automated Decision-Making technology. The Act also specifies the Colorado Attorney General has discretionary rulemaking over the entirety of section 17 and specifically notes that the Attorney General may adopt rules to clarify the meaning of “materially influence” as defined by the statute.

3. *Chatbot Safety Act*

On May 11, 2026, the Colorado legislature passed House Bill 26-1263 (“Chatbot Safety Act”). The Chatbot Safety Act further amends section 17 to add protections for users of conversational AI services, including requirements for chatbot operators to estimate the age of users, disclose that users are interacting with AI and not humans, safeguard teen users against sexually explicit content and simulated emotional dependence, and implement privacy/account-management tools for minor users. The Chatbot Safety Act also requires chatbot operators to create suicide and self-harm response protocols and prohibits chatbot outputs from being represented as equivalent to licensed professional services.

The Chatbot Safety Act further requires chatbot operators to submit an annual report to the Office of the Attorney General including “any additional metrics necessary to determine the

efficacy and reliability of implemented safeguards or detection, removal, and response protocols, as determined by the attorney general,” but does not provide further explanation or details on the content of these reports. While the Chatbot Safety Act does not require rulemaking, the Attorney General believes rulemaking would help ensure compliance obligations, including the content of this required report, are clear. Because the Chatbot Safety Act amends section 17, the Attorney General has general, discretionary rulemaking authority over these new sections.

II. Principle-Guided Rulemaking

To enhance the public’s understanding of how the Office of the Attorney General will be approaching this rulemaking, we offer five principles to help guide the rules under the ADMT and Chatbot Safety Acts. In the Department’s rules, we seek to:

- **Promote consumer rights.** The rules should protect consumers, understanding that consumers need to understand and exercise the rights granted to them under the law.
- **Clarify ambiguities.** The rules should clarify the law where necessary to promote compliance and minimize unnecessary disputes.
- **Facilitate efficient and expeditious compliance.** The rules should help covered entities comply with the law, by making processes and requirements simple and straightforward for consumers, entities, and enforcement agencies.
- **Harmonize.** The rules should facilitate interoperability and help situate both Acts alongside the protections and obligations created by other state, national, and international frameworks.
- **Allow for innovation:** The rules should not unduly burden or deter entities from developing creative, adaptive solutions to address challenges presented by advances in technology.

As the Department considers public input, it will examine how any recommendations and concerns address and advance these key principles.

Below are topics and questions for which the Department believes informal, pre-rulemaking feedback will be particularly beneficial. The Department hopes to hear from a diverse group of stakeholders to guide the drafting of balanced and impactful regulations.

III. Overarching Questions for Informal Input on the ADMT and Chatbot Safety Acts

As the Department considers drafting rules for the purpose of implementing and enforcing the ADMT and Chatbot Safety Acts, the Department is mindful of the role that regulations and enforcement may play, and the need for a targeted, effective, and efficient regulatory approach, and the need to avoid unintended consequences. Responses to the following

questions will assist the Department in considering overarching concerns in the ADMT and Chatbot Safety rulemaking.

- Are there ways that regulatory guidance can help to ensure the ADMT or Chatbot Safety Rules are sufficiently tailored to prevent the harms contemplated and are not overbroad so as to impose burdens that don't address any reasonably likely harms?
- What are potential unintended consequences of the ADMT or Chatbot Safety Acts? Is there a way that regulatory guidance and enforcement guidance can minimize those unintended consequences?
- What elements of either Act create the greatest uncertainty for stakeholders that may be resolved through rulemaking?
- Which issues would be best addressed through generally applicable rules, and which would be better addressed through sector-specific guidance or illustrative examples?
- Is there empirical research or other evidence that would support the need for specific regulations?

IV. Targeted Questions for Informal Input on the ADMT Act

1. Definitions of "materially influence" and other terms

The ADMT Act governs the use of "ADMT" used to "materially influence" a "consequential decision" within covered domains. "ADMT" is defined as "technology that processes personal data and uses computation to generate output, including predictions, recommendations, classifications, rankings, scores, or other information that is used to make, guide, or assist a decision, judgment, or determination concerning an individual." The Act states multiple technologies that are not included as ADMTs. The Act specifies an ADMT is used to "materially influence" a consequential decision when "an ADMT output is a non-de minimis factor" that "affects the outcome" of that decision. Comments in response to the following questions will assist the Department in evaluating concerns relating to the definitions under the ADMT Act.

- 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?
- What objective indicators might be used to determine whether an ADMT "materially influence[s]" a consequential decision? Would it be useful to provide examples to differentiate instances of material influence from de minimis or otherwise non-material influence? Should sector-specific examples be provided?

- Is the definition of “ADMT” sufficiently clear? Would additional guidance or examples be helpful to determine what technologies qualify as ADMTs? Would additional rules or examples help to delineate between ADMTs and technologies that simply summarize, organize, or present information?
- Are the definitions of “developer” and “deployer” sufficient? Is there any guidance that would help to determine whether a company is a “developer” or “deployer”? Are there other roles that should be accounted for?
- What facts should determine whether an ADMT component is designed, marketed, intended, documented, advertised, configured, or contracted to be used as part of a covered ADMT?
- Are there frameworks or other laws that the Department can look to in drafting regulations related to the definitions of these terms?
- Are there any definitions missing from the ADMT Act or issues with other definitions contained in the ADMT Act that could be further refined or clarified through regulations?
- How can the rulemaking process help to ensure the Act interoperates with existing federal and state laws related to automated decision-making, discrimination, privacy, and consumer protection?

2. *Post-adverse outcome disclosure requirements*

The Act requires that if a deployer uses a covered ADMT to materially influence a consequential decision that results in an “adverse outcome” for a consumer, the deployer must provide within thirty days of the decision a “plain language description” of the decision and the role of the ADMT in making the decision, instructions and a “simple-to-follow process” to request additional information about the ADMT and inputs, and an explanation of consumer rights and how to exercise them. The Act states that “the specific content and format of post-adverse outcome disclosures may vary across consequential decision domains” and that the General Assembly intends the post-adverse outcome disclosures to be “further clarified through rule-making that accounts for sector-specific practices.” Comments in response to the following questions will assist the Department as it considers regulations related to post-adverse outcome disclosure requirements.

- Is the definition of “adverse outcome” sufficiently clear or is additional guidance necessary?
- How can rulemaking provide standards that help to ensure the disclosures of information are sufficiently accurate, detailed, and informative while remaining reasonably understandable to consumers and not overly onerous for deployers?

- How specific should the guidance be to clarify the content of required disclosures related to categories, sources, or types of personal data that must be disclosed following an adverse decision?
- What sort of sector-specific guidance or illustrative examples tailored to different covered domains would be useful for employment, housing, lending, insurance, education, health care, or public benefits?
- What guidance might be useful to address how the disclosure requirements interact with federal or state laws?
- Are there standards under other regulations or laws that should be used to guide regulations concerning how to describe the role of a covered ADMT in a consequential decision to consumers?

3. *Consumer Rights*

The law specifies that when a consumer experiences an adverse outcome resulting from a consequential decision in which a covered ADMT materially influences that decision, the consumer may request personal data and instructions for correcting inaccurate personal data as well as an opportunity to receive “meaningful human review” and reconsideration of the decision “to the extent commercially reasonable.” “Meaningful human review” is defined as “review by a [sic] individual designated by the deployer who has authority to approve, modify, or override a consequential decision” and who considers available relevant primary evidence, is trained, does not default to the system output, and has access to sufficient information to understand certain aspects of the ADMT. Comments in response to the following questions will assist the Department in considering regulations related to consumer rights.

- What standards and evaluation processes should be used to determine whether human review has been “meaningful”? Would it be helpful to provide any examples or sector-specific guidelines or requirements through rulemaking? Should specific timelines for review be required?
- What authority and training must reviewers possess to effectively conduct meaningful human review? Should the Act’s requirements differ in cases where reviewers would need to be highly skilled, or if there are fewer individuals qualified to conduct a review?
- What factors should be considered in determining what human review requirements are “commercially reasonable”? To what extent should factors such as the type of decision, volume of decisions, organizational capacity or size, cost, technological feasibility, or others play a role, if at all?

- What risks or benefits might arise from requiring greater human involvement in automated decision-making and how can the rules strike a balance to account for these risks and benefits?
- Should there be a required timeline for Deployers to respond to consumer requests for their personal data and instructions for correcting inaccurate personal data following an adverse decision? If so, how long?

4. *Consumer notice requirements prior to use of covered ADMTs*

The Act requires that before deployers use covered ADMTs to materially influence consequential decisions, they must provide “clear and conspicuous” notice to consumers, which may be satisfied through “a prominent public notice that is reasonably accessible at points of consumer interaction, including through a link or posting that is reasonably proximate to the interaction or transaction in which a consequential decision may occur.” Comments in response to the following questions will assist the Department as it considers regulations concerning consumer notice requirements.

- Should further guidance or examples be provided to clarify what constitutes as a “clear and conspicuous” notice to consumers?
- What form of notice is most useful to consumers to inform them ADMT is being used? What level of detail is most useful? How can rulemaking help to balance sufficiently detailed notices that remain comprehensible to consumers?
- What rules will help to promote accessibility for consumers with disabilities or with limited English proficiency?

V. Targeted Questions for Informal Input on the Chatbot Safety Act

1. *Definitions and scope*

The Chatbot Safety Act defines a “conversational artificial intelligence service” as “an artificial intelligence system that is accessible to the general public and that primarily simulates human conversation and interaction through adaptive textual, visual, or aural communications.” The Act expressly excludes several systems. The Act defines “operator” as those who develop and make “publicly available” conversational artificial intelligence services or offer them to consumers. Comments in response to the following questions will assist the Department in considering rules that clarify the Act’s scope and definitions.

- Are the definitions of “conversational artificial intelligence service” and “operator” sufficiently clear? Would additional guidance or examples be useful? How might regulations 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?

- Would it be helpful to further clarify through examples or guidance what constitutes making a conversational artificial intelligence service “publicly available”? What considerations are relevant in making this determination? Is there concern that this aspect of the law is overly inclusive or underinclusive?
- Are there any definitions missing from the Chatbot Safety Act or issues with other definitions contained in this Act that could be further refined or clarified through regulations?
- Are there frameworks or other laws that the Department can look to in drafting regulations related to the definitions of these terms or others?

2. Considerations related to age determination

The Chatbot Safety Act defines a "minor" as "a consumer under eighteen years old." It specifies a "minor user" is a user "who an operator has knowledge is a minor by using commercially reasonable methods or generally accepted methods to estimate the age or age range of a user." The Act specifies operators must use "commercially reasonable methods or generally accepted methods to estimate the age of account holders or users" and dictates that operators must not "willfully disregard clear and convincing information" in this context. The Act specifies "the estimated age or age range is considered knowledge of the minor's age." Comments in response to the following questions will assist the Department in considering regulations related to operators' determination and knowledge of account holder and user age.

- What factors should be considered in determining whether an age-estimation method is "commercially reasonable"? What evidence should be relevant in determining whether an operator has used commercially reasonable methods to estimate the age or age range of users? How should regulations account for changes in technology, industry practices, or the availability of age-estimation tools over time?
- What information should the Department know about the processes by which operators estimate user or account holder age?
- What evidence might be relevant in determining whether operators "willfully disregard clear and convincing information" regarding the age of users and account holders?

3. Considerations related to minor protections

If an operator knows an account holder or user is a minor, they must comply with specific minor-protection obligations. Among others, operators must: "clearly and conspicuously" disclose the interaction is artificially generated and not human; not provide minors with

rewards designed to increase engagement; institute “technically feasible measures” to prevent services from producing sexually explicit, intimate, or erotic material; and implement “reasonable measures” to prevent services from making a response that “simulates emotional dependence or isolation from real-world supports.” The Act further specifies operators offer tools that minors and parents or guardians can use to manage privacy and account settings. Comments in response to the following questions will assist the Department in considering rules that clarify these provisions.

- What factors should regulators consider when evaluating whether measures are “reasonable” or “technically feasible”? What evidence should operators maintain to demonstrate that measures are “reasonable” or “technically feasible”?
- What objective indicators could be used to evaluate whether a service is encouraging emotional dependence? Are there categories of interactions that should generally be considered permissible or impermissible? How should regulations distinguish between roleplay, companionship, emotional support, and prohibited emotional dependence?
- What privacy settings and account controls are most beneficial to minors and parents or guardians?
- How might regulations address concerns related to mechanisms designed to increase engagement with conversational AI services?
- How might regulations address concerns about over- or under-inclusiveness of what constitutes as “rewards” intended to increase engagement with services?

4. Reporting on suicide and self-harm response protocols

The Chatbot Safety Act requires operators to implement protocols to address user prompts concerning suicidal ideation or self-harm. Operators must report these protocols and the number of times the operator has issued a crisis service provider referral to crisis service providers to the Department annually. They must also provide “any additional metrics necessary to determine the efficacy and reliability of implemented safeguards or detection, removal, and response protocols, as determined by the attorney general.” The Department must post data from these reports publicly online. Comments in response to the following questions will assist the Department in considering regulations concerning the reporting of crisis protocols.

- What considerations should inform standards or regulations for protocols responding to situations exhibiting risk of suicide or self-harm?
- How can rules ensure reporting provides useful information while protecting user privacy, trade secrets, and other sensitive information?

- What metrics should the Department consider including in the required annual reports to determine the efficacy and reliability of implemented safeguards or detection, removal, and response protocols? What metrics would be misleading or unreliable indicators of effectiveness? What information should operators provide specific to testing, validation, improvement, or monitoring of crisis-response systems?
- What information should be included in the online publication of data from these reports by the Department versus maintained confidentially by the Department?
- Should reporting obligations apply generally or vary based on the type of operator or other factors? What metrics should be standardized across operators?

VI. Additional Topics

The Department invites any additional input relating to the ADMT or Chatbot Safety Acts that should be considered during the rulemaking process. This may include, but is not limited to, areas that may need further guidance or clarity, areas that may be confusing to consumers, consumer rights request or compliance obstacles, the impact of the law on business operations, and any information, analysis, or examples that can further illustrate or support any comments or positions.

VII. Further information

To submit a comment on these considerations, the ADMT and Chatbot Safety Acts comment portal is available at <https://coag.gov/ai/automated-decision-making-technology-act-and-chatbot-safety-act-form/>. The Department further encourages members of the public to visit <https://comments.coag.gov/s/> to view submitted comments, join the ADMT and Chatbot Safety Acts mailing list, and to find additional information about the Acts at <https://lp.constantcontactpages.com/sl/jCFnh05>.