



May 10, 2024

The Honorable Jared Polis  
Office of the Governor  
State Capitol Building  
200 E. Colfax Ave. Room 136  
Denver, CO 80203

Re: SB 205

Dear Governor Polis:

On behalf of Chamber of Progress – a tech industry association supporting public policies to build a more inclusive country in which all people benefit from technological leaps – I write today to **urge you to veto SB 205**.

Artificial Intelligence (AI) has tremendous potential for improving education, enabling creative expression, and creating new business opportunities. So it is critically important that public policy promotes the broad and equitable distribution of these innovations.

**SB 205 stifles innovation with extensive disclosure requirements**

Innovation thrives in an environment where experimentation is encouraged. Although transparency is important, the extensive disclosure mandates in this bill may create a deterrent effect. Instead of transparency, this bill will discourage smaller platforms from exploring new approaches. Specifically, SB 205 would force disclosure of essential business intelligence to competitors and customers. This would stifle innovation in the entire AI ecosystem - both at the model level and the application level - ultimately harming consumers.

**SB 205 stifles competition by requiring online platforms to disclose AI data on their websites**

Additionally, requiring online platforms to disclose data used to train their AI systems and services on their website stifles competition in the digital marketplace. A healthy competition marketplace is essential to ensure better quality of services for consumers and encourages platforms to innovate. The disclosure requirement risks revealing important business information and strategies.

### **Tech companies also oppose discrimination**

Unfairly biased outcomes are problematic for developers, deployers, and end-users alike. Tech companies are increasingly investing in internal teams for proactive bias detection and mitigation in their products. Google, for example, has implemented its 'Responsible AI Practices.'<sup>1</sup> The initiative encompasses detailed guidelines for evaluating training metrics in machine learning models, including a thorough examination of the training data itself. Google's practices also emphasize a human-centric approach to AI development. Prioritizing safe and inclusive user experiences remains a top commitment for the tech industry.

### **SB 205 should focus on strengthening consumer and civil rights laws to protect the public**

We agree that discrimination is wrong, but focusing exclusively on AI systems ignores offline discrimination. Pinpointing the source and catalyst of discriminatory outcomes of an AI system is not always possible, nor is consistently determining who or what is responsible for the act of discrimination.<sup>2</sup> The roots of bias may be in the data used to train a model—which could be laden with human-created biases—or the human who approves the outcome of an automated decision tool - or from any number of other sources. Regardless of origins, there must be avenues to address circumstances of discrimination that are consistent, whether the abuse is online or offline.

A better approach is to strengthen existing civil rights law protections in the Colorado Anti-Discrimination Act, Colorado Fair Housing Act, and Colorado Equal Pay for Equal Work Act to ensure that the most vulnerable members of society are protected online and offline.

For these reasons, **we urge you to veto SB 205.**

Thank you,

A handwritten signature in black ink, appearing to read 'K. C. M.', enclosed within a simple, hand-drawn oval shape.

Kouri Marshall  
Director of State and Local Public Policy, Central Region  
Chamber of Progress

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<sup>1</sup> Google, Responsible AI Practices, AI.GOOGLE, <https://ai.google/responsibility/responsible-ai-practices/>.

<sup>2</sup> John Villasenor, Artificial Intelligence and Bias: Four Key Challenges, BROOKINGS (Jan. 3, 2019), <https://www.brookings.edu/articles/artificial-intelligence-and-bias-four-key-challenges/> (“An additional challenge is that biases can be created within AI systems and then become amplified as the algorithms evolve.”).