



January 12, 2026

Dear Members of the New York Senate Internet and Technology Committee:

On behalf of Salesforce, thank you for the invitation to provide feedback on the New York Artificial Intelligence Act. It is clear that a significant amount of thoughtful deliberation has gone into this legislation, and we applaud the Committee's proactive approach to addressing the ethical complexities of artificial intelligence. We believe that clear guidance is essential for building public trust in emerging technologies, and we are grateful for the opportunity to engage in this legislative process.

About Salesforce

Founded in 1999, Salesforce is a global leader in cloud enterprise software for customer relationship management, providing software-as-a-service and platform-as-a-service offerings to businesses, governments, and other organizations around the world. Our customers represent companies of all sizes and across all sectors. Our business model is cloud-based and low-code, allowing for faster deployment of technologies and greater agility. Our products bring autonomous agents, unified data, analytics, and sector-specific applications together to help companies connect with their customers in a whole new way.

Salesforce has a significant presence in New York, with over 2,500 employees in the state and an office located in New York City. Our employees have collectively contributed \$18 million in donations (including Salesforce match) to charitable causes within the state. Salesforce is deeply committed to maintaining a thriving business presence in the state of New York.

Salesforce is deeply committed to maintaining a thriving business presence in the state of New York. As a company that has pioneered ethical AI development, we share the legislature's goal of fostering a safe and equitable AI ecosystem. However, to ensure that New York remains a leader in both innovation and protection, it is vital that the regulatory framework is technically

1095 6th Ave
New York,
NY 10036
Salesforce, Inc.
[f](#) /salesforce
[t](#) @salesforce

feasible and legally clear. As currently drafted, several provisions in S1169A present significant operational hurdles and legal uncertainties that risk creating a fragmented regulatory landscape. We offer the following recommendations to ensure the bill achieves its intended purpose without inadvertently stifling the very innovation it seeks to guide.

Scope

The bill's scope is excessively broad. The definition of "substantial factor" should be limited to AI systems that serve as the sole or primary determinant in a decision, rather than any factor merely "capable" of altering an outcome. Similarly, the definition of "consequential decision" should be refined to focus on the "provision or denial" of services, aligning it with established legal standards and avoiding over-regulation of basic access and cost terms.

Developers, Deployers, and Employees

The current definitions of "developer" and "deployer" fail to account for the realities of the business-to-business (B2B) software ecosystem.

- **Deployer:** The definition currently includes entities that simply "offer" or "provide" a system for use. This would unfairly capture B2B providers who do not use the AI systems themselves.
- **Developer:** We recommend adopting a definition more closely aligned with Colorado's SB24-205, which limits "developer" to those who actually develop or "intentionally and substantially modify" a system.
- **Employment Law:** The inclusion of "independent contractors" under the definition of "employee" represents an expansion of employment law that is outside the scope of AI safety and should be removed to maintain statutory clarity. The definition of employee should be limited to employees.

Operational Burdens and Shared Responsibility

The bill imposes several impracticable requirements that do not reflect a Shared Responsibility Model. In the enterprise software ecosystem, AI safety is a partnership: the Developer is responsible for the design, security, and foundational accuracy of the AI platform, while the Deployer—the entity actually using the tool to make decisions—is responsible for the context, final output, and human oversight of those decisions. By failing to distinguish between these roles, S1169A creates a framework where requirements are often assigned to the party least capable of fulfilling them.

- **Notice:** Section 86-a-1 introduces a number of burdensome requirements, including the notification of an individual five days prior and five days after a consequential decision is made, a right to opt-out of the use of an AI system for such decisions, and a right to appeal, all of which are limited to one consequential decision of a kind per six-month period. These requirements are unduly burdensome and could create significant operational challenges. We recommend replacing this section with a more practicable formulation of consumer rights focused on transparency and data correction following an adverse decision.

- **Modification Standards:** The definition of "substantial change" is broad—it could penalize a developer for reducing risk by limiting use cases or altering functionality to include additional guardrails or focus on safer and more secure applications. We urge the adoption of the "intentional and substantial modification" standard used in Colorado SB24-205.
- **Audits:** Section 87 prohibits the use of trusted third-party auditors if they have performed any other service for the company in the last year. This provision creates artificial scarcity in the auditing market. We recommend allowing internal audits and periodic reviews tied to material changes rather than arbitrary calendar cycles.
- **Liability:** Section 86-a-3 holds developers legally responsible for the "quality and accuracy" of all decisions. Developers should only be held responsible for the warranted operation of their products; the ultimate decision-making responsibility lies with the deployer.

Enforcement

Finally, the enforcement mechanisms in Section 89-c are highly irregular. The bill establishes a private right of action coupled with a legal presumption of guilt in motions to dismiss. This upends fundamental principles of due process by assuming a violation caused harm before facts are even argued. Additionally, enforcement through the NYS Human Rights Commission creates redundant and potentially conflicting regulatory oversight.

We strongly advocate for a rebuttable presumption of compliance for entities that adhere to the bill's requirements, similar to the framework established in Colorado.

Thank you for your time and consideration. Please do not hesitate to reach out with any questions, and we look forward to further discussion.

Sincerely,



Zach Carstensen
Director, State & Local Legislative Strategy
zcarstensen@salesforce.com
[Salesforce, Inc.](https://www.salesforce.com)
+1 (206) 518-0985