

**Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0974.01 Josh Schultz x5486

**SENATE BILL 26-189**

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**SENATE SPONSORSHIP**

**Rodriguez and Coleman**, Baisley

**HOUSE SPONSORSHIP**

**Duran and Bacon**, Titone

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**Senate Committees**

Business, Labor, & Technology  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101    **CONCERNING THE USE OF AUTOMATED DECISION-MAKING**  
102            **TECHNOLOGY IN CONSEQUENTIAL DECISIONS, AND, IN**  
103            **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

In 2024, the general assembly enacted Senate Bill 24-205, which created consumer protections in interactions with artificial intelligence systems. The bill repeals and reenacts those provisions with new requirements regarding the use of automated decision-making technology in consequential decisions.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.

The bill defines an "automated decision-making technology" (ADMT) as a 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. A "consequential decision" is a decision that relates to an individual's access to, eligibility for, or compensation related to education, employment, housing, financial or lending services, insurance, health-care services, or essential government services.

The bill requires the developer of an ADMT (developer) that is used to materially influence a consequential decision (covered ADMT), starting January 1, 2027, to provide a deployer of a covered ADMT (deployer) with technical documentation describing the covered ADMT's intended uses, categories of training data, known limitations, and instructions for appropriate use and human review. Developers must notify deployers of material updates or modifications to the covered ADMT. Both developers and deployers are required to retain records necessary to demonstrate compliance with the bill for at least 3 years.

The bill establishes consumer notice requirements, mandating that deployers provide clear and conspicuous notice to consumers at the point of interaction with a covered ADMT. A deployer is required to provide a consumer with a plain language description of a covered ADMT's role within 30 days after the covered ADMT makes a consequential decision that results in an adverse outcome for the consumer. The attorney general must adopt rules to clarify these post-adverse outcome disclosure requirements by January 1, 2027.

Consumers have the right to request personal data and correction of factually incorrect personal data used by a covered ADMT. The bill also grants consumers the right to request meaningful human review and reconsideration following a covered ADMT making a consequential decision resulting in an adverse outcome.

The attorney general is directed to enforce the bill through the "Colorado Consumer Protection Act", and a violation of the bill is deemed a deceptive trade practice. Before initiating an action, the attorney general must provide the developer or deployer with a 60-day notice and opportunity to cure the alleged violation, if a cure is deemed possible. The bill does not create a new private right of action but establishes how fault is allocated between developers and deployers in civil actions alleging unlawful discrimination under existing law.

Specified entities are exempted from the requirements of the bill to the extent the entities comply with other legal obligations.

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1 *Be it enacted by the General Assembly of the State of Colorado:*



1 INFORMATION THAT IS USED TO MAKE, GUIDE, OR ASSIST A DECISION,  
2 JUDGMENT, OR DETERMINATION CONCERNING AN INDIVIDUAL.

3 (b) "AUTOMATED DECISION-MAKING TECHNOLOGY" OR "ADMT"  
4 DOES NOT INCLUDE:

5 (I) THE FOLLOWING TECHNOLOGIES:

6 (A) ANTI-MALWARE;

7 (B) ANTI-VIRUS;

8 (C) CALCULATORS;

9 (D) DATABASES;

10 (E) DATA STORAGE;

11 (F) FIREWALLS;

12 (G) INTERNET DOMAIN REGISTRATION;

13 (H) INTERNET WEBSITE LOADING;

14 (I) NETWORKING;

15 (J) SPAM- AND ROBOCALL-FILTERING;

16 (K) SPELL-CHECKING;

17 (L) SPREADSHEETS THAT REQUIRE HUMAN ANALYSIS AND DO NOT  
18 USE MACHINE LEARNING, FOUNDATION MODELS, OR LARGE LANGUAGE  
19 MODELS;

20 (M) WEB CACHING; OR

21 (N) WEB HOSTING;

22 (II) A TOOL USED BY AN INDIVIDUAL SOLELY TO SUMMARIZE,  
23 ORGANIZE, TRANSLATE, DRAFT, ROUTE, OR PRESENT INFORMATION FOR  
24 HUMAN REVIEW OF ADMINISTRATIVE PROCESSING; OR

25 (III) TECHNOLOGY THAT COMMUNICATES WITH CONSUMERS IN  
26 NATURAL LANGUAGE OR OTHER MEANS READILY UNDERSTOOD BY AN  
27 AVERAGE CONSUMER FOR THE PURPOSE OF PROVIDING CONSUMERS WITH

1 INFORMATION, MAKING REFERRALS OR RECOMMENDATIONS, ANSWERING  
2 QUESTIONS, OR GENERATING OTHER CONTENT, IF:

3 (A) THE TECHNOLOGY IS NOT CONTRACTED, ADVERTISED,  
4 MARKETED, CONFIGURED, OR INTENDED BY A PERSON TO BE USED IN A  
5 CONSEQUENTIAL DECISION; AND

6 (B) THE TECHNOLOGY IS SUBJECT TO AN ACCEPTABLE USE POLICY  
7 THAT PROHIBITS GENERATED CONTENT TO BE USED IN A CONSEQUENTIAL  
8 DECISION.

9 (3) (a) "CONSEQUENTIAL DECISION" MEANS:

10 (I) A DECISION, DETERMINATION, OR ACTION MADE ABOUT A  
11 CONSUMER THAT RELATES TO THE PROVISION OF OR A CONSUMER'S ACCESS  
12 TO, ELIGIBILITY FOR, SELECTION FOR, OR COMPENSATION FOR A COVERED  
13 DOMAIN; OR

14 (II) A DECISION, DETERMINATION, OR ACTION ABOUT A CONSUMER  
15 THAT RELATES TO A DIFFERENTIATED PRICE, COST SHARING,  
16 COMPENSATION, OR OTHER MATERIAL TERMS IN A MANNER THAT IS  
17 REASONABLY LIKELY TO MATERIALLY LIMIT, DELAY, EFFECTIVELY DENY,  
18 OR OTHERWISE FUNDAMENTALLY ALTER THE CONSUMER'S ACCESS,  
19 ELIGIBILITY, OR OPPORTUNITY FOR A COVERED DOMAIN.

20 (b) "CONSEQUENTIAL DECISION" DOES NOT INCLUDE:

21 (I) LOW-STAKES OR ROUTINE DECISIONS, ACTIONS, AND BUSINESS  
22 PROCESSES THAT DO NOT MATERIALLY INFLUENCE ELIGIBILITY FOR,  
23 SELECTION FOR, DENIAL OF, COMPENSATION FOR, PRICING OF, OR ACCESS  
24 TO AN OPPORTUNITY OR SERVICE FOR A COVERED DOMAIN, INCLUDING  
25 ROUTINE SCHEDULING, CLASSROOM PERSONALIZATION, ADMINISTRATIVE  
26 ROUTING, CUSTOMER SERVICE TRIAGE, COMMUNICATION OF DECISIONS, OR  
27 WORKFLOW MANAGEMENT;

1 (II) ADVERTISING, MARKETING, DIFFERENTIATED PRODUCT  
2 RECOMMENDATIONS, SEARCH, OR CONTENT MODERATION;

3 (III) SPREADSHEETS THAT REQUIRE MANUAL HUMAN ANALYSIS  
4 AND DO NOT USE MACHINE LEARNING, FOUNDATION MODELS, OR LARGE  
5 LANGUAGE MODELS;

6 (IV) ACTIONS IN WHICH AN ADMT IS USED TO SUMMARIZE,  
7 ORGANIZE, OR PRESENT INFORMATION FOR HUMAN REVIEW AND THE  
8 SYSTEM DOES NOT PRODUCE A SCORE, RANKING, RECOMMENDATION,  
9 CLASSIFICATION, PREDICTION, OR OTHER INFERENCE THAT MATERIALLY  
10 INFLUENCES AN OUTCOME OR A DECISION;

11 (V) NARROW PROCEDURAL TASKS OR DATA-PROCESSING  
12 FUNCTIONS THAT DO NOT GENERATE A PREDICTION OR INFERENCE ABOUT  
13 A CONSUMER OR MATERIALLY INFLUENCE A CONSEQUENTIAL DECISION OR  
14 CONSEQUENTIAL DECISION PROCESS;

15 (VI) ACTIVITIES RELATING TO TECHNOLOGIES USED FOR  
16 CYBERSECURITY, SPAM- AND ROBO-CALL FILTERING, SYSTEM RELIABILITY,  
17 AND ANTI-MONEY LAUNDERING AND COUNTER-TERRORIST FINANCING  
18 CONTROLS;

19 (VII) ACTIVITIES RELATING TO TECHNOLOGIES USED FOR  
20 ECONOMIC SANCTIONS COMPLIANCE, INCLUDING UNDER THE FEDERAL  
21 "BANK SECRECY ACT", 12 U.S.C. SEC. 1951 ET SEQ.; THE FEDERAL "USA  
22 PATRIOT ACT", PUB.L. 107-56; THE FEDERAL TRADE COMMISSION'S RED  
23 FLAGS RULE, 16 CFR 681, AS AMENDED; AND SANCTIONS PROGRAMS  
24 ADMINISTERED BY THE UNITED STATES DEPARTMENT OF THE TREASURY,  
25 EXCLUDING FACIAL RECOGNITION UNLESS THE SOLE PURPOSE OF WHICH IS  
26 TO CONFIRM AN INDIVIDUAL'S IDENTITY;

27 (VIII) ACTIVITIES RELATING TO TECHNOLOGIES USED FOR FRAUD

1 PREVENTION, INCLUDING IDENTITY VERIFICATION, CONSUMER  
2 IDENTIFICATION, MONITORING, AND REPORTING CONTROLS REQUIRED  
3 UNDER STATE OR FEDERAL LAW; OR

4 (IX) ROUTINE ACADEMIC ADMINISTRATION AND STUDENT SUPPORT  
5 PROCESSES THAT DO NOT MATERIALLY INFLUENCE A CONSEQUENTIAL  
6 DECISION.

7 (4) (a) "CONSUMER" HAS THE MEANING SET FORTH IN SECTION  
8 6-1-1303 (6)(a).

9 (b) "CONSUMER" INCLUDES AN EMPLOYEE, A JOB APPLICANT WHO  
10 IS A COLORADO RESIDENT, AND ANY INDIVIDUAL WHOSE ACCESS TO,  
11 ELIGIBILITY FOR, OR OPPORTUNITY IN COLORADO IS EVALUATED IN A  
12 CONSEQUENTIAL DECISION BY A PERSON DOING BUSINESS IN COLORADO.

13 (5) "COVERED ADMT" MEANS AUTOMATED DECISION-MAKING  
14 TECHNOLOGY THAT IS USED TO MATERIALLY INFLUENCE A  
15 CONSEQUENTIAL DECISION.

16 (6) "COVERED DOMAIN" MEANS:

17 (a) AN EDUCATION ENROLLMENT OR AN EDUCATION OPPORTUNITY;

18 (b) EMPLOYMENT OR AN EMPLOYMENT OPPORTUNITY THAT  
19 CREATES OR MAY CREATE AN EMPLOYER-EMPLOYEE RELATIONSHIP;

20 (c) THE LEASE OR PURCHASE OF RESIDENTIAL REAL ESTATE IN  
21 COLORADO;

22 (d) A FINANCIAL OR LENDING SERVICE;

23 (e) INSURANCE, INCLUDING UNDERWRITING, PRICING, COVERAGE,  
24 CLAIMS ADJUDICATION, OR OTHER DETERMINATIONS THAT MATERIALLY  
25 AFFECT ACCESS TO BENEFITS;

26 (f) HEALTH-CARE SERVICES; OR

27 (g) ESSENTIAL GOVERNMENT SERVICES AND PUBLIC BENEFITS,

1 INCLUDING ELIGIBILITY AND RENEWAL DETERMINATIONS.

2 (7) "DEPLOYER" MEANS A PERSON DOING BUSINESS IN COLORADO  
3 THAT DEPLOYS A COVERED ADMT.

4 (8) (a) "DEVELOPER" MEANS A PERSON DOING BUSINESS IN  
5 COLORADO THAT:

6 (I) DEVELOPS, OFFERS, SELLS, LEASES, LICENSES, OR OTHERWISE  
7 MAKES COMMERCIALY AVAILABLE A COVERED ADMT;

8 (II) DEVELOPS A COMPONENT THAT IS DESIGNED, MARKETED,  
9 INTENDED, DOCUMENTED, ADVERTISED, CONFIGURED, OR CONTRACTED TO  
10 BE USED AS PART OF A COVERED ADMT; OR

11 (III) INTENTIONALLY AND SUBSTANTIALLY MODIFIES AN ADMT  
12 SUCH THAT IT BECOMES A COVERED ADMT.

13 (b) "DEVELOPER" DOES NOT INCLUDE A PERSON THAT:

14 (I) DEVELOPS AND USES AN ADMT:

15 (A) SOLELY FOR RESEARCH PURPOSES AND THE ADMT IS NOT  
16 USED IN A CONSEQUENTIAL DECISION IN THE RESEARCH; OR

17 (B) FOR INTERNAL PURPOSES, SUCH AS USE AND DEVELOPMENT  
18 ACTIVITIES BY AFFILIATES AND COMMERCIAL SUPPORT FUNCTIONS, AND  
19 THAT DOES NOT MAKE THE SYSTEM AVAILABLE TO ANOTHER PERSON FOR  
20 USE IN A CONSEQUENTIAL DECISION;

21 (II) IS A PRECEDING DEVELOPER THAT MAKES AN ADMT  
22 COMMERCIALY AVAILABLE AND AN UNAFFILIATED PERSON MODIFIES THE  
23 COVERED ADMT IN A MANNER THAT CHANGES THE SYSTEM'S INTENDED,  
24 DOCUMENTED, MARKETED, ADVERTISED, CONFIGURED, OR CONTRACTED  
25 USE; OR

26 (III) HAS DESIGNED, MARKETED, INTENDED, DOCUMENTED,  
27 ADVERTISED, CONFIGURED, OR CONTRACTED A COMPONENT THAT IS USED

1 AS PART OF AN ADMT, BUT THE COMPONENT IS INTEGRATED INTO A  
2 COVERED ADMT WITHOUT THE ACTUAL KNOWLEDGE OF THE PERSON.

3 (9) "EMPLOYEE" HAS THE MEANING SET FORTH IN SECTION 8-4-101  
4 (5).

5 (10) "EMPLOYER" HAS THE MEANING SET FORTH IN SECTION  
6 8-4-101 (6).

7 (11) "FERPA" MEANS THE FEDERAL "FAMILY EDUCATIONAL  
8 RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g ET SEQ., AND  
9 ITS IMPLEMENTING REGULATIONS.

10 (12) "INTENTIONAL AND SUBSTANTIAL MODIFICATION" MEANS A  
11 DELIBERATE CHANGE MADE TO AN ADMT THAT RESULTS IN A MATERIAL  
12 CHANGE TO THE SYSTEM'S INTENDED, DOCUMENTED, ADVERTISED,  
13 CONFIGURED, OR CONTRACTED USE.

14 (13) (a) "MATERIALLY INFLUENCE" MEANS:

15 (I) AN ADMT OUTPUT IS A NON-DE MINIMIS FACTOR THAT IS USED  
16 IN MAKING A CONSEQUENTIAL DECISION; AND

17 (II) AN ADMT OUTPUT AFFECTS THE OUTCOME OF A  
18 CONSEQUENTIAL DECISION, INCLUDING BY CONSTRAINING, RANKING,  
19 SCORING, RECOMMENDING, CLASSIFYING, OR OTHERWISE MEANINGFULLY  
20 ALTERING HOW A CONSEQUENTIAL DECISION IS MADE.

21 (b) "MATERIALLY INFLUENCE" DOES NOT INCLUDE INCIDENTAL,  
22 TRIVIAL, OR CLERICAL USES.

23 (14) (a) "MATERIAL UPDATE" MEANS AN UPDATE, PATCH, RELEASE,  
24 REVISION, OR NEW VERSION OF A COVERED ADMT, INCLUDING  
25 ASSOCIATED SOFTWARE, MODEL PARAMETERS, DEFAULT SETTINGS, OR  
26 DOCUMENTATION, THAT A DEVELOPER KNOWS OR REASONABLY SHOULD  
27 KNOW IS LIKELY TO MATERIALLY AFFECT:

1 (I) THE COVERED ADMT'S OUTPUTS OR PERFORMANCE IN A  
2 MANNER RELEVANT TO ITS INTENDED USE; OR

3 (II) THE DEVELOPER'S STATED INTENDED USE FOR THE COVERED  
4 ADMT.

5 (b) "MATERIAL UPDATE" DOES NOT INCLUDE ROUTINE  
6 MAINTENANCE, COSMETIC CHANGES, OR BUG FIXES THAT DO NOT  
7 MATERIALLY INFLUENCE:

8 (I) A COVERED ADMT'S OUTPUTS OR PERFORMANCE IN A MANNER  
9 RELEVANT TO ITS INTENDED USE; OR

10 (II) A DEVELOPER'S STATED INTENDED USE FOR THE COVERED  
11 ADMT.

12 (15) "MEANINGFUL HUMAN REVIEW" MEANS REVIEW BY A  
13 INDIVIDUAL DESIGNATED BY THE DEPLOYER WHO HAS AUTHORITY TO  
14 APPROVE, MODIFY, OR OVERRIDE A CONSEQUENTIAL DECISION AND WHO:

15 (a) CONSIDERS RELEVANT, AVAILABLE PRIMARY EVIDENCE;

16 (b) IS TRAINED TO CONDUCT THE REVIEW;

17 (c) DOES NOT DEFAULT TO THE SYSTEM OUTPUT; AND

18 (d) HAS ACCESS TO SUFFICIENT INFORMATION TO UNDERSTAND:

19 (I) THE OUTPUT'S:

20 (A) INTENDED USE;

21 (B) MATERIAL LIMITATIONS; AND

22 (C) CATEGORIES OF INPUTS; AND

23 (II) THE PRINCIPAL FACTORS USED TO GENERATE THE OUTPUT,  
24 WITHOUT REQUIRING DISCLOSURE OF PROPRIETARY SOURCE CODE, MODEL  
25 WEIGHTS, OR OTHER TRADE SECRETS.

26 (16) "PERSONAL DATA" HAS THE MEANING SET FORTH IN SECTION  
27 6-1-1303 (17).

1 (17) "TRADE SECRET" HAS THE MEANING SET FORTH IN SECTION  
2 7-74-102 (4).

3 **6-1-1702. Developer responsibilities - documentation.**

4 (1) ON AND AFTER JANUARY 1, 2027, A DEVELOPER SHALL MAKE  
5 AVAILABLE TO EACH DEPLOYER OF A COVERED ADMT DEVELOPED BY THE  
6 DEVELOPER, IN A FORM AND MANNER THAT IS REASONABLY  
7 UNDERSTANDABLE TO A DEPLOYER AND THAT PROTECTS TRADE SECRETS  
8 OR INFORMATION PROTECTED FROM DISCLOSURE BY STATE OR FEDERAL  
9 LAW:

10 (a) A GENERAL STATEMENT DESCRIBING THE INTENDED USES AND  
11 KNOWN HARMFUL OR INAPPROPRIATE USES OF THE COVERED ADMT;

12 (b) A DESCRIPTION OF THE CATEGORIES OF DATA, INCLUDING  
13 PERSONAL DATA, USED TO TRAIN THE COVERED ADMT, TO THE EXTENT  
14 KNOWN;

15 (c) KNOWN LIMITATIONS OF THE COVERED ADMT, INCLUDING  
16 KNOWN RISKS AND CIRCUMSTANCES IN WHICH THE COVERED ADMT  
17 SHOULD NOT BE USED;

18 (d) INSTRUCTIONS FOR THE DEPLOYER'S APPROPRIATE USE,  
19 MONITORING, AND MEANINGFUL HUMAN REVIEW, WHERE APPLICABLE;

20 (e) INFORMATION REASONABLY NECESSARY FOR THE DEPLOYER TO  
21 COMPLY WITH SECTION 6-1-1704. IF INFORMATION IS WITHHELD, THE  
22 DEVELOPER SHALL NOTIFY THE DEPLOYER.

23 (2) (a) A DEVELOPER SHALL PROVIDE TO EACH DEPLOYER OF A  
24 COVERED ADMT DEVELOPED BY THE DEVELOPER A NOTICE OF MATERIAL  
25 UPDATES, INTENTIONAL AND SUBSTANTIAL MODIFICATIONS, AND CHANGES  
26 TO THE INTENDED USE OF, LIMITATIONS FOR, OR RISK MITIGATION FOR THE  
27 COVERED ADMT WITHIN A REASONABLE TIME.

1 (b) A DEVELOPER MAY USE PUBLIC RELEASE NOTES CONTAINING  
2 THE INFORMATION REQUIRED BY SUBSECTION (2)(a) OF THIS SECTION TO  
3 COMPLY WITH THIS SUBSECTION (2) IF THE DEVELOPER PROVIDES DIRECT  
4 NOTICE OF THE PUBLIC RELEASE TO EACH DEPLOYER OF THE COVERED  
5 ADMT.

6 (3) A DEVELOPER IS SUBJECT TO THE DISCLOSURE REQUIREMENTS  
7 DESCRIBED IN SUBSECTIONS (1) AND (2) OF THIS SECTION ONLY FOR A  
8 DEPLOYER'S USE OF A COVERED ADMT WHERE THE ADMT WAS  
9 MARKETED, ADVERTISED, CONFIGURED, CONTRACTED, SOLD, OR LICENSED  
10 TO BE USED TO MATERIALLY INFLUENCE A CONSEQUENTIAL DECISION.

11 (4) A DEVELOPER SHALL RETAIN, FOR NOT LESS THAN THREE  
12 YEARS AFTER THE CREATION OF A RECORD REQUIRED OR CREATED UNDER  
13 THIS SECTION OR FOR A LONGER PERIOD IF REQUIRED BY APPLICABLE  
14 STATE OR FEDERAL LAW, RECORDS REASONABLY NECESSARY TO  
15 DEMONSTRATE COMPLIANCE WITH THIS SECTION. RECORDS INCLUDE  
16 SYSTEM VERSION IDENTIFIERS, CHANGELOGS, AND DOCUMENTATION AND  
17 NOTICES OF MATERIAL UPDATES PROVIDED TO DEPLOYERS PURSUANT TO  
18 SUBSECTION (2) OF THIS SECTION.

19 (5) THIS SECTION APPLIES WHEN A DEVELOPER CREATES A  
20 COVERED ADMT THAT IS INTENDED, DOCUMENTED, MARKETED,  
21 ADVERTISED, CONFIGURED, OR CONTRACTED TO BE USED TO MAKE  
22 CONSEQUENTIAL DECISIONS OR WHEN THE DEVELOPER BECOMES AWARE  
23 THAT THE COVERED ADMT IS BEING USED TO MAKE CONSEQUENTIAL  
24 DECISIONS IN A MANNER CONSISTENT WITH THE INTENDED AND  
25 CONTRACTED USES.

26 **6-1-1703. Deployer record keeping.**

27 A DEPLOYER SHALL RETAIN, FOR NOT LESS THAN THREE YEARS

1 AFTER THE DATE OF A CONSEQUENTIAL DECISION OR FOR A LONGER PERIOD  
2 IF REQUIRED BY APPLICABLE STATE OR FEDERAL LAW, RECORDS  
3 REASONABLY NECESSARY TO DEMONSTRATE COMPLIANCE WITH THIS PART  
4 17. RECORDS MAY INCLUDE, AS APPLICABLE, COVERED ADMT VERSION  
5 IDENTIFIERS, CHANGELOGS, AND DOCUMENTATION OF MATERIAL  
6 MITIGATION CHANGES.

7 **6-1-1704. Deployer disclosures - point-of-interaction notice -**  
8 **public posting option - post-adverse outcome disclosures - legislative**  
9 **declaration - trade secrets - compliance with other law - accessibility**  
10 **- rules.**

11 (1) PRIOR TO A DEPLOYER USING A COVERED ADMT TO  
12 MATERIALLY INFLUENCE A CONSEQUENTIAL DECISION, THE DEPLOYER  
13 SHALL PROVIDE A CLEAR AND CONSPICUOUS NOTICE TO A CONSUMER THAT  
14 THE DEPLOYER USED OR WILL USE A COVERED ADMT IN A  
15 CONSEQUENTIAL DECISION AFFECTING THE CONSUMER AND INSTRUCTIONS  
16 REGARDING HOW THE CONSUMER MAY OBTAIN THE ADDITIONAL  
17 INFORMATION DESCRIBED IN THIS SECTION.

18 (2) A DEPLOYER COMPLIES WITH SUBSECTION (1) OF THIS SECTION  
19 BY MAINTAINING A PROMINENT PUBLIC NOTICE THAT IS REASONABLY  
20 ACCESSIBLE AT POINTS OF CONSUMER INTERACTION, INCLUDING THROUGH  
21 A LINK OR POSTING THAT IS REASONABLY PROXIMATE TO THE INTERACTION  
22 OR TRANSACTION IN WHICH A CONSEQUENTIAL DECISION MAY OCCUR.

23 (3) IF A DEPLOYER USES A COVERED ADMT TO MATERIALLY  
24 INFLUENCE A CONSEQUENTIAL DECISION THAT RESULTS IN AN ADVERSE  
25 OUTCOME FOR A CONSUMER, THE DEPLOYER SHALL PROVIDE WITHIN  
26 THIRTY DAYS AFTER MAKING THE DECISION:

27 (a) A PLAIN LANGUAGE DESCRIPTION OF THE CONSEQUENTIAL

1 DECISION AND THE ROLE THE COVERED ADMT PLAYED IN THE  
2 CONSEQUENTIAL DECISION;

3 (b) INSTRUCTIONS AND A SIMPLE-TO-FOLLOW PROCESS TO REQUEST  
4 ADDITIONAL INFORMATION ABOUT THE COVERED ADMT AND THE INPUTS,  
5 INCLUDING THE NAME OF THE COVERED ADMT, THE COVERED ADMT  
6 VERSION NUMBER, IF APPLICABLE, THE COVERED ADMT DEVELOPER, AND  
7 THE TYPES, CATEGORIES, AND SOURCES OF PERSONAL DATA USED, TO THE  
8 EXTENT THE DEPLOYER RECEIVES THE NECESSARY INFORMATION FROM  
9 THE DEVELOPER IN COMPLIANCE WITH SECTION 6-1-1702; AND

10 (c) AN EXPLANATION OF THE CONSUMER RIGHTS DESCRIBED IN  
11 SECTION 6-1-1705 AND HOW TO EXERCISE THEM.

12 (4) (a) THE GENERAL ASSEMBLY FINDS THAT THE SPECIFIC  
13 CONTENT AND FORMAT OF POST-ADVERSE OUTCOME DISCLOSURES MAY  
14 VARY ACROSS CONSEQUENTIAL DECISION DOMAINS. THE GENERAL  
15 ASSEMBLY INTENDS THAT THE SPECIFIC ELEMENTS OF POST-ADVERSE  
16 OUTCOME DISCLOSURES BE FURTHER CLARIFIED THROUGH RULE-MAKING  
17 THAT ACCOUNTS FOR SECTOR-SPECIFIC PRACTICES WHILE ENSURING THAT  
18 CONSUMERS RECEIVE MEANINGFUL AND UNDERSTANDABLE INFORMATION  
19 ABOUT CONSEQUENTIAL DECISIONS.

20 (b) ON OR BEFORE JANUARY 1, 2027, THE ATTORNEY GENERAL  
21 SHALL ADOPT RULES TO CLARIFY AND IMPLEMENT THE POST-ADVERSE  
22 OUTCOME DISCLOSURE REQUIREMENTS SET FORTH IN SUBSECTION (3) OF  
23 THIS SECTION. RULES ADOPTED PURSUANT TO THIS SUBSECTION (4) MAY  
24 INCLUDE, AS APPROPRIATE:

25 (I) RULES CLARIFYING THE CONTENT OF REQUIRED DISCLOSURES  
26 RELATED TO THE TYPES, SOURCES, OR CATEGORIES OF PERSONAL DATA  
27 THAT A DEPLOYER MUST PROVIDE TO A CONSUMER FOLLOWING AN

1 ADVERSE OUTCOME INVOLVING A COVERED ADMT PURSUANT TO  
2 SUBSECTION (3) OF THIS SECTION;

3 (II) SECTOR-SPECIFIC GUIDANCE OR ILLUSTRATIVE EXAMPLES  
4 TAILORED TO DIFFERENT COVERED DOMAINS;

5 (III) STANDARDS FOR DESCRIBING THE ROLE OF THE COVERED  
6 ADMT IN A CONSEQUENTIAL DECISION IN A MANNER THAT IS  
7 REASONABLY UNDERSTANDABLE TO A CONSUMER; AND

8 (IV) GUIDANCE ADDRESSING HOW THE DISCLOSURE  
9 REQUIREMENTS DESCRIBED IN THIS SECTION INTERACT WITH FEDERAL OR  
10 STATE LAWS THAT REQUIRE OR GOVERN NOTICES, EXPLANATIONS, OR  
11 ADVERSE OUTCOME DISCLOSURES.

12 (5) NOTHING IN THIS SECTION REQUIRES A DEPLOYER TO DISCLOSE  
13 A TRADE SECRET OR INFORMATION PROTECTED FROM DISCLOSURE BY  
14 STATE OR FEDERAL LAW. IF A DEPLOYER WITHHOLDS INFORMATION  
15 PURSUANT TO THIS SUBSECTION (5), THE DEPLOYER SHALL NOTIFY THE  
16 CONSUMER.

17 (6) (a) A CREDITOR, WITH RESPECT TO A CONSEQUENTIAL DECISION  
18 INVOLVING THE OFFERING, THE DENIAL, THE PRICING, THE SERVICING, OR  
19 OTHER MATERIAL TERMS OF CREDIT, THAT IS REQUIRED TO PROVIDE AND  
20 THAT PROVIDES A NOTICE TO A CONSUMER PURSUANT TO THE FEDERAL  
21 "EQUAL CREDIT OPPORTUNITY ACT", 15 U.S.C. SEC. 1691 ET SEQ., AND  
22 ITS IMPLEMENTING REGULATIONS, INCLUDING REGULATION B, 12 CFR  
23 1002, AND, WHEN APPLICABLE, THE FEDERAL "FAIR CREDIT REPORTING  
24 ACT", 15 U.S.C. SEC. 1681 ET SEQ., COMPLIES WITH THE NOTICE OR  
25 DISCLOSURE REQUIREMENTS OF THIS SECTION THAT RELATE TO THE SAME  
26 DECISION OR ADVERSE OUTCOME IF THE NOTICE PROVIDED TO THE  
27 CONSUMER PURSUANT TO THE FEDERAL LAWS AND REGULATIONS

1 DESCRIBED IN THIS SUBSECTION (6)(a) ALSO SATISFIES THE NOTICE OR  
2 DISCLOSURE REQUIREMENTS OF THIS SECTION.

3 (b) IF A CREDITOR COMPLIES WITH THE FEDERAL LAWS AND  
4 REGULATIONS DESCRIBED IN SUBSECTION (6)(a) OF THIS SECTION AND  
5 COMPLIES WITH SUBSECTION (6)(a) OF THIS SECTION, THE CREDITOR IS NOT  
6 REQUIRED TO PROVIDE A SEPARATE OR DUPLICATIVE NOTICE PURSUANT TO  
7 THIS SECTION.

8 (c) NOTHING IN THIS SUBSECTION (6) SHALL BE CONSTRUED TO  
9 REQUIRE A CREDITOR TO PROVIDE ANY NOTICE OR DISCLOSURE IN A  
10 MANNER THAT IS PROHIBITED BY FEDERAL LAW.

11 (d) FOR PURPOSES OF THIS SUBSECTION (6), A NOTICE THAT  
12 COMPLIES WITH THE FEDERAL LAWS AND REGULATIONS DESCRIBED IN  
13 SUBSECTION (6)(a) OF THIS SECTION AND COMPLIES WITH SUBSECTION  
14 (6)(a) OF THIS SECTION MAY INCLUDE A BRIEF STATEMENT INDICATING  
15 THAT A COVERED ADMT WAS USED TO MATERIALLY INFLUENCE THE  
16 CONSEQUENTIAL DECISION AND INSTRUCTIONS FOR HOW THE CONSUMER  
17 MAY OBTAIN ANY ADDITIONAL INFORMATION OR EXERCISE ANY RIGHTS  
18 PROVIDED UNDER THIS PART 17.

19 (7) THIS PART 17 SHALL NOT BE CONSTRUED TO REQUIRE A PERSON  
20 TO MAKE A DISCLOSURE, PROVIDE AN EXPLANATION, OR FURNISH  
21 INFORMATION TO A CONSUMER TO THE EXTENT DOING SO WOULD BE  
22 PROHIBITED BY FEDERAL LAW OR WOULD COMPROMISE THE  
23 CONFIDENTIALITY OR INTEGRITY OF CYBERSECURITY, FRAUD PREVENTION,  
24 ANTI-MONEY LAUNDERING, COUNTER-TERRORIST FINANCING, OR  
25 ECONOMIC SANCTIONS COMPLIANCE PROGRAMS REQUIRED BY LAW.

26 (8) A DEPLOYER OR DEVELOPER SHALL PROVIDE THE NOTICES AND  
27 DISCLOSURES REQUIRED BY THIS PART 17 IN A MANNER THAT IS

1 REASONABLY ACCESSIBLE TO CONSUMERS WITH DISABILITIES AND  
2 CONSUMERS WITH LIMITED ENGLISH PROFICIENCY, CONSISTENT WITH  
3 APPLICABLE STATE AND FEDERAL LAW.

4 (9) (a) FOR A CONSEQUENTIAL DECISION RELATING TO EDUCATION,  
5 A DEPLOYER THAT IS SUBJECT TO FERPA SATISFIES THE NOTICE AND  
6 DISCLOSURE REQUIREMENTS OF THIS SECTION BY PROVIDING NOTICE AND  
7 DISCLOSURES THROUGH PROCESSES AND CHANNELS THAT ARE CONSISTENT  
8 WITH FERPA AND THE DEPLOYER'S FERPA NOTICES AND STUDENT  
9 RECORD ACCESS PROCEDURES, INCLUDING, WHERE APPLICABLE, NOTICE TO  
10 A PARENT OR GUARDIAN OR AN ELIGIBLE STUDENT.

11 (b) A DEPLOYER THAT IS SUBJECT TO FERPA IS NOT REQUIRED TO  
12 ESTABLISH A SEPARATE OR DUPLICATIVE NOTICE OR DISCLOSURE PROCESS  
13 IF THE DEPLOYER HAS ESTABLISHED A NOTICE OR DISCLOSURE PROCESS TO  
14 COMPLY WITH FERPA.

15 **6-1-1705. Consumer rights - correction - human review and**  
16 **reconsideration - rules.**

17 (1) (a) WHEN A CONSUMER EXPERIENCES AN ADVERSE OUTCOME  
18 RESULTING FROM A CONSEQUENTIAL DECISION IN WHICH A COVERED  
19 ADMT MATERIALLY INFLUENCES THE CONSEQUENTIAL DECISION, THE  
20 CONSUMER MAY REQUEST AND THE DEPLOYER SHALL PROVIDE IN  
21 RESPONSE TO THE REQUEST:

22 (I) INSTRUCTIONS FOR REQUESTING PERSONAL DATA AND  
23 CORRECTING FACTUALLY INCORRECT OR MATERIALLY INACCURATE  
24 PERSONAL DATA USED IN A CONSEQUENTIAL DECISION THAT USED A  
25 COVERED ADMT CONSISTENT WITH SECTION 6-1-1306; AND

26 (II) AN OPPORTUNITY FOR MEANINGFUL HUMAN REVIEW AND  
27 RECONSIDERATION OF THE CONSEQUENTIAL DECISION, TO THE EXTENT

1       COMMERCIALLY REASONABLE.

2           (b) FOR THE PURPOSES OF THIS SUBSECTION (1), THE EXCEPTIONS  
3       TO THE DEFINITION OF "CONSUMER" IN SECTION 6-1-1303 (6)(b) AND THE  
4       EXCEPTIONS IN SECTION 6-1-1304 (2)(k), (2)(n), AND (2)(o) DO NOT APPLY  
5       TO THE RIGHT TO REQUEST CORRECTION OF FACTUALLY INCORRECT OR  
6       MATERIALLY INACCURATE PERSONAL DATA PURSUANT TO THIS  
7       SUBSECTION (1).

8           (c) SUBSECTION (1)(a) OF THIS SECTION DOES NOT REQUIRE  
9       CORRECTION OF OPINIONS, PREDICTIONS, SCORES, OR PROTECTED  
10      EVALUATIONS.

11          (2) (a) FOR A CONSEQUENTIAL DECISION RELATING TO EDUCATION,  
12      A DEPLOYER THAT IS SUBJECT TO FERPA COMPLIES WITH THE  
13      REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION THROUGH THE  
14      DEPLOYER'S EXISTING STUDENT RECORD INSPECTION, REVIEW, AND  
15      AMENDMENT PROCEDURES AND ANY APPLICABLE DISTRICT COMPLAINT OR  
16      APPEAL PROCESS, IF THE DEPLOYER OFFERS A REASONABLE MECHANISM  
17      FOR A PARENT, GUARDIAN, OR ELIGIBLE STUDENT TO REQUEST  
18      CORRECTION OF MATERIALLY INACCURATE PERSONAL DATA AND  
19      RECONSIDERATION WHERE APPLICABLE UNDER THIS PART 17.

20          (b) A DEPLOYER THAT IS SUBJECT TO FERPA IS NOT REQUIRED TO  
21      ESTABLISH A SEPARATE OR DUPLICATIVE CORRECTION OR HUMAN REVIEW  
22      AND RECONSIDERATION PROCESS IF THE DEPLOYER HAS ESTABLISHED A  
23      CORRECTION OR HUMAN REVIEW AND RECONSIDERATION PROCESS TO  
24      COMPLY WITH FERPA.

25          (3) ON OR BEFORE JANUARY 1, 2027, THE ATTORNEY GENERAL  
26      SHALL ADOPT RULES TO CLARIFY AND IMPLEMENT THE REQUIREMENTS OF  
27      THIS SECTION.

1           **6-1-1706. Enforcement by the attorney general - deceptive**  
2 **trade practice - right to cure - no private right of action - joinder**  
3 **rules - reporting - repeal.**

4           (1) (a) THE ATTORNEY GENERAL SHALL ENFORCE THIS PART 17  
5 THROUGH THE "COLORADO CONSUMER PROTECTION ACT", THIS ARTICLE  
6 1.

7           (b) VIOLATIONS OF THE DISCLOSURE REQUIREMENTS AND  
8 CONSUMER RIGHTS DESCRIBED IN SECTIONS 6-1-1702, 6-1-1703, 6-1-1704,  
9 AND 6-1-1705 ARE ENFORCEABLE EXCLUSIVELY BY THE ATTORNEY  
10 GENERAL WITHOUT REGARD TO ANY OTHER PROVISION IN THIS TITLE 6.

11           (2) (a) A VIOLATION OF THIS PART 17 IS A DECEPTIVE TRADE  
12 PRACTICE AND IS SUBJECT TO THE PROVISIONS OF THE "COLORADO  
13 CONSUMER PROTECTION ACT", THIS ARTICLE 1.

14           (b) ANY PROVISION OF THE "COLORADO CONSUMER PROTECTION  
15 ACT", THIS ARTICLE 1, THAT IS INCONSISTENT WITH THE EXCLUSIVE  
16 ENFORCEMENT AUTHORITY GRANTED TO THE ATTORNEY GENERAL IN THIS  
17 SECTION FOR A VIOLATION OF THIS PART 17 DOES NOT APPLY TO ANY SUCH  
18 VIOLATION.

19           (3) (a) PRIOR TO ANY ENFORCEMENT ACTION FOR A VIOLATION OF  
20 THIS PART 17, THE ATTORNEY GENERAL SHALL ISSUE A NOTICE OF  
21 VIOLATION TO A DEVELOPER OR DEPLOYER IF A CURE IS DEEMED POSSIBLE  
22 BY THE ATTORNEY GENERAL.

23           (b) IF THE DEVELOPER OR DEPLOYER FAILS TO CURE A VIOLATION  
24 WITHIN SIXTY DAYS AFTER RECEIPT OF A NOTICE OF VIOLATION, THE  
25 ATTORNEY GENERAL MAY BRING AN ACTION PURSUANT TO THIS SECTION.

26           (c) IF THE ATTORNEY GENERAL FINDS AND CAN DEMONSTRATE  
27 THAT A DEVELOPER OR DEPLOYER KNOWINGLY VIOLATED THIS PART 17 OR

1 A DEVELOPER OR DEPLOYER REPEATEDLY VIOLATED THIS PART 17, THE  
2 ATTORNEY GENERAL IS NOT REQUIRED TO PROVIDE A CURE PERIOD BEFORE  
3 SEEKING PENALTIES OR OTHER RELIEF.

4 (d) IF A VIOLATION IS DISCOVERED IN THE COURSE OF AN  
5 ENFORCEMENT ACTION, A COURT MAY CONSIDER THAT A DEVELOPER OR  
6 DEPLOYER CURED THE VIOLATION WITHIN SIXTY DAYS AFTER RECEIPT OF  
7 WRITTEN NOTICE AS A MITIGATING FACTOR IN DETERMINING CIVIL  
8 PENALTIES OR OTHER MONETARY RELIEF, IF ANY.

9 (e) BEGINNING IN JANUARY 2028, AND IN JANUARY EVERY YEAR  
10 THEREAFTER, THE ATTORNEY GENERAL SHALL INCLUDE, AS PART OF THE  
11 DEPARTMENT OF LAW'S PRESENTATION DURING ITS "SMART ACT"  
12 HEARING REQUIRED BY SECTION 2-7-203, A REPORT CONCERNING  
13 ENFORCEMENT ACTIONS BROUGHT AND CURE PERIODS OFFERED BY THE  
14 ATTORNEY GENERAL RELATED TO VIOLATIONS OF THIS PART 17,  
15 INCLUDING:

16 (I) THE NUMBER OF ACTIONS FILED BY THE ATTORNEY GENERAL  
17 AGAINST DEVELOPERS AND DEPLOYERS, RESPECTIVELY;

18 (II) THE NUMBER OF ACTIONS FILED BY THE ATTORNEY GENERAL  
19 AGAINST DEVELOPERS AND DEPLOYERS, RESPECTIVELY, THAT WERE  
20 COMPLETED;

21 (III) THE NUMBER OF CURE PERIODS OFFERED BY THE ATTORNEY  
22 GENERAL TO DEVELOPERS AND DEPLOYERS, RESPECTIVELY;

23 (IV) THE NUMBER OF CURE PERIODS OFFERED BY THE ATTORNEY  
24 GENERAL THAT WERE NOT MET BY DEVELOPERS AND DEPLOYERS,  
25 RESPECTIVELY; AND

26 (V) THE NUMBER OF VIOLATIONS FILED BY THE ATTORNEY  
27 GENERAL AGAINST DEVELOPERS AND DEPLOYERS, RESPECTIVELY, WHERE

1 A CURE PERIOD WAS NOT DEEMED POSSIBLE.

2 (f) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JANUARY 1,  
3 2030.

4 (4) NOTHING IN THIS PART 17 CREATES A NEW PRIVATE RIGHT OF  
5 ACTION. NOTHING IN THIS PART 17 LIMITS OR REDUCES ANY EXISTING  
6 RIGHTS OR REMEDIES AVAILABLE UNDER STATE OR FEDERAL LAW,  
7 INCLUDING THE "COLORADO ANTI-DISCRIMINATION ACT", PARTS 3 TO 8  
8 OF ARTICLE 34 OF TITLE 24; THE "COLORADO CONSUMER PROTECTION  
9 ACT", THIS ARTICLE 1; PRODUCT LIABILITY LAW; OR OTHER APPLICABLE  
10 LAW.

11 (5)(a) THE ATTORNEY GENERAL MAY ADOPT RULES AS NECESSARY  
12 TO IMPLEMENT AND CLARIFY THIS PART 17.

13 (b) THE ATTORNEY GENERAL MAY ADOPT RULES TO CLARIFY THE  
14 APPLICATION OF THE DEFINITION OF "MATERIALLY INFLUENCE", AS  
15 DEFINED IN SECTION 6-1-1701 (13), INCLUDING PRESUMPTIONS,  
16 ILLUSTRATIVE EXAMPLES, AND OBJECTIVE INDICATORS.

17 (c) IN ADOPTING RULES PURSUANT TO THIS PART 17, THE  
18 ATTORNEY GENERAL SHALL UTILIZE A PROCESS THAT MEANINGFULLY  
19 ENGAGES STAKEHOLDERS, INCLUDING CONSUMER ADVOCATES,  
20 DEPLOYERS, DEVELOPERS, AND SECTOR REGULATORS, THROUGH PUBLIC  
21 NOTICE, OPPORTUNITY FOR WRITTEN COMMENT, AND AT LEAST ONE PUBLIC  
22 HEARING AND SHALL ADOPT RULES IN ACCORDANCE WITH SECTION  
23 24-4-103.

24 (6) NOTHING IN THIS PART 17 LIMITS THE ABILITY OF A PARTY TO  
25 JOIN NECESSARY OR PERMISSIVE PARTIES UNDER THE COLORADO RULES OF  
26 CIVIL PROCEDURE, INCLUDING RULES 19 AND 20 OF THE COLORADO RULES  
27 OF CIVIL PROCEDURE, IN ANY ACTION ARISING UNDER EXISTING LAW.

1           **6-1-1707. Liability - fault - allocation - no joint and several**  
2           **liability - indemnification prohibited - effect on existing law.**

3           (1) A DEVELOPER OR DEPLOYER MAY BE HELD LIABLE IN AN  
4 ACTION ALLEGING UNLAWFUL DISCRIMINATION UNDER STATE  
5 ANTI-DISCRIMINATION LAWS, INCLUDING THE "COLORADO  
6 ANTI-DISCRIMINATION ACT", PARTS 3 TO 8 OF ARTICLE 34 OF TITLE 24,  
7 ARISING FROM A CONSEQUENTIAL DECISION MATERIALLY INFLUENCED BY  
8 A COVERED ADMT.

9           (2) IN AN ACTION DESCRIBED IN SUBSECTION (1) OF THIS SECTION,  
10 FAULT SHALL BE ALLOCATED AMONG DEPLOYERS AND DEVELOPERS BASED  
11 ON THEIR RELATIVE FAULT FOR THE VIOLATION.

12           (3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO APPORTION  
13 LIABILITY TO A CLAIMANT WHERE SUCH APPORTIONMENT IS NOT PROVIDED  
14 FOR UNDER EXISTING LAW.

15           (4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO CREATE  
16 JOINT AND SEVERAL LIABILITY, EXCEPT TO THE EXTENT PERMITTED UNDER  
17 EXISTING LAW.

18           (5) (a) A DEVELOPER IS LIABLE IN AN ACTION DESCRIBED IN  
19 SUBSECTION (1) OF THIS SECTION ONLY TO THE EXTENT THAT:

20           (I) THE DEVELOPER'S COVERED ADMT WAS USED BY A DEPLOYER  
21 IN A MANNER THAT WAS INTENDED, DOCUMENTED, MARKETED,  
22 ADVERTISED, CONFIGURED, OR CONTRACTED FOR BY THE DEVELOPER; AND

23           (II) THE DEVELOPER'S COVERED ADMT MATERIALLY INFLUENCED  
24 A CONSEQUENTIAL DECISION THAT GAVE RISE TO THE VIOLATION OF  
25 EXISTING LAW.

26           (b) A DEVELOPER IS NOT LIABLE UNDER THIS SECTION FOR  
27 VIOLATIONS OF EXISTING LAW ARISING FROM A DEPLOYER'S USE OF A

1 COVERED ADMT IN A MANNER THAT WAS NOT INTENDED, DOCUMENTED,  
2 MARKETED, ADVERTISED, CONFIGURED, OR CONTRACTED FOR BY THE  
3 DEVELOPER.

4 (6) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE  
5 LIABILITY OF A DEPLOYER FOR THE DEPLOYER'S INDEPENDENT ACTS OR  
6 OMISSIONS IN A CONSEQUENTIAL DECISION MATERIALLY INFLUENCED BY  
7 A COVERED ADMT, INCLUDING USING AN ADMT IN A MANNER THAT WAS  
8 NOT INTENDED, DOCUMENTED, MARKETED, ADVERTISED, CONFIGURED, OR  
9 CONTRACTED FOR BY THE DEVELOPER IF THE DEVELOPER OF THE COVERED  
10 ADMT COMPLIED WITH SECTION 6-1-1702.

11 (7) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF A  
12 PROVISION OF A CONTRACT FOR THE USE OF AUTOMATED  
13 DECISION-MAKING TECHNOLOGY IN MAKING A CONSEQUENTIAL DECISION  
14 OR ANY OTHER CONTRACT BETWEEN A DEVELOPER AND DEPLOYER  
15 PURPORTS TO INDEMNIFY, DEFEND, OR HOLD HARMLESS OR HAS THE  
16 EFFECT OF INDEMNIFYING, DEFENDING, OR HOLDING HARMLESS THE  
17 INDEMNITEE FROM OR AGAINST ANY LIABILITY FOR DAMAGES PURSUANT  
18 TO THIS SECTION RESULTING FROM THE DEVELOPER'S OR DEPLOYER'S OWN  
19 ACTS OR OMISSIONS RELATED TO THE USE OF AUTOMATED  
20 DECISION-MAKING TECHNOLOGY IN MAKING CONSEQUENTIAL DECISIONS  
21 IN VIOLATION OF THE "COLORADO ANTI-DISCRIMINATION ACT", PARTS 3  
22 TO 8 OF ARTICLE 34 OF TITLE 24, OR OTHER COLORADO  
23 ANTI-DISCRIMINATION LAW, THE PROVISION IS CONTRARY TO PUBLIC  
24 POLICY AND VOID.

25 (b) THE LIMITATIONS OF SUBSECTION (7)(a) OF THIS SECTION DO  
26 NOT APPLY TO A DEVELOPER WHERE THE USE OF THE COVERED ADMT IN  
27 MAKING A CONSEQUENTIAL DECISION WAS NOT INTENDED, DOCUMENTED,

1 MARKETED, ADVERTISED, CONFIGURED, OR CONTRACTED FOR BY THE  
2 DEVELOPER IF THE DEVELOPER OF THE COVERED ADMT COMPLIED WITH  
3 SECTION 6-1-1702.

4 (c) THIS SUBSECTION (7) DOES NOT OTHERWISE LIMIT THE  
5 ENFORCEABILITY OF CONTRACT TERMS BETWEEN PARTIES ACTING IN A  
6 COMMERCIAL OR BUSINESS CAPACITY, EXCEPT TO THE EXTENT OTHERWISE  
7 PROVIDED BY APPLICABLE LAW.

8 (d) THIS SUBSECTION (7) DOES NOT PROHIBIT OR LIMIT ANY PERSON  
9 FROM OBTAINING OR MAKING A CLAIM ON APPLICABLE INSURANCE FOR  
10 ANY APPLICABLE ALLEGED LIABILITIES OR RELATED LOSSES.

11 (8) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT,  
12 DISPLACE, OR OTHERWISE AFFECT ANY LIABILITY THAT A DEVELOPER OR  
13 A DEPLOYER MAY HAVE, SEPARATE AND APART FROM LIABILITY UNDER  
14 THIS SECTION, FOR A VIOLATION OF STATE LAW. COMPLIANCE WITH THE  
15 REQUIREMENTS OF THIS PART 17 IS NOT A DEFENSE TO AND DOES NOT  
16 OTHERWISE EXCUSE NONCOMPLIANCE WITH ANY APPLICABLE LAW.

17 (9) THE USE OF AN ADMT IN A CONSEQUENTIAL DECISION DOES  
18 NOT EXCUSE, JUSTIFY, OR PROVIDE A DEFENSE TO ANY OBLIGATION OR  
19 LIABILITY UNDER STATE OR FEDERAL LAW, INCLUDING OBLIGATIONS AND  
20 LIABILITY RELATED TO DISCRIMINATION OR CONSUMER PROTECTION.

21 **6-1-1708. Compliance with other legal obligations - insurers**  
22 **- covered entities - disclosures.**

23 (1) (a) AN INSURER, AS DEFINED IN SECTION 10-1-102 (13), AND  
24 ANY AFFILIATED ENTITIES ARE IN COMPLIANCE WITH THIS PART 17  
25 REGARDING THE PRACTICE OF INSURANCE IF THE INSURER AND ANY  
26 AFFILIATED ENTITIES ARE SUBJECT TO THE REQUIREMENTS OF SECTION  
27 10-3-1104.9.

1 (b) IF AN INSURER IS NOT DEEMED IN COMPLIANCE PURSUANT TO  
2 SUBSECTION (1)(a) OF THIS SECTION, THE INSURER SHALL PROVIDE NOTICE  
3 AND DISCLOSURE OF ITS USE OF A COVERED ADMT IN MATERIALLY  
4 INFLUENCING A CONSEQUENTIAL DECISION REGARDING THE PRACTICE OF  
5 INSURANCE PURSUANT TO THE DISCLOSURE REQUIREMENTS OF SECTION  
6 6-1-1704 (3), TO THE EXTENT APPLICABLE.

7 (2) THIS SECTION DOES NOT LIMIT THE APPLICABILITY OF THIS PART  
8 17 TO USES OF COVERED ADMT RELATED TO INSURER EMPLOYMENT OR  
9 INSURER EMPLOYMENT OPPORTUNITIES BY INSURERS AND AFFILIATED  
10 ENTITIES THAT ARE SUBJECT TO THE REQUIREMENTS OF SECTION  
11 10-3-1104.9.

12 (3) (a) SECTIONS 6-1-1701, 6-1-1702, 6-1-1703, 6-1-1704,  
13 6-1-1705, AND 6-1-1706 DO NOT APPLY TO A COVERED ENTITY WITHIN THE  
14 MEANING OF THE FEDERAL "HEALTH INSURANCE PORTABILITY AND  
15 ACCOUNTABILITY ACT OF 1996", 42 U.S.C. SECS. 1320d TO 1320d-9, AND  
16 THE REGULATIONS PROMULGATED UNDER THE FEDERAL ACT, OR A  
17 COVERED ENTITY'S BUSINESS ASSOCIATES FOR ANY SERVICES RENDERED  
18 TO A COVERED ENTITY, TO THE EXTENT THE COVERED ENTITY IS DOING  
19 BUSINESS IN COLORADO, EXCEPT FOR A CONSEQUENTIAL DECISION  
20 RELATED TO EMPLOYMENT OR AN EMPLOYMENT OPPORTUNITY.

21 (b) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION, FOR  
22 A COVERED ENTITY THAT IS A HEALTH-CARE PROVIDER, AS DEFINED IN 45  
23 CFR 160.103, THIS SUBSECTION (3) APPLIES ONLY IF THE HEALTH-CARE  
24 PROVIDER IS OPERATING FROM A LOCATION WITHIN COLORADO.

25 (c) A COVERED ENTITY SHALL PROVIDE PATIENTS WITH A GENERAL  
26 NOTICE OF USE OF ADVANCED TECHNOLOGIES, INCLUDING A COVERED  
27 ADMT. THE NOTICE MAY BE INCORPORATED WITH OTHER NOTICES

1 DESCRIBING PATIENT RIGHTS AND HOW THE COVERED ENTITY PROVIDES  
2 CARE.

3 (d) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION, A  
4 COVERED ENTITY THAT USES A COVERED ADMT TO DETERMINE A  
5 PATIENT'S ELIGIBILITY FOR FINANCIAL ASSISTANCE, INCLUDING  
6 DISCOUNTED CARE AS DESCRIBED IN SECTION 25.5-3-502, SHALL PROVIDE  
7 A PATIENT THE FOLLOWING DISCLOSURES:

8 (I) A PLAIN LANGUAGE DESCRIPTION OF THE CONSEQUENTIAL  
9 DECISION AND THE ROLE OF THE COVERED ADMT IN THE CONSEQUENTIAL  
10 DECISION;

11 (II) THE TYPES OF INFORMATION ABOUT THE INDIVIDUAL THE  
12 COVERED ENTITY RELIED UPON IN MAKING ITS DETERMINATION OF  
13 ELIGIBILITY, EXCEPT FOR TRADE SECRETS AND OTHER CONFIDENTIAL OR  
14 LEGALLY PROTECTED INFORMATION;

15 (III) INFORMATION ON HOW TO REQUEST CORRECTION OF  
16 MATERIALLY INACCURATE PERSONAL DATA HELD BY THE COVERED ENTITY  
17 CONSISTENT WITH THE FEDERAL "HEALTH INSURANCE PORTABILITY AND  
18 ACCOUNTABILITY ACT OF 1996", 42 U.S.C. SECS. 1320d TO 1320d-9 AND  
19 SECTION 25.5-3-502; AND

20 (IV) INFORMATION ON HOW TO REQUEST MEANINGFUL HUMAN  
21 REVIEW OR RECONSIDERATION, WHERE APPLICABLE.

22 (e) A COVERED ENTITY MAY COMPLY WITH SUBSECTION (3)(d) OF  
23 THIS SECTION THROUGH EITHER AN ADVANCE GENERAL DISCLOSURE OF  
24 THE INFORMATION REQUIRED BY SUBSECTION (3)(d) OF THIS SECTION OR  
25 THROUGH A NOTICE PROVIDED WITHIN THIRTY CALENDAR DAYS AFTER AN  
26 ADVERSE OUTCOME. THIS SECTION DOES NOT CREATE A SEPARATE AND  
27 DUPLICATIVE DISCLOSURE PROCESS OR APPEAL PROCESS IF THE REVIEW

1 OPPORTUNITIES AND INFORMATION DESCRIBED IN SUBSECTION (3)(d) OF  
2 THIS SECTION ARE PROVIDED.

3 (4) SECTIONS 6-1-1701, 6-1-1702, 6-1-1703, 6-1-1704, 6-1-1705,  
4 AND 6-1-1706 DO NOT APPLY TO A MEDICAL DEVICE SUBJECT TO  
5 OVERSIGHT BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION OR  
6 A PHARMACEUTICAL OR MEDICAL DEVICE MANUFACTURER'S RESEARCH  
7 AND DEVELOPMENT ACTIVITIES THAT ARE SUBJECT TO OVERSIGHT BY THE  
8 UNITED STATES FOOD AND DRUG ADMINISTRATION, INCLUDING CLINICAL  
9 INVESTIGATIONS CONDUCTED UNDER 21 CFR 312.

10 (5) NOTHING IN THIS PART 17 REQUIRES A COVERED ENTITY OR  
11 BUSINESS ASSOCIATE, AS THOSE TERMS ARE DEFINED UNDER THE FEDERAL  
12 "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996",  
13 42 U.S.C. SECS. 1320d TO 1320d-9, TO DISCLOSE PROTECTED HEALTH  
14 INFORMATION OR OTHER INFORMATION IN A MANNER THAT WOULD  
15 VIOLATE FEDERAL LAW. TO THE EXTENT COMPLIANCE WITH SECTION  
16 6-1-1704 OR 6-1-1705 WOULD CONFLICT WITH FEDERAL HEALTH PRIVACY  
17 REQUIREMENTS, THE DEPLOYER SHALL COMPLY WITH APPLICABLE  
18 FEDERAL LAW AND PROVIDE DISCLOSURES AND ACCESS CONSISTENT WITH  
19 THAT LAW.

20 (6) THIS PART 17 DOES NOT REQUIRE A PERSON TO DISCLOSE  
21 NONPUBLIC PERSONAL INFORMATION IN A MANNER THAT WOULD VIOLATE  
22 THE FEDERAL "GRAMM-LEACH-BLILEY ACT", 15 U.S.C. SEC. 6801 ET  
23 SEQ., OR ITS IMPLEMENTING REGULATIONS.

24 **6-1-1709. No new private right of action - application of other**  
25 **law.**

26 (1) NOTHING IN THIS PART 17 CREATES A NEW PRIVATE RIGHT OF  
27 ACTION.

1 (2) COMPLIANCE WITH THIS PART 17 DOES NOT CONSTITUTE A  
2 DEFENSE TO AND DOES NOT EXCUSE NONCOMPLIANCE WITH ANY  
3 APPLICABLE LAW.

4 **SECTION 2.** In Colorado Revised Statutes, 6-1-105, **add**  
5 (1)(qqqq) as follows:

6 **6-1-105. Unfair or deceptive trade practices.**

7 (1) A person engages in a deceptive trade practice when, in the  
8 course of the person's business, vocation, or occupation, the person:

9 (qqqq) VIOLATES PART 17 OF THIS ARTICLE 1.

10 **SECTION 3.** In Colorado Revised Statutes, 10-3-1104.9, **add**  
11 (3)(e) as follows:

12 **10-3-1104.9. Insurers' use of external consumer data and**  
13 **information sources, algorithms, and predictive models - unfair**  
14 **discrimination prohibited - rules - stakeholder process required -**  
15 **investigations - definitions.**

16 (3) (e) THE COMMISSIONER MAY ADOPT NEW RULES OR UPDATE  
17 EXISTING RULES REGARDING NOTICE AND DISCLOSURES FROM INSURERS TO  
18 CONSUMERS.

19 **SECTION 4. Appropriation.** For the 2026-27 state fiscal year,  
20 \$46,190 is appropriated to the department of law. This appropriation is  
21 from the general fund and is based on an assumption that the department  
22 will require an additional 0.4 FTE. To implement this act, the department  
23 may use this appropriation for consumer protection, antitrust, and civil  
24 rights.

25 **SECTION 5. Effective date - applicability.**

26 (1) Except as otherwise provided in subsection (2) of this section,  
27 this act takes effect January 1, 2027.

1           (2) Sections 6-1-1704 (4), 6-1-1705 (3), and 6-1-1706 (6),  
2 Colorado Revised Statutes, as amended in section 1 of this act, and  
3 section 10-3-1104.9 (3)(e), Colorado Revised Statutes, as amended in  
4 section 3 of this act, take effect upon passage.

5           (3) This act applies to consequential decisions made on or after  
6 the effective date of this act.

7           **SECTION 6. Safety clause.** The general assembly finds,  
8 determines, and declares that this act is necessary for the immediate  
9 preservation of the public peace, health, or safety or for appropriations for  
10 the support and maintenance of the departments of the state and state  
11 institutions.