

SB158_L.001

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business, Labor, & Technology.

SB24-158 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **add** part 16 to
4 article 1 of title 6 as follows:

5 PART 16

6 SOCIAL MEDIA COMPANIES

7 **6-1-1601. Definitions.** AS USED IN THIS PART 16, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

9 (1) "ACTIONED" MEANS A SOCIAL MEDIA COMPANY, DUE TO A
10 SUSPECTED OR CONFIRMED VIOLATION OF ITS PUBLISHED POLICIES, HAS
11 REMOVED, DEMONETIZED, DEPRIORITIZED, BANNED, OR OTHERWISE TAKEN
12 A SIMILAR MEASURE AGAINST A USER OR RELEVANT ITEM OF CONTENT.

13 (2) "ALGORITHMIC PERSONALIZATION" MEANS A COMPUTATIONAL
14 PROCESS, INCLUDING ONE DERIVED FROM ALGORITHMIC
15 DECISION-MAKING, MACHINE LEARNING, STATISTICAL ANALYSIS, OR OTHER
16 DATA PROCESSING OR ARTIFICIAL INTELLIGENCE TECHNIQUE, USED TO
17 DETERMINE THE SELECTION, ORDER, RELATIVE PRIORITIZATION, OR
18 RELATIVE PROMINENCE OF CONTENT FROM A SET OF INFORMATION THAT
19 IS PROVIDED TO A USER ON A SOCIAL MEDIA PLATFORM, INCLUDING THE
20 RANKING OF SEARCH RESULTS, THE PROVISION OF CONTENT
21 RECOMMENDATIONS, THE DISPLAY OF SOCIAL MEDIA POSTS, OR ANY OTHER
22 METHOD OF AUTOMATED CONTENT SELECTION.

23 (3) "CONTENT" MEANS ANY STATEMENTS, COMMENTS, MEDIA, OR
24 INFORMATION THAT IS CREATED, POSTED, SHARED, OR OTHERWISE
25 INTERACTED WITH BY USERS ON A SOCIAL MEDIA PLATFORM. "CONTENT"
26 DOES NOT INCLUDE MEDIA PLACED ON AN INTERNET-BASED SERVICE OR
27 APPLICATION EXCLUSIVELY FOR THE PURPOSE OF CLOUD STORAGE,
28 TRANSMITTING FILES, OR FILE COLLABORATION.

29 (4) "DARK PATTERN" MEANS A USER INTERFACE DESIGNED OR
30 MANIPULATED WITH THE SUBSTANTIAL EFFECT OF SUBVERTING OR
31 IMPAIRING USER AUTONOMY, DECISION-MAKING, OR CHOICE.

32 (5) "EDUCATIONAL ENTITY" MEANS A PUBLIC SCHOOL, A CHARTER
33 SCHOOL, AN INSTITUTE CHARTER SCHOOL, A BOARD OF COOPERATIVE
34 SERVICES, THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND, A
35 PRIVATE SCHOOL, A DENOMINATIONAL SCHOOL, A PAROCHIAL SCHOOL, A
36 COMMUNITY COLLEGE, A STATE COLLEGE, A STATE UNIVERSITY, OR A
37 NONPROFIT PRIVATE POSTSECONDARY EDUCATIONAL INSTITUTION.

38 (6) "EPHEMERAL CONTENT" MEANS CONTENT THAT IS
39 TEMPORARILY MADE AVAILABLE TO USERS OF A SOCIAL MEDIA PLATFORM.

1 (7) "FIREARM" MEANS:
2 (a) A FIREARM, AS DEFINED IN SECTION 18-1-901 (3)(h);
3 (b) AN UNFINISHED OR THREE-DIMENSIONALLY PRINTED FRAME OR
4 RECEIVER OF A FIREARM, AS DEFINED IN SECTION 18-12-101 (1)(c.5); OR
5 (c) A MACHINE GUN CONVERSION DEVICE, AS DEFINED IN SECTION
6 18-12-101 (1)(g.2).
7 (8) (a) "ILLICIT SUBSTANCE" MEANS:
8 (I) A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102
9 (5);
10 (II) ANY HEMP PRODUCT, AS DEFINED IN SECTION 25-5-427 (2)(d),
11 THAT IS NOT A TINCTURE OR COSMETIC AND HAS MORE THAN ONE AND
12 ONE-FOURTH MILLIGRAMS OF THC, AS DEFINED IN SECTION 44-10-209
13 (2)(d), PER SERVING OR HAS A RATIO OF CANNABIDIOL TO THC OF LESS
14 THAN TWENTY TO ONE; AND
15 (III) ANY PRODUCT THAT CONTAINS HEMP THAT IS INTENDED FOR
16 HUMAN CONSUMPTION AND IS NOT A COSMETIC, A DIETARY SUPPLEMENT,
17 A FOOD, A FOOD ADDITIVE, OR AN HERB.
18 (b) NOTWITHSTANDING SUBSECTION (8)(a) OF THIS SECTION,
19 "ILLICIT SUBSTANCE" DOES NOT INCLUDE A PRODUCT THAT MAY BE
20 PRODUCED AND SOLD IN COLORADO PURSUANT TO AND IN COMPLIANCE
21 WITH SECTION 25-5-427 AND ARTICLE 10 OF TITLE 44 AND RULES
22 PROMULGATED PURSUANT TO SUCH PROVISIONS.
23 (9) "INFINITE OR ENDLESS SCROLL" MEANS THE CONTINUOUS
24 DISPLAY OR SUGGESTION OF NEW CONTENT TO A USER OF A SOCIAL MEDIA
25 PLATFORM.
26 (10) "JUVENILE" MEANS AN INDIVIDUAL UNDER EIGHTEEN YEARS
27 OF AGE.
28 (11) (a) "PERSONAL DATA" MEANS INFORMATION THAT IS LINKED
29 OR REASONABLY LINKABLE TO AN IDENTIFIED OR IDENTIFIABLE
30 INDIVIDUAL.
31 (b) "PERSONAL DATA" DOES NOT MEAN DE-IDENTIFIED DATA OR
32 PUBLICLY AVAILABLE INFORMATION. AS USED IN THIS SUBSECTION (11)(b),
33 "PUBLICLY AVAILABLE INFORMATION" MEANS INFORMATION THAT IS
34 LAWFULLY MADE AVAILABLE FROM FEDERAL, STATE, OR LOCAL
35 GOVERNMENT RECORDS AND INFORMATION THAT A SOCIAL MEDIA
36 COMPANY HAS A REASONABLE BASIS TO BELIEVE AN INDIVIDUAL HAS
37 LAWFULLY MADE AVAILABLE TO THE GENERAL PUBLIC.
38 (12) "PERSONALIZED RECOMMENDATION SYSTEM" MEANS A FULLY
39 OR PARTIALLY AUTOMATED SYSTEM USED TO SUGGEST, PROMOTE, BLOCK,
40 OR RANK CONTENT, BASED ON THE PERSONAL DATA OF USERS.
41 (13) (a) "PUBLISHED POLICIES" OR "POLICIES" MEANS POLICIES
42 ADOPTED AND PUBLISHED BY A SOCIAL MEDIA COMPANY OR SOCIAL MEDIA
43 PLATFORM THAT SPECIFY, AT LEAST, THE USER BEHAVIORS AND ACTIVITIES

1 THAT ARE PERMITTED ON THE SOCIAL MEDIA PLATFORM OWNED OR
2 OPERATED BY THE SOCIAL MEDIA COMPANY AND THE USER BEHAVIORS
3 AND ACTIVITIES THAT MAY SUBJECT A USER OR AN ITEM OF CONTENT TO
4 BEING ACTIONED.

5 (b) "PUBLISHED POLICIES" OR "POLICIES" INCLUDES TERMS OF
6 SERVICE AND COMMUNITY GUIDELINES.

7 (14) "SEX TRAFFICKING OF A JUVENILE" MEANS SELLING,
8 RECRUITING, HARBORING, TRANSPORTING, TRANSFERRING, ISOLATING,
9 ENTICING, PROVIDING, RECEIVING, OBTAINING BY ANY MEANS,
10 MAINTAINING, OR MAKING AVAILABLE A JUVENILE FOR THE PURPOSE OF
11 COMMERCIAL SEXUAL ACTIVITY.

12 (15) "SEXUALLY EXPLOITATIVE MATERIAL" HAS THE MEANING SET
13 FORTH IN SECTION 18-6-403 (2)(j).

14 (16) "SOCIAL MEDIA COMPANY" OR "COMPANY" MEANS A PERSON
15 THAT OWNS OR OPERATES ONE OR MORE SOCIAL MEDIA PLATFORMS.

16 (17) (a) "SOCIAL MEDIA PLATFORM" OR "PLATFORM" MEANS AN
17 INTERNET-BASED SERVICE OR APPLICATION THAT HAS USERS IN COLORADO
18 AND MEETS BOTH OF THE FOLLOWING CRITERIA:

19 (I) A SUBSTANTIAL FUNCTION OF THE SERVICE OR APPLICATION IS
20 TO ALLOW USERS TO INTERACT SOCIALLY WITH EACH OTHER WITHIN THE
21 SERVICE OR APPLICATION; AND

22 (II) THE SERVICE OR APPLICATION ALLOWS A USER TO:

23 (A) BECOME A REGISTERED USER, ESTABLISH AN ACCOUNT, OR
24 CONSTRUCT A PUBLIC OR SEMI-PUBLIC PROFILE FOR PURPOSES OF SIGNING
25 INTO AND USING THE SERVICE OR APPLICATION; AND

26 (B) CREATE OR POST CONTENT THAT IS VIEWABLE BY OTHER
27 USERS.

28 (b) "SOCIAL MEDIA PLATFORM" OR "PLATFORM" DOES NOT
29 INCLUDE AN INTERNET-BASED SERVICE OR APPLICATION WHERE THE
30 PREDOMINANT OR EXCLUSIVE FUNCTION OF THE SERVICE OR APPLICATION
31 IS:

32 (I) PROVIDING ELECTRONIC MAIL;

33 (II) FACILITATING COMMUNICATION WITHIN A BUSINESS OR AN
34 ENTERPRISE AMONG EMPLOYEES OR AFFILIATES OF THE BUSINESS OR
35 ENTERPRISE SO LONG AS ACCESS TO THE SERVICE OR APPLICATION IS
36 RESTRICTED TO EMPLOYEES OR AFFILIATES OF THE BUSINESS OR
37 ENTERPRISE;

38 (III) SELLING ENTERPRISE SOFTWARE TO BUSINESSES,
39 GOVERNMENTS, OR NONPROFIT ORGANIZATIONS;

40 (IV) PROVIDING CLOUD-BASED ELECTRONIC STORAGE, INCLUDING
41 CLOUD-BASED STORAGE THAT ALLOWS COLLABORATIVE EDITING BY
42 INVITED USERS;

43 (V) FACILITATING TELECONFERENCING AND VIDEO CONFERENCING

- 1 FEATURES THAT ARE LIMITED TO CERTAIN PARTICIPANTS IN THE
2 TELECONFERENCE OR VIDEO CONFERENCE AND ARE NOT POSTED PUBLICLY
3 OR FOR BROAD DISTRIBUTION TO OTHER USERS;
- 4 (VI) FACILITATING CROWD-SOURCED CONTENT FOR REFERENCE
5 GUIDES, SUCH AS ENCYCLOPEDIAS, EDUCATIONAL MATERIALS, AND
6 DICTIONARIES;
- 7 (VII) FACILITATING ONLINE SHOPPING OR E-COMMERCE IF THE
8 RELATED INTERACTIONS BETWEEN USERS OR ACCOUNT HOLDERS IS
9 LIMITED TO:
- 10 (A) THE ABILITY TO POST AND VIEW COMMENTS AS PART OF
11 RATINGS AND REVIEWS OF PRODUCTS;
- 12 (B) THE ABILITY TO DISPLAY LISTS OR COLLECTIONS OF GOODS FOR
13 SALE OR WISH LISTS; AND
- 14 (C) OTHER FUNCTIONS THAT ARE FOCUSED ON ONLINE SHOPPING
15 OR E-COMMERCE RATHER THAN OTHER INTERACTIONS BETWEEN USERS OR
16 ACCOUNT HOLDERS;
- 17 (VIII) PROVIDING A STREAMING SERVICE THAT STREAMS ONLY
18 LICENSED, AND NOT USER-GENERATED, MEDIA IN A CONTINUOUS FLOW
19 FROM THE SERVICE, WEBSITE, OR APPLICATION TO THE END USER AND DOES
20 NOT REQUIRE A USER OR ACCOUNT HOLDER TO OBTAIN A LICENSE FOR THE
21 MEDIA BY AGREEMENT TO A SOCIAL MEDIA PLATFORM'S TERMS OF
22 SERVICE;
- 23 (IX) PROVIDING NEWS, SPORTS, ENTERTAINMENT, OR OTHER
24 CONTENT THAT IS PRESELECTED BY THE PROVIDER AND NOT
25 USER-GENERATED;
- 26 (X) PROVIDING AN ONLINE SERVICE, WEBSITE, OR APPLICATION
27 THAT IS USED BY OR UNDER THE DIRECTION OF AN EDUCATIONAL ENTITY,
28 INCLUDING A LEARNING MANAGEMENT SYSTEM, A STUDENT ENGAGEMENT
29 PROGRAM, OR A SUBJECT OR SKILL-SPECIFIC PROGRAM, WHERE THE
30 CONTENT IS PREDOMINANTLY CREATED OR POSTED BY THE PROVIDER OF
31 THE ONLINE SERVICE, WEBSITE, OR APPLICATION AND THE ABILITY TO
32 CHAT, COMMENT, OR INTERACT WITH OTHER USERS IS DIRECTLY RELATED
33 TO THE PROVIDER'S CONTENT;
- 34 (XI) PROVIDING OR OBTAINING TECHNICAL SUPPORT FOR A
35 PLATFORM, PRODUCT, OR SERVICE;
- 36 (XII) PROVIDING CAREER DEVELOPMENT OPPORTUNITIES,
37 INCLUDING PROFESSIONAL NETWORKING, JOB SKILLS, LEARNING
38 CERTIFICATIONS, AND JOB POSTING AND APPLICATION SERVICES;
- 39 (XIII) FACILITATING ACADEMIC OR SCHOLARLY RESEARCH; OR
40 (XIV) REPORTING OR DISSEMINATING NEWS INFORMATION FOR A
41 MASS MEDIUM, AS DEFINED IN SECTION 13-90-119.
- 42 (c) "SOCIAL MEDIA PLATFORM" OR "PLATFORM" DOES NOT
43 INCLUDE AN INTERNET-BASED SERVICE OR APPLICATION WHERE:

1 (I) THE CONTENT THAT IS POSTED OR CREATED IS PREDOMINANTLY
2 POSTED OR CREATED BY THE PROVIDER OF THE INTERNET-BASED SERVICE
3 OR APPLICATION AND NOT USER-GENERATED; AND

4 (II) THE ABILITY TO CHAT, COMMENT, OR INTERACT WITH OTHER
5 USERS IS DIRECTLY RELATED TO THE PROVIDER'S CONTENT.

6 **6-1-1602. Social media companies - published policies -**
7 **required disclosures.** (1) ON OR BEFORE JULY 1, 2025, A SOCIAL MEDIA
8 COMPANY SHALL POST PUBLISHED POLICIES FOR EACH SOCIAL MEDIA
9 PLATFORM OWNED OR OPERATED BY THE SOCIAL MEDIA COMPANY. THE
10 PUBLISHED POLICIES MUST BE POSTED IN EACH SOCIAL MEDIA PLATFORM
11 IN A CLEAR AND CONSPICUOUS MANNER REASONABLY DESIGNED TO
12 INFORM ALL USERS OF THE SOCIAL MEDIA PLATFORM OF THE EXISTENCE
13 AND CONTENTS OF THE PUBLISHED POLICIES. THEREAFTER, A SOCIAL
14 MEDIA COMPANY SHALL POST ANY MATERIAL UPDATES TO THE POLICIES
15 WITHIN FOURTEEN DAYS AFTER THE IMPLEMENTATION OF THE UPDATED
16 POLICIES.

17 (2) THE PUBLISHED POLICIES POSTED PURSUANT TO SUBSECTION
18 (1) OF THIS SECTION MUST INCLUDE:

19 (a) CONTACT INFORMATION, OR A DESCRIPTION OF THE PROCESS,
20 THAT ALLOWS A USER TO ASK THE SOCIAL MEDIA COMPANY QUESTIONS
21 ABOUT, OR REPORT VIOLATIONS OF, THE PUBLISHED POLICIES;

22 (b) A DESCRIPTION OF THE PROCESS THAT A USER MUST FOLLOW TO
23 FLAG CONTENT, GROUPS, OR OTHER USERS THAT THE USER BELIEVES
24 VIOLATE THE PUBLISHED POLICIES;

25 (c) A PROCESS TO WHICH THE SOCIAL MEDIA COMPANY COMMITS
26 FOR THE PURPOSE OF RESPONDING TO AND RESOLVING USER QUESTIONS,
27 REPORTS, AND FLAGS AS DESCRIBED IN SUBSECTIONS (2)(a) AND (2)(b) OF
28 THIS SECTION. THIS PROCESS MUST INCLUDE PROCEDURES TO MAKE USERS
29 AWARE WHEN THE SOCIAL MEDIA COMPANY:

30 (I) REVIEWS A USER'S REPORT OR FLAG; AND

31 (II) RESPONDS TO A USER'S REPORT OR FLAG, INCLUDING WHETHER
32 ACTION WAS TAKEN IN RESPONSE.

33 (d) A STATEMENT THAT THE USE OF THE SOCIAL MEDIA PLATFORM
34 FOR THE SALE OR ADVERTISEMENT OF ANY ILLICIT SUBSTANCE; FOR THE
35 SALE OF ANY FIREARM IN VIOLATION OF STATE OR FEDERAL LAW; FOR SEX
36 TRAFFICKING OF A JUVENILE; OR FOR THE POSSESSION, DISPLAY,
37 EXCHANGE, DISTRIBUTION, SALE, OR CREATION OF, OR THE INDUCEMENT
38 TO CREATE, SEXUALLY EXPLOITATIVE MATERIAL IS PROHIBITED; EXCEPT
39 THAT A SOCIAL MEDIA PLATFORM MAY ALLOW A USER TO SELL OR
40 ADVERTISE MEDICAL MARIJUANA OR RETAIL MARIJUANA TO USERS WHO
41 ARE AT LEAST TWENTY-ONE YEARS OF AGE SO LONG AS THE SALE OR
42 ADVERTISING COMPLIES WITH ANY RULES PROMULGATED PURSUANT TO
43 SECTION 44-10-203 (3)(a);

1 (e) A DESCRIPTION OF THE SOCIAL MEDIA COMPANY'S PROCESS FOR
2 ENFORCING ITS PUBLISHED POLICIES AND THE POTENTIAL CONSEQUENCES
3 OF VIOLATING THE PUBLISHED POLICIES, WHICH DESCRIPTION INCLUDES:
4 (I) ACTIONS THE SOCIAL MEDIA COMPANY MAY TAKE AGAINST AN
5 ITEM OF CONTENT, A GROUP, OR A USER, INCLUDING ACTIONS DESCRIBED
6 IN SECTION 6-1-1601 (1); AND
7 (II) DETAILS CONCERNING:
8 (A) WHAT TYPES OF ACTIVITY ON THE SOCIAL MEDIA PLATFORM
9 VIOLATE A PUBLISHED POLICY;
10 (B) WHAT ACTIONS THE SOCIAL MEDIA COMPANY MAY TAKE IN
11 RESPONSE TO EACH TYPE OF ACTIVITY THAT VIOLATES A PUBLISHED
12 POLICY, INCLUDING WHETHER AND HOW THOSE ACTIONS MAY VARY WHEN
13 MULTIPLE VIOLATIONS OF A POLICY OCCUR OR WHEN AN ACTIVITY
14 VIOLATES MULTIPLE POLICIES; AND
15 (C) HOW MANY VIOLATIONS OF A PUBLISHED POLICY ARE
16 REQUIRED TO RESULT IN A SPECIFIC ACTION;
17 (f) A STATEMENT THAT VIOLATIONS OF THE PUBLISHED POLICIES
18 THAT ALSO VIOLATE STATE OR FEDERAL LAW MAY BE REPORTED TO LAW
19 ENFORCEMENT FOR INVESTIGATION AND POTENTIAL PROSECUTION,
20 INCLUDING A DESCRIPTION OF WHEN AND HOW A VIOLATION INVOLVING
21 CONTENT CONCERNING AN ILLICIT SUBSTANCE, THE SALE OF A FIREARM IN
22 VIOLATION OF STATE OR FEDERAL LAW, SEX TRAFFICKING OF A JUVENILE,
23 OR THE POSSESSION, DISPLAY, EXCHANGE, DISTRIBUTION, SALE, OR
24 CREATION OF, OR THE INDUCEMENT TO CREATE, SEXUALLY EXPLOITATIVE
25 MATERIAL WILL BE REPORTED TO LAW ENFORCEMENT AND IN WHAT
26 FORMAT THIS INFORMATION WOULD BE PROVIDED;
27 (g) A DESCRIPTION OF THE SOCIAL MEDIA COMPANY'S POLICIES
28 AND PRACTICES WITH RESPECT TO PERSONAL DATA AND SAFEGUARDS FOR
29 JUVENILES;
30 (h) INFORMATION ABOUT HOW TO ACCESS THE SAFEGUARDS AND
31 PARENTAL TOOLS REQUIRED UNDER SECTIONS 6-1-1605 AND 6-1-1606,
32 INCLUDING INFORMATION FOR JUVENILES OR THEIR PARENTS ABOUT
33 OPTIONS TO OPT OUT OF OR CONTROL PERSONALIZED RECOMMENDATION
34 SYSTEMS AND OTHER PLATFORM FEATURES;
35 (i) NOTICE ABOUT WHETHER THE SOCIAL MEDIA PLATFORM USES
36 OR MAKES AVAILABLE TO JUVENILES A PRODUCT, SERVICE, OR DESIGN
37 FEATURE, INCLUDING ANY PERSONALIZED RECOMMENDATION SYSTEM,
38 THAT PRESENTS A HEIGHTENED RISK OF HARM TO JUVENILES; AND
39 (j) IF THE SOCIAL MEDIA PLATFORM OPERATES A PERSONALIZED
40 RECOMMENDATION SYSTEM, A DESCRIPTION OF HOW THE PERSONALIZED
41 RECOMMENDATION SYSTEM IS USED TO PROVIDE INFORMATION TO
42 JUVENILES, INCLUDING HOW SUCH SYSTEMS USE THE PERSONAL DATA OF
43 JUVENILES AND ALGORITHMIC PERSONALIZATION.

1 (3) A SOCIAL MEDIA COMPANY SHALL MAKE ITS PUBLISHED
2 POLICIES AVAILABLE, AT A MINIMUM, IN ENGLISH AND SPANISH.

3 **6-1-1603. Social media companies - report required -**
4 **mandatory content - searchable public repository.** (1) ON AN ANNUAL
5 BASIS IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION, A SOCIAL
6 MEDIA COMPANY SHALL SUBMIT TO THE ATTORNEY GENERAL, IN A USABLE
7 FORMAT, A REPORT THAT INCLUDES, FOR EACH SOCIAL MEDIA PLATFORM
8 OWNED OR OPERATED BY THE SOCIAL MEDIA COMPANY:

9 (a) THE CURRENT VERSION OF THE PUBLISHED POLICIES OF THE
10 SOCIAL MEDIA PLATFORM;

11 (b) IF A SOCIAL MEDIA COMPANY HAS FILED ITS FIRST REPORT, A
12 COMPLETE AND DETAILED DESCRIPTION OF ANY CHANGES TO THE
13 PUBLISHED POLICIES SINCE THE PREVIOUS REPORT;

14 (c) A STATEMENT OF WHETHER THE CURRENT VERSION OF THE
15 PUBLISHED POLICIES CONTAINS DEFINITIONS OR PROVISIONS RELATING TO
16 EACH OF THE FOLLOWING CATEGORIES OF CONTENT AND, IF SO, THE
17 DEFINITIONS OF THOSE CATEGORIES, A DESCRIPTION OF THOSE PROVISIONS,
18 OR BOTH:

19 (I) ILLICIT SUBSTANCES;

20 (II) SALES OF FIREARMS IN VIOLATION OF STATE OR FEDERAL LAW;

21 (III) SEX TRAFFICKING OF A JUVENILE; AND

22 (IV) POSSESSION, DISPLAY, EXCHANGE, DISTRIBUTION, SALE, OR
23 CREATION OF, OR THE INDUCEMENT TO CREATE, SEXUALLY EXPLOITATIVE
24 MATERIAL;

25 (d) A DETAILED DESCRIPTION OF CONTENT MODERATION
26 PRACTICES FOR THE CATEGORIES OF CONTENT DESCRIBED IN SUBSECTION
27 (1)(c) OF THIS SECTION USED BY THE SOCIAL MEDIA COMPANY FOR EACH
28 SOCIAL MEDIA PLATFORM, INCLUDING:

29 (I) UNDER WHAT CIRCUMSTANCES CONTENT MODERATION
30 SYSTEMS INVOLVE AUTOMATED REVIEW EXCLUSIVELY, HUMAN REVIEW
31 EXCLUSIVELY, OR ANY OTHER TYPE OR COMBINATION OF CONTENT
32 MODERATION PRACTICES;

33 (II) HOW CONTENT MODERATION SYSTEMS ARE USED TO ENFORCE
34 PUBLISHED POLICIES OF THE SOCIAL MEDIA PLATFORM, INCLUDING WHEN
35 AND HOW PUBLISHED POLICIES ARE ENFORCED USING AUTOMATED REVIEW,
36 HUMAN REVIEW, OR ANY OTHER TYPE OR COMBINATION OF CONTENT
37 MODERATION PRACTICES;

38 (III) HOW THE SOCIAL MEDIA COMPANY RESPONDS TO USER
39 REPORTS OF CONTENT THAT VIOLATES STATE OR FEDERAL LAW OR THE
40 SOCIAL MEDIA COMPANY'S PUBLISHED POLICIES;

41 (IV) HOW THE SOCIAL MEDIA COMPANY REMOVES INDIVIDUAL
42 PIECES OF CONTENT, USERS, OR GROUPS THAT VIOLATE STATE OR FEDERAL
43 LAW OR THE PUBLISHED POLICIES OR TAKES OTHER ACTION AGAINST A

1 USER OR GROUP OF USERS WHO VIOLATE THE PUBLISHED POLICIES; AND
2 (V) THE AVERAGE NUMBER OF DAYS A SOCIAL MEDIA COMPANY
3 TAKES TO MAKE DETERMINATIONS AND REMOVE USERS PURSUANT TO THE
4 PROCEDURES SET FORTH IN SECTION 6-1-1608, DISAGGREGATED BY EACH
5 CATEGORY DESCRIBED IN SUBSECTION (1)(c) OF THIS SECTION;
6 (e) (I) FOR THE PRECEDING CALENDAR YEAR, DATA FOR USERS
7 BASED IN THE UNITED STATES, WITH A SPECIFIC BREAKDOWN OF THE DATA
8 FOR COLORADO-BASED USERS FOR EACH CATEGORY DESCRIBED IN
9 SUBSECTION (1)(c) OF THIS SECTION, INCLUDING:
10 (A) THE TOTAL NUMBER OF ITEMS OF CONTENT FLAGGED BY THE
11 SOCIAL MEDIA COMPANY, USERS, OR OTHER ENTITIES, DISAGGREGATED BY
12 EACH CATEGORY DESCRIBED IN SUBSECTION (1)(c) OF THIS SECTION;
13 (B) THE TOTAL NUMBER OF ACTIONED ITEMS OF CONTENT,
14 DISAGGREGATED BY EACH CATEGORY DESCRIBED IN SUBSECTION (1)(c) OF
15 THIS SECTION;
16 (C) THE PERCENTAGE OF ALL FLAGGED ITEMS AND THE
17 PERCENTAGE OF ALL ACTIONED ITEMS OF CONTENT WITHIN, AND
18 DISAGGREGATED BY, EACH CATEGORY DESCRIBED IN SUBSECTION (1)(c)
19 OF THIS SECTION;
20 (D) THE NUMBER OF TIMES EACH ACTIONED ITEM OF CONTENT IN
21 EACH CATEGORY DESCRIBED IN SUBSECTION (1)(c) OF THIS SECTION WAS
22 VIEWED BY USERS BEFORE IT WAS ACTIONED;
23 (E) THE NUMBER OF TIMES EACH ACTIONED ITEM OF CONTENT IN
24 EACH CATEGORY DESCRIBED IN SUBSECTION (1)(c) OF THIS SECTION WAS
25 SHARED;
26 (F) THE TOTAL NUMBER OF TIMES USERS APPEALED SOCIAL MEDIA
27 COMPANY ACTIONS TAKEN ON THAT SOCIAL MEDIA PLATFORM RELATED TO
28 EACH CATEGORY DESCRIBED IN SUBSECTION (1)(c) OF THIS SECTION AND
29 THE TOTAL NUMBER OF REVERSALS OF SOCIAL MEDIA COMPANY ACTIONS
30 ON APPEAL, DISAGGREGATED BY EACH TYPE OF ACTION; AND
31 (G) THE TOTAL NUMBER OF USERS' ACCOUNTS THAT WERE
32 ACTIONED BY THE SOCIAL MEDIA COMPANY DUE TO A USER'S VIOLATION
33 OF THE PUBLISHED POLICIES RELATED TO EACH CATEGORY DESCRIBED IN
34 SUBSECTION (1)(c) OF THIS SECTION AND A BREAKDOWN BY PERCENTAGES
35 OF ALL ACTIONS TAKEN AGAINST USERS FOR CONTENT OR ACTIVITY
36 RELATING TO EACH CATEGORY DESCRIBED IN SUBSECTION (1)(c) OF THIS
37 SECTION.
38 (II) ALL INFORMATION REQUIRED BY SUBSECTION (1)(e)(I) OF THIS
39 SECTION MUST BE DISAGGREGATED INTO THE FOLLOWING CATEGORIES:
40 (A) THE CATEGORY OF CONTENT, INCLUDING ANY RELEVANT
41 CATEGORIES OR SUBCATEGORIES DESCRIBED IN SUBSECTION (1)(c) OF THIS
42 SECTION;
43 (B) THE TYPE OF CONTENT, INCLUDING CATEGORIES FOR POSTS,

1 COMMENTS, MESSAGES, PROFILES OF USERS, OR GROUPS OF USERS;
2 (C) THE TYPE OF MEDIA CATEGORY OF THE CONTENT, INCLUDING
3 CATEGORIES FOR TEXT, IMAGES, AND VIDEOS;
4 (D) HOW THE CONTENT WAS FLAGGED, INCLUDING WHETHER THE
5 CONTENT WAS FLAGGED BY USERS, COMPANY EMPLOYEES, COMPANY
6 CONTRACTORS, OR AUTOMATED SYSTEMS; AND
7 (E) HOW THE CONTENT WAS ACTIONED, INCLUDING WHETHER THE
8 CONTENT WAS ACTIONED BY COMPANY EMPLOYEES, COMPANY
9 CONTRACTORS, OR AUTOMATED SYSTEMS.
10 (f) FOR THE PRECEDING TWELVE MONTHS, DATA CONCERNING HOW
11 JUVENILES IN COLORADO USED THE SOCIAL MEDIA PLATFORM, INCLUDING
12 THE FOLLOWING FOR USERS IN COLORADO:
13 (I) THE TOTAL NUMBER OF JUVENILES IN COLORADO WHO USED
14 THE SOCIAL MEDIA PLATFORM;
15 (II) THE TOTAL NUMBER OF INDIVIDUALS WHO CREATED OR
16 ATTEMPTED TO CREATE A USER ACCOUNT THAT INCLUDED A DATE OF
17 BIRTH INDICATING THAT THE INDIVIDUAL IS AT LEAST EIGHTEEN YEARS OF
18 AGE BUT WHO APPEARED, ACCORDING TO THE SOCIAL MEDIA PLATFORM'S
19 AGE VERIFICATION PROCESS, TO BE JUVENILES;
20 (III) THE TOTAL NUMBER OF TIMES JUVENILE USERS CREATED,
21 VIEWED, SHARED, SEARCHED FOR, LIKED, FOLLOWED, COMMENTED ON,
22 MESSAGED, REVIEWED, TAGGED, OR OTHERWISE INTERACTED WITH
23 CONTENT THAT VIOLATES THE SOCIAL MEDIA PLATFORM'S PUBLISHED
24 POLICIES RELATED TO EACH CATEGORY LISTED IN SUBSECTION (1)(c) OF
25 THIS SECTION, DISAGGREGATED BY EACH FORM OF INTERACTION AND EACH
26 CATEGORY; AND
27 (IV) THE TOTAL NUMBER OF ITEMS OF ACTIONED CONTENT
28 RELATED TO EACH CATEGORY DESCRIBED IN SUBSECTION (1)(c) OF THIS
29 SECTION THAT WERE CREATED, VIEWED, SHARED, SEARCHED FOR, LIKED,
30 FOLLOWED, COMMENTED ON, MESSAGED, REVIEWED, TAGGED, OR
31 OTHERWISE INTERACTED WITH BY JUVENILE USERS, DISAGGREGATED BY
32 EACH FORM OF INTERACTION;
33 (g) A DESCRIPTION OF THE SOCIAL MEDIA PLATFORM'S AGE
34 VERIFICATION PRACTICES, HOW THE AGE VERIFICATION PRACTICES ARE
35 ENFORCED, HOW THE SOCIAL MEDIA PLATFORM RESPONDS TO USER
36 REPORTS OF VIOLATIONS, AND WHAT ACTION IS TAKEN WHEN A USER IS
37 FOUND TO HAVE VIOLATED THE SOCIAL MEDIA PLATFORM'S AGE POLICIES,
38 INCLUDING:
39 (I) THE TOTAL NUMBER OF REPORTS THE SOCIAL MEDIA PLATFORM
40 RECEIVED FROM ANY SOURCE ABOUT USERS WHO DID NOT PROVIDE THEIR
41 TRUE AGES TO THE SOCIAL MEDIA PLATFORM OR WHO OTHERWISE
42 VIOLATED THE SOCIAL MEDIA PLATFORM'S PUBLISHED POLICIES
43 CONCERNING AGE;

1 (II) THE TOTAL NUMBER OF USERS THE SOCIAL MEDIA PLATFORM
2 IDENTIFIED WHO DID NOT PROVIDE THEIR TRUE AGES TO THE SOCIAL MEDIA
3 PLATFORM OR WHO OTHERWISE VIOLATED THE SOCIAL MEDIA PLATFORM'S
4 PUBLISHED AGE POLICIES; AND
5 (III) THE SOCIAL MEDIA PLATFORM'S RESPONSE TO USERS
6 IDENTIFIED AS NOT PROVIDING THEIR TRUE AGES, OR OTHERWISE
7 VIOLATING THE SOCIAL MEDIA PLATFORM'S PUBLISHED POLICIES
8 REGARDING AGE, INCLUDING THE TOTAL NUMBER OF USER ACCOUNTS
9 THAT WERE ACTIONED BY THE SOCIAL MEDIA PLATFORM, AND A
10 BREAKDOWN BY PERCENTAGES OF THE ACTIONS TAKEN; AND
11 (h) DATA CONCERNING A SOCIAL MEDIA PLATFORM'S APPLICATION
12 OF ITS PUBLISHED POLICIES, INCLUDING:
13 (I) THE NUMBER OF TIMES IN THE PRECEDING CALENDAR YEAR
14 THAT THE SOCIAL MEDIA COMPANY REFERRED TO LAW ENFORCEMENT
15 AGENCIES IN COLORADO A VIOLATION OF STATE OR FEDERAL LAW
16 RELATED TO A CATEGORY DESCRIBED IN SUBSECTION (1)(c) OF THIS
17 SECTION, DISAGGREGATED BY EACH CATEGORY;
18 (II) THE PERCENTAGE OF REQUESTS USING LEGAL PROCESS FOR
19 INFORMATION FROM THE SOCIAL MEDIA COMPANY BY LAW ENFORCEMENT
20 AGENCIES IN COLORADO REGARDING A USER, A GROUP, OR CONTENT
21 CONCERNING AN ILLICIT SUBSTANCE, THE SALE OF A FIREARM IN
22 VIOLATION OF STATE OR FEDERAL LAW, SEX TRAFFICKING OF A JUVENILE,
23 OR THE POSSESSION, DISPLAY, EXCHANGE, DISTRIBUTION, SALE, OR
24 CREATION OF, OR THE INDUCEMENT TO CREATE, SEXUALLY EXPLOITATIVE
25 MATERIAL WHEN SUCH INFORMATION IS IDENTIFIABLE FROM THE REQUEST
26 OR CONTENT; IN WHICH CASES THE SOCIAL MEDIA COMPANY RESPONDED
27 BY PROVIDING DATA TO THE REQUESTING LAW ENFORCEMENT AGENCY;
28 THE PERCENTAGE OF SUCH REQUESTS THAT WENT UNANSWERED BY THE
29 SOCIAL MEDIA COMPANY; AND THE AVERAGE RESPONSE TIMES AND
30 RESOLUTION TIMES OF EACH REQUEST;
31 (III) THE NUMBER OF INDIVIDUALS WHO ARE EMPLOYED FULL-TIME
32 AT THE SOCIAL MEDIA COMPANY AND WHO RESPOND TO REQUESTS FOR
33 INFORMATION FROM LAW ENFORCEMENT AS PART OF THEIR EMPLOYMENT
34 DUTIES; AND
35 (IV) THE LANGUAGES IN WHICH THE SOCIAL MEDIA COMPANY
36 MAKES PUBLISHED POLICIES AVAILABLE.
37 (2) IN CONNECTION WITH THE SUBMISSION OF THE REPORT
38 DESCRIBED IN SUBSECTION (1) OF THIS SECTION, A SOCIAL MEDIA
39 COMPANY SHALL CERTIFY THAT ALL REASONABLE EFFORTS HAVE BEEN
40 MADE TO PROVIDE COMPLETE, TRUE, AND ACCURATE INFORMATION IN
41 FULFILLMENT OF THE REQUIREMENTS OF THIS SECTION. THE FIRST REPORT
42 MUST BE SUBMITTED NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER
43 THE EFFECTIVE DATE OF THIS PART 16. THEREAFTER, REPORTS MUST BE

1 SUBMITTED NO LATER THAN FEBRUARY 1 OF EACH YEAR.

2 (3) A SOCIAL MEDIA COMPANY SHALL SUBMIT EACH REPORT
3 DESCRIBED IN THIS SECTION IN TWO VERSIONS. THE FIRST VERSION MUST
4 CONTAIN ALL THE INFORMATION DESCRIBED IN THIS SECTION AND MAY BE
5 MADE AVAILABLE TO THE PUBLIC AT THE ATTORNEY GENERAL'S SOLE
6 DISCRETION. THE SECOND VERSION MUST CONTAIN THE INFORMATION
7 DESCRIBED IN SUBSECTIONS (1)(a), (1)(b), (1)(c), (1)(e), AND (1)(f) OF
8 THIS SECTION, AND THE ATTORNEY GENERAL SHALL MAKE THIS VERSION
9 AVAILABLE TO THE PUBLIC IN A SEARCHABLE REPOSITORY ON THE
10 ATTORNEY GENERAL'S WEBSITE. THE ATTORNEY GENERAL SHALL RENDER
11 THE REPORT IN A FORMAT THAT MAKES THE INFORMATION ACCESSIBLE TO
12 THE PUBLIC.

13 **6-1-1604. Social media companies - age verification**
14 **requirements - use and disposal of information - domestic**
15 **information processors.** (1) A SOCIAL MEDIA COMPANY SHALL USE A
16 COMMERCIALY REASONABLE PROCESS TO VERIFY THE AGE OF EACH
17 INDIVIDUAL SEEKING TO CREATE AN ACCOUNT ON A SOCIAL MEDIA
18 PLATFORM THAT THE SOCIAL MEDIA COMPANY OWNS OR OPERATES AND OF
19 EACH USER WHO ALREADY HAS AN ACCOUNT ON A SOCIAL MEDIA
20 PLATFORM THAT THE SOCIAL MEDIA COMPANY OWNS OR OPERATES IN
21 ORDER TO DETERMINE IF THE INDIVIDUAL SEEKING TO CREATE AN
22 ACCOUNT OR USER WHO ALREADY HAS AN ACCOUNT IS A JUVENILE AND
23 SHOULD BE PROVIDED WITH THE PROTECTIONS AVAILABLE TO JUVENILES,
24 INCLUDING THE PROTECTIONS DESCRIBED IN SECTIONS 6-1-1605, 6-1-1606,
25 AND 6-1-1607.

26 (2) A SOCIAL MEDIA COMPANY SHALL TREAT A USER AS A JUVENILE
27 IF THE USER'S DEVICE COMMUNICATES OR SIGNALS THAT THE USER IS A
28 JUVENILE, INCLUDING THROUGH A BROWSER PLUG-IN, A PRIVACY SETTING,
29 A DEVICE SETTING, OR OTHER MECHANISM.

30 (3) A SOCIAL MEDIA COMPANY SHALL ALLOW EACH USER OF A
31 SOCIAL MEDIA PLATFORM THAT THE SOCIAL MEDIA COMPANY OWNS OR
32 OPERATES TO SELECT AN OPTION TO APPLY TO THE USER THE PROTECTIONS
33 AVAILABLE TO JUVENILES, INCLUDING THE PROTECTIONS DESCRIBED IN
34 SECTIONS 6-1-1605, 6-1-1606, AND 6-1-1607.

35 (4) AT THE TIME A SOCIAL MEDIA COMPANY DETERMINES THAT A
36 NEW OR EXISTING USER OF A SOCIAL MEDIA PLATFORM THAT THE SOCIAL
37 MEDIA COMPANY OWNS OR OPERATES IS A JUVENILE, THE SOCIAL MEDIA
38 COMPANY SHALL PROVIDE CLEAR, CONSPICUOUS, AND
39 EASY-TO-UNDERSTAND:

40 (a) NOTICE OF THE POLICIES AND PRACTICES OF THE SOCIAL MEDIA
41 PLATFORM WITH RESPECT TO THE PERSONAL DATA OF, AND PROTECTIONS
42 FOR, JUVENILES;

43 (b) INFORMATION ABOUT HOW TO ACCESS THE PROTECTIONS AND

1 PARENTAL TOOLS REQUIRED UNDER SECTIONS 6-1-1605 AND 6-1-1606;
2 AND

3 (c) NOTICE ABOUT WHETHER THE SOCIAL MEDIA PLATFORM USES
4 OR MAKES AVAILABLE TO JUVENILES A PRODUCT, SERVICE, OR DESIGN
5 FEATURE, INCLUDING ANY PERSONALIZED RECOMMENDATION SYSTEM,
6 THAT PRESENTS A HEIGHTENED RISK OF HARM TO JUVENILES.

7 (5) WITH REGARD TO ANY INFORMATION CONCERNING A USER
8 OBTAINED BY A SOCIAL MEDIA COMPANY OR ITS AGENT IN ORDER TO
9 COMPLY WITH THE REQUIREMENTS OF THIS SECTION, A SOCIAL MEDIA
10 COMPANY OR ITS AGENT SHALL:

11 (a) RETAIN SUCH INFORMATION ONLY FOR THE PURPOSE OF
12 COMPLIANCE WITH THIS SECTION AND FOR NO OTHER PURPOSE; AND

13 (b) SECURELY DISPOSE OF THE INFORMATION AFTER AGE
14 VERIFICATION IS COMPLETE.

15 (6) ANY AGENT OF A SOCIAL MEDIA COMPANY THAT PROCESSES
16 AGE VERIFICATION INFORMATION AS REQUIRED BY THIS SECTION SHALL
17 HAVE ITS PRINCIPAL PLACE OF BUSINESS IN THE UNITED STATES.

18 **6-1-1605. Social media platforms - parental tools and settings**
19 **required - notice required.** (1) A SOCIAL MEDIA PLATFORM SHALL
20 PROVIDE READILY ACCESSIBLE AND EASY-TO-USE TOOLS AND SETTINGS
21 FOR PARENTS AND GUARDIANS TO SUPPORT A JUVENILE WITH RESPECT TO
22 THE JUVENILE'S USE OF THE SOCIAL MEDIA PLATFORM. THE TOOLS AND
23 SETTINGS MUST INCLUDE THE ABILITY TO:

24 (a) VIEW AND MANAGE A JUVENILE'S PRIVACY AND ACCOUNT
25 SETTINGS;

26 (b) RESTRICT PURCHASES AND FINANCIAL TRANSACTIONS BY THE
27 JUVENILE;

28 (c) VIEW METRICS OF TOTAL TIME SPENT ON THE SOCIAL MEDIA
29 PLATFORM;

30 (d) RESTRICT TIME SPENT ON THE SOCIAL MEDIA PLATFORM BY THE
31 JUVENILE, INCLUDING THE ABILITY TO IMPLEMENT MAXIMUM DAILY USAGE
32 LIMITATIONS AND USAGE LIMITATIONS DURING CERTAIN HOURS;

33 (e) LIMIT AND OPT OUT OF:

34 (I) PERSONALIZED RECOMMENDATION SYSTEMS, WHILE STILL
35 ALLOWING DISPLAY OF CONTENT IN A CHRONOLOGICAL OR OTHER
36 NONPERSONALIZED FORMAT;

37 (II) INFINITE OR ENDLESS SCROLL FEATURES, WHILE STILL
38 ALLOWING DISPLAY OF CONTENT IN A CHRONOLOGICAL OR OTHER
39 NONPERSONALIZED FORMAT;

40 (III) EPHEMERAL CONTENT FEEDS;

41 (IV) PRIVATE MESSAGING AND PRIVATE CONTENT FEATURES;

42 (V) NOTIFICATION AND ALERT FEATURES;

43 (VI) REWARD FEATURES OF ANY KIND, INCLUDING REWARDS THE

1 SOCIAL MEDIA PLATFORM GIVES TO USERS FOR TIME SPENT ON THE
2 PLATFORM;

3 (VII) APPEARANCE-ALTERING FILTERS;

4 (VIII) AUTOMATIC PLAYING OF MEDIA; AND

5 (IX) GEOLOCATION FEATURES;

6 (f) MANAGE TYPES OR CATEGORIES OF RECOMMENDATIONS FROM
7 PERSONALIZED RECOMMENDATION SYSTEMS AND EPHEMERAL CONTENT
8 FEEDS;

9 (g) REQUEST AND RECEIVE NOTIFICATIONS FROM THE SOCIAL
10 MEDIA PLATFORM ABOUT INTERACTIONS BETWEEN THE JUVENILE'S
11 ACCOUNT AND ACCOUNTS ASSOCIATED WITH ADULT USERS;

12 (h) REQUEST AND RECEIVE NOTIFICATIONS FROM THE SOCIAL
13 MEDIA PLATFORM ABOUT THE PRESENCE OF SEXUALLY EXPLOITATIVE
14 MATERIAL IN THE JUVENILE'S ACCOUNT AND INTERACTIONS BETWEEN THE
15 JUVENILE'S ACCOUNT AND SEXUALLY EXPLOITATIVE MATERIAL;

16 (i) EASILY REPORT PREDATORY ACTIVITY AND SEXUALLY
17 EXPLOITATIVE MATERIAL TO THE SOCIAL MEDIA PLATFORM; AND

18 (j) DELETE THE JUVENILE'S ACCOUNT AND ANY PERSONAL DATA
19 COLLECTED FROM OR SHARED BY THE JUVENILE ON THE SOCIAL MEDIA
20 PLATFORM.

21 (2) A SOCIAL MEDIA PLATFORM SHALL PROVIDE CLEAR AND
22 CONSPICUOUS NOTICE TO A USER WHO THE SOCIAL MEDIA PLATFORM
23 KNOWS IS A JUVENILE REGARDING WHEN TOOLS DESCRIBED IN THIS
24 SECTION ARE IN EFFECT AND WHAT SETTINGS OR CONTROLS HAVE BEEN
25 APPLIED.

26 **6-1-1606. Social media platforms - protections and warnings**
27 **for juveniles.** (1) A SOCIAL MEDIA PLATFORM SHALL PROVIDE A USER

28 WHO THE SOCIAL MEDIA PLATFORM KNOWS IS A JUVENILE WITH READILY
29 ACCESSIBLE AND EASY-TO-USE PROTECTIONS THAT INCLUDE THE ABILITY
30 TO:

31 (a) LIMIT THE AMOUNT OF TIME THE JUVENILE SPENDS ON THE
32 SOCIAL MEDIA PLATFORM;

33 (b) LIMIT THE ABILITY OF OTHER INDIVIDUALS TO COMMUNICATE
34 WITH THE JUVENILE;

35 (c) PREVENT OTHER USERS, WHETHER REGISTERED OR NOT, FROM
36 VIEWING THE JUVENILE'S PERSONAL DATA COLLECTED BY OR SHARED ON
37 THE SOCIAL MEDIA PLATFORM, INCLUDING PREVENTING PUBLIC ACCESS TO
38 THE JUVENILE'S PERSONAL DATA AND ANY CONTENT SHARED BY THE
39 JUVENILE;

40 (d) LIMIT AND OPT OUT OF:

41 (I) PERSONALIZED RECOMMENDATION SYSTEMS, WHILE STILL
42 ALLOWING DISPLAY OF CONTENT IN A CHRONOLOGICAL OR OTHER
43 NONPERSONALIZED FORMAT;

- 1 (II) INFINITE OR ENDLESS SCROLL FEATURES, WHILE STILL
2 ALLOWING DISPLAY OF CONTENT IN A CHRONOLOGICAL OR OTHER
3 NONPERSONALIZED FORMAT;
- 4 (III) EPHEMERAL CONTENT FEEDS;
- 5 (IV) PRIVATE MESSAGING AND PRIVATE CONTENT FEATURES;
- 6 (V) NOTIFICATION AND ALERT FEATURES;
- 7 (VI) REWARD FEATURES OF ANY KIND, INCLUDING REWARDS THE
8 SOCIAL MEDIA PLATFORM GIVES TO USERS FOR TIME SPENT ON THE
9 PLATFORM;
- 10 (VII) APPEARANCE-ALTERING FILTERS;
- 11 (VIII) AUTOMATIC PLAYING OF MEDIA; AND
- 12 (IX) GEOLOCATION FEATURES;
- 13 (e) MANAGE TYPES OR CATEGORIES OF RECOMMENDATIONS FROM
14 PERSONALIZED RECOMMENDATION SYSTEMS AND EPHEMERAL CONTENT
15 FEEDS;
- 16 (f) RESTRICT THE SHARING OF THE GEOLOCATION OF THE JUVENILE
17 TO OTHER USERS ON THE SOCIAL MEDIA PLATFORM AND PROVIDE NOTICE
18 OF THE TRACKING OF THE JUVENILE'S GEOLOCATION; AND
- 19 (g) DELETE THE JUVENILE'S ACCOUNT AND ANY PERSONAL DATA
20 COLLECTED FROM OR SHARED BY THE JUVENILE ON THE SOCIAL MEDIA
21 PLATFORM.
- 22 (2) A SOCIAL MEDIA PLATFORM SHALL ENSURE THAT, IN THE CASE
23 OF A USER WHO THE SOCIAL MEDIA PLATFORM KNOWS IS A JUVENILE, THE
24 DEFAULT SETTING FOR ANY SAFEGUARD DESCRIBED IN THIS SECTION IS THE
25 OPTION AVAILABLE ON THE PLATFORM THAT PROVIDES THE MOST
26 PROTECTIVE LEVEL OF CONTROL OVER PRIVACY AND SAFETY FOR THAT
27 USER.
- 28 (3) A SOCIAL MEDIA PLATFORM SHALL PROVIDE A USER WHO THE
29 SOCIAL MEDIA PLATFORM KNOWS IS A JUVENILE WITH CLEAR AND
30 CONSPICUOUS WARNINGS WHEN:
- 31 (a) CONTENT SHARED BY THE JUVENILE ON THE SOCIAL MEDIA
32 PLATFORM MAY CONTAIN GEOLOCATION INFORMATION;
- 33 (b) THE JUVENILE'S DATA MAY BE TRACKED OR USED FOR THE
34 PURPOSE OF ALGORITHMIC PERSONALIZATION, PERSONALIZED
35 RECOMMENDATION SYSTEMS, OR TARGETED ADVERTISING;
- 36 (c) THE JUVENILE'S DATA MAY BE GIVEN OR SOLD TO THE SOCIAL
37 MEDIA PLATFORM'S ADVERTISING CLIENTS;
- 38 (d) THE JUVENILE'S ACCOUNT PROFILE IS RECOMMENDED OR
39 DISPLAYED TO ADULT USERS;
- 40 (e) THE JUVENILE'S ACCOUNT PROFILE IS RECOMMENDED OR
41 DISPLAYED TO USERS WHO ARE NOT ON THE JUVENILE'S POPULATED LIST
42 OF CONNECTED USERS ON THE SOCIAL MEDIA PLATFORM; AND
- 43 (f) THE JUVENILE SHARES OR RECEIVES PRIVATE CONTENT FROM

1 USERS WHO ARE NOT ON THE JUVENILE'S POPULATED LIST OF CONNECTED
2 USERS ON THE SOCIAL MEDIA PLATFORM.

3 **6-1-1607. Social media platforms - use of dark patterns**
4 **prohibited.** A SOCIAL MEDIA PLATFORM SHALL NOT USE DARK PATTERNS
5 TO LEAD OR ENCOURAGE JUVENILES TO PROVIDE PERSONAL INFORMATION,
6 TO DISABLE SAFEGUARDS OR PARENTAL CONTROLS REQUIRED UNDER THIS
7 PART 16, OR TO FORGO PRIVACY PROTECTIONS.

8 **6-1-1608. Social media companies - removal of users for**
9 **prohibited activity.** (1) EXCEPT AS DESCRIBED IN SUBSECTION (2) OF
10 THIS SECTION, UPON THE DETECTION BY ANY COMPONENT OF A SOCIAL
11 MEDIA PLATFORM'S CONTENT MODERATION SYSTEMS, OR UPON THE
12 NOTIFICATION TO A SOCIAL MEDIA PLATFORM BY A USER, A PARENT OR
13 GUARDIAN OF A JUVENILE USER, A VISITOR, OR A LAW ENFORCEMENT
14 AGENT, THAT A USER OF A SOCIAL MEDIA PLATFORM SELLS OR ADVERTISES
15 AN ILLICIT SUBSTANCE OR ENGAGES IN THE SALE OF A FIREARM IN
16 VIOLATION OF STATE OR FEDERAL LAW; THE SEX TRAFFICKING OF A
17 JUVENILE; OR THE POSSESSION, DISPLAY, EXCHANGE, DISTRIBUTION, SALE,
18 OR CREATION, OR INDUCEMENT TO CREATE, SEXUALLY EXPLOITATIVE
19 MATERIAL, THE SOCIAL MEDIA COMPANY THAT OWNS OR OPERATES THE
20 SOCIAL MEDIA PLATFORM SHALL:

21 (a) DETERMINE AS SOON AS FEASIBLY POSSIBLE AND WITHOUT
22 UNDUE DELAY, TAKING INTO ACCOUNT THE LEVEL OF RISK PRESENTED,
23 WHETHER THE USER VIOLATED STATE OR FEDERAL LAW OR THE SOCIAL
24 MEDIA PLATFORM'S PUBLISHED POLICIES; AND

25 (b) REMOVE, WITHIN TWENTY-FOUR HOURS AFTER THE
26 DETERMINATION DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION IS
27 MADE, ANY USER DETERMINED TO HAVE ENGAGED IN ANY SUCH
28 VIOLATION.

29 (2) A SOCIAL MEDIA PLATFORM MAY ALLOW A USER TO SELL OR
30 ADVERTISE MEDICAL MARIJUANA OR RETAIL MARIJUANA TO USERS WHO
31 ARE AT LEAST TWENTY-ONE YEARS OF AGE SO LONG AS THE SALE OR
32 ADVERTISING COMPLIES WITH ANY RULES PROMULGATED PURSUANT TO
33 SECTION 44-10-203 (3)(a).

34 **6-1-1609. Social media companies - cooperation with law**
35 **enforcement agencies - data retention - response timelines.** (1) A
36 SOCIAL MEDIA COMPANY SHALL RETAIN FOR AT LEAST ONE YEAR ANY
37 DATA AND METADATA CONCERNING USERS' IDENTITIES AND ACTIVITIES ON
38 THE SOCIAL MEDIA PLATFORM.

39 (2) A SOCIAL MEDIA COMPANY SHALL INITIALLY RESPOND TO ANY
40 INQUIRY OR LEGAL PROCESS FROM A LAW ENFORCEMENT AGENCY WITHIN
41 THREE DAYS TO CONFIRM RECEIPT AND SHALL FULFILL THE LAW
42 ENFORCEMENT AGENCY'S REQUEST WITHIN THIRTY DAYS AFTER RECEIVING
43 THE INQUIRY. A SOCIAL MEDIA COMPANY SHALL PRESERVE THE DATA AND

1 METADATA NEEDED TO RESPOND TO AN INQUIRY FROM A LAW
2 ENFORCEMENT AGENCY.

3 (3) IF A COURT ORDER OR CERTIFICATION ISSUED PURSUANT TO 18
4 U.S.C. SEC. 2705, AS AMENDED, HAS NOT BEEN PROVIDED TO A SOCIAL
5 MEDIA COMPANY, THE SOCIAL MEDIA COMPANY SHALL NOT ALERT A USER
6 TO THE FACT THAT A LAW ENFORCEMENT AGENCY IS INVESTIGATING THE
7 USER'S ACTIVITY OR ACCOUNT WITHOUT FIRST NOTIFYING THE
8 INVESTIGATING LAW ENFORCEMENT AGENCY THAT THE SOCIAL MEDIA
9 COMPANY WILL ALERT THE USER IF THE SOCIAL MEDIA COMPANY DOES NOT
10 RECEIVE THE COURT ORDER OR CERTIFICATION. A SOCIAL MEDIA COMPANY
11 SHALL NOT ALERT THE USER FOR AT LEAST NINETY DAYS AFTER THE DATE
12 OF THIS NOTIFICATION, DURING WHICH TIME THE LAW ENFORCEMENT
13 AGENCY MAY OBTAIN SUCH A COURT ORDER OR CERTIFICATION AND
14 PROVIDE IT TO THE SOCIAL MEDIA COMPANY.

15 (4) ANY INFORMATION THAT A SOCIAL MEDIA COMPANY PROVIDES
16 TO A LAW ENFORCEMENT AGENCY AS DESCRIBED IN THIS PART 16 SHALL
17 BE PROVIDED IN AN EASILY USABLE FORMAT.

18 **6-1-1610. Social media companies - use of algorithms.** THE USE
19 OF A DESIGN, ALGORITHM, OR FEATURE TO PROMOTE OR ENCOURAGE
20 ENGAGEMENT OR USE BY A JUVENILE ON A SOCIAL MEDIA PLATFORM IS
21 CONSIDERED "PROCESSING THAT PRESENTS A HEIGHTENED RISK OF HARM
22 TO A CONSUMER", AS DESCRIBED IN SECTION 6-1-1309, AND IS SUBJECT TO
23 THE REQUIREMENTS OF SECTION 6-1-1309.

24 **6-1-1611. Right to cure - repeal.** (1) PRIOR TO INITIATING ANY
25 ENFORCEMENT ACTION PURSUANT TO SECTION 6-1-1612, THE ATTORNEY
26 GENERAL OR DISTRICT ATTORNEY SHALL ISSUE A NOTICE OF VIOLATION TO
27 A SOCIAL MEDIA COMPANY ALLEGED TO HAVE VIOLATED THIS PART 16 IF
28 A CURE IS DEEMED POSSIBLE. IF THE SOCIAL MEDIA COMPANY FAILS TO
29 CURE THE VIOLATION WITHIN SIXTY DAYS AFTER THE RECEIPT OF THE
30 NOTICE OF VIOLATION, AN ACTION MAY BE BROUGHT PURSUANT TO PART
31 1 OF THIS ARTICLE 1.

32 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2026.

33 **6-1-1612. Social media companies - violations - unfair or**
34 **deceptive trade practice.** A PERSON THAT KNOWINGLY OR RECKLESSLY
35 VIOLATES THIS PART 16 OR AIDS OR ABETS A VIOLATION OF THIS PART 16
36 COMMITS A DECEPTIVE TRADE PRACTICE, AS DESCRIBED IN SECTION
37 6-1-105 (1)(eee).

38 **6-1-1613. Duties and obligations not exclusive - remedies not**
39 **exclusive.** (1) THE DUTIES AND OBLIGATIONS IMPOSED BY THIS PART 16
40 ARE IN ADDITION TO ANY OTHER DUTIES OR OBLIGATIONS IMPOSED UNDER
41 LOCAL, STATE, OR FEDERAL LAW, AND THIS PART 16 DOES NOT RELIEVE
42 ANY PARTY FROM ANY DUTIES OR OBLIGATIONS IMPOSED UNDER LAW.

43 (2) THE REMEDIES OR PENALTIES PROVIDED BY THIS PART 16 ARE

1 IN ADDITION TO EACH OTHER AND TO ANY OTHER REMEDIES OR PENALTIES
2 AVAILABLE UNDER LOCAL, STATE, OR FEDERAL LAW.

3 **6-1-1614. Severability.** IF ANY PROVISION OF THIS PART 16 OR THE
4 APPLICATION OF THIS PART 16 TO ANY PERSON OR CIRCUMSTANCE IS HELD
5 INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR
6 APPLICATIONS OF THIS PART 16 THAT CAN BE GIVEN EFFECT WITHOUT THE
7 INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF
8 THIS PART 16 ARE DECLARED TO BE SEVERABLE.

9 **6-1-1615. Rules - guidance for age verification process.**

10 (1) THE ATTORNEY GENERAL MAY PROMULGATE RULES FOR THE PURPOSE
11 OF CARRYING OUT THIS PART 16.

12 (2) THE ATTORNEY GENERAL MAY PROVIDE GUIDANCE AND
13 CREATE STANDARDS TO HELP A SOCIAL MEDIA PLATFORM IMPLEMENT A
14 COMMERCIALY REASONABLE AGE VERIFICATION PROCESS.

15 **SECTION 2.** In Colorado Revised Statutes, 6-1-105, **add**
16 (1)(eeee) as follows:

17 **6-1-105. Unfair or deceptive trade practices.** (1) A person
18 engages in a deceptive trade practice when, in the course of the person's
19 business, vocation, or occupation, the person:

20 (eee) KNOWINGLY OR RECKLESSLY VIOLATES OR AIDS OR ABETS
21 THE COMMISSION OF A VIOLATION OF PART 16 OF THIS ARTICLE 1.

22 **SECTION 3. Act subject to petition - effective date.** This act
23 takes effect July 1, 2025; except that, if a referendum petition is filed
24 pursuant to section 1 (3) of article V of the state constitution against this
25 act or an item, section, or part of this act within the ninety-day period
26 after final adjournment of the general assembly, then the act, item,
27 section, or part will not take effect unless approved by the people at the
28 general election to be held in November 2024 and, in such case, will take
29 effect July 1, 2025, or on the date of the official declaration of the vote
30 thereon by the governor, whichever is later."

** *** ** *** **