SENATE COMMITTEE OF REFERENCE AMENDMENT
Committee on Judiciary.
SB24-205 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   ARTIFICIAL INTELLIGENCE
7   **6-1-1601. Definitions.** AS USED IN THIS PART 16, UNLESS THE
8   CONTEXT OTHERWISE REQUIRES:
9   (1) (a) "ALGORITHMIC DISCRIMINATION" MEANS ANY CONDITION
10   IN WHICH AN ARTIFICIAL INTELLIGENCE SYSTEM MATERIALLY INCREASES
11   THE RISK OF AN UNLAWFUL DIFFERENTIAL TREATMENT OR IMPACT THAT
12   DISFAVORS AN INDIVIDUAL OR GROUP OF INDIVIDUALS ON THE BASIS OF
13   THEIR ACTUAL OR PERCEIVED AGE, COLOR, DISABILITY, ETHNICITY,
14   GENETIC INFORMATION, LIMITED PROFICIENCY IN THE ENGLISH LANGUAGE,
15   NATIONAL ORIGIN, RACE, RELIGION, REPRODUCTIVE HEALTH, SEX,
16   VETERAN STATUS, OR OTHER CLASSIFICATION PROTECTED UNDER THE
17   LAWS OF THIS STATE OR FEDERAL LAW.
18   (b) "ALGORITHMIC DISCRIMINATION" DOES NOT INCLUDE:
19   (I) THE OFFER, LICENSE, OR USE OF A HIGH-RISK ARTIFICIAL
20   INTELLIGENCE SYSTEM BY A DEVELOPER OR DEPLOYER FOR THE SOLE
21   PURPOSE OF:
22   (A) THE DEVELOPER'S OR DEPLOYER'S SELF-TESTING TO IDENTIFY,
23   MITIGATE, OR PREVENT DISCRIMINATION OR OTHERWISE ENSURE
24   COMPLIANCE WITH STATE AND FEDERAL LAW; OR
25   (B) EXPANDING AN APPLICANT, CUSTOMER, OR PARTICIPANT POOL
26   TO INCREASE DIVERSITY OR REDRESS HISTORICAL DISCRIMINATION; OR
27   (II) AN ACT OR OMISSION BY OR ON BEHALF OF A PRIVATE CLUB OR
28   OTHER ESTABLISHMENT THAT IS NOT IN FACT OPEN TO THE PUBLIC, AS SET
29   FORTH IN TITLE II OF THE FEDERAL "CIVIL RIGHTS ACT OF 1964", 42
30   U.S.C. SEC. 2000a (e), AS AMENDED.
31   (2)   "ARTIFICIAL INTELLIGENCE SYSTEM" MEANS ANY
32   MACHINE-BASED SYSTEM THAT, FOR ANY EXPLICIT OR IMPLICIT OBJECTIVE,
33   INFERS FROM THE INPUTS THE SYSTEM RECEIVES HOW TO GENERATE
34   OUTPUTS, INCLUDING CONTENT, DECISIONS, PREDICTIONS, OR
35   RECOMMENDATIONS, THAT CAN INFLUENCE PHYSICAL OR VIRTUAL
36   ENVIRONMENTS.
37   (3) "CONSEQUENTIAL DECISION" MEANS A DECISION THAT HAS A
38   MATERIAL LEGAL, OR SIMILARLY SIGNIFICANT, EFFECT ON A CONSUMER'S
39   ACCESS TO, OR THE AVAILABILITY, COST, OR TERMS OF:
40   (a) A CRIMINAL CASE ASSESSMENT, A SENTENCING OR PLEA

1 AGREEMENT ANALYSIS, OR A PARDON, PAROLE, PROBATION, OR RELEASE
2 DECISION;
3   (b) EDUCATION ENROLLMENT OR AN EDUCATION OPPORTUNITY;
4   (c) EMPLOYMENT OR AN EMPLOYMENT OPPORTUNITY;
5   (d) AN ESSENTIAL UTILITY, INCLUDING ELECTRICITY, HEAT,
6 INTERNET OR TELECOMMUNICATIONS ACCESS, TRANSPORTATION, OR
7 WATER;
8   (e) A FINANCIAL OR LENDING SERVICE;
9   (f) AN ESSENTIAL GOVERNMENT SERVICE;
10   (g) A HEALTH-CARE SERVICE;
11   (h) HOUSING;
12   (i) INSURANCE; OR
13   (j) A LEGAL SERVICE.
14   (4) "CONSUMER" MEANS AN INDIVIDUAL WHO IS A COLORADO
15 RESIDENT.
16   (5) "DEPLOY" MEANS TO USE A HIGH-RISK ARTIFICIAL
17 INTELLIGENCE SYSTEM.
18   (6) "DEPLOYER" MEANS A PERSON DOING BUSINESS IN THIS STATE
19 THAT DEPLOYS A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM.
20   (7) "DEVELOPER" MEANS A PERSON DOING BUSINESS IN THIS STATE
21 THAT DEVELOPS OR INTENTIONALLY AND SUBSTANTIALLY MODIFIES A
22 GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL OR A HIGH-RISK
23 ARTIFICIAL INTELLIGENCE SYSTEM.
24   (8) (a) "GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL"
25 MEANS ANY FORM OF ARTIFICIAL INTELLIGENCE SYSTEM THAT:
26   (I) DISPLAYS SIGNIFICANT GENERALITY;
27   (II) IS CAPABLE OF COMPETENTLY PERFORMING A WIDE RANGE OF
28 DISTINCT TASKS; AND
29   (III) CAN BE INTEGRATED INTO A VARIETY OF DOWNSTREAM
30 APPLICATIONS OR SYSTEMS.
31   (b) "GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL" DOES
32 NOT INCLUDE ANY ARTIFICIAL INTELLIGENCE MODEL THAT IS USED FOR
33 DEVELOPMENT, PROTOTYPING, OR RESEARCH ACTIVITIES BEFORE THE
34 MODEL IS RELEASED ON THE MARKET.
35   (9) (a) "HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM" MEANS ANY
36 ARTIFICIAL INTELLIGENCE SYSTEM THAT, WHEN DEPLOYED, MAKES, OR IS
37 A SUBSTANTIAL FACTOR IN MAKING, A CONSEQUENTIAL DECISION.
38   (b) "HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM" DOES NOT
39 INCLUDE:
40   (I) AN ARTIFICIAL INTELLIGENCE SYSTEM IF THE ARTIFICIAL
41 INTELLIGENCE SYSTEM IS INTENDED TO:
42   (A) PERFORM A NARROW PROCEDURAL TASK;
43   (B) IMPROVE THE RESULT OF A PREVIOUSLY COMPLETED HUMAN

1   ACTIVITY; OR
2   (C) DETECT DECISION-MAKING PATTERNS OR DEVIATIONS FROM
3   PRIOR DECISION-MAKING PATTERNS AND IS NOT INTENDED TO REPLACE OR
4   INFLUENCE A PREVIOUSLY COMPLETED HUMAN ASSESSMENT WITHOUT
5   SUFFICIENT HUMAN REVIEW; OR
6   (II) THE FOLLOWING TECHNOLOGIES, UNLESS THE TECHNOLOGIES,
7   WHEN DEPLOYED, MAKE, OR ARE A SUBSTANTIAL FACTOR IN MAKING, A
8   CONSEQUENTIAL DECISION:
9   (A) ANTI-MALWARE;
10   (B) ANTI-VIRUS;
11   (C) CALCULATORS;
12   (D) DATABASES;
13   (E) DATA STORAGE;
14   (F) FIREWALL;
15   (G) INTERNET DOMAIN REGISTRATION;
16   (H) INTERNET WEBSITE LOADING;
17   (I) NETWORKING;
18   (J) SPAM- AND ROBOCALL-FILTERING;
19   (K) SPELL-CHECKING;
20   (L) SPREADSHEETS;
21   (M) WEB CACHING; OR
22   (N) WEB HOSTING OR ANY SIMILAR TECHNOLOGY.
23   (10) (a) "INTENTIONAL AND SUBSTANTIAL MODIFICATION" OR
24   "INTENTIONALLY AND SUBSTANTIALLY MODIFIES" MEANS A DELIBERATE
25   CHANGE MADE TO:
26   (I) AN ARTIFICIAL INTELLIGENCE SYSTEM THAT RESULTS IN ANY
27   NEW REASONABLY FORESEEABLE RISK OF ALGORITHMIC DISCRIMINATION;
28   OR
29   (II) A GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL THAT:
30   (A) AFFECTS THE COMPLIANCE OF A GENERAL PURPOSE ARTIFICIAL
31   INTELLIGENCE SYSTEM;
32   (B) MATERIALLY CHANGES THE PURPOSE OF THE GENERAL
33   PURPOSE ARTIFICIAL INTELLIGENCE SYSTEM; OR
34   (C) RESULTS IN ANY NEW REASONABLY FORESEEABLE RISK OF
35   ALGORITHMIC DISCRIMINATION.
36   (b) "INTENTIONAL AND SUBSTANTIAL MODIFICATION" OR
37   "INTENTIONALLY AND SUBSTANTIALLY MODIFIES" DOES NOT INCLUDE A
38   CHANGE MADE TO A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, OR THE
39   PERFORMANCE OF A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, IF:
40   (I) THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM CONTINUES
41   TO LEARN AFTER THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM IS:
42   (A) OFFERED, SOLD, LEASED, LICENSED, GIVEN, OR OTHERWISE
43   MADE AVAILABLE TO A DEPLOYER; OR

1   (B) DEPLOYED;

2   (II)   THE CHANGE IS MADE TO THE HIGH-RISK ARTIFICIAL
3   INTELLIGENCE SYSTEM AS A RESULT OF ANY LEARNING DESCRIBED IN
4   SUBSECTION (10)(b)(I) OF THIS SECTION;

5   (III) THE CHANGE WAS PREDETERMINED BY THE DEPLOYER, OR A
6   THIRD PARTY CONTRACTED BY THE DEPLOYER, WHEN THE DEPLOYER OR
7   THIRD PARTY COMPLETED AN INITIAL IMPACT ASSESSMENT OF SUCH
8   HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM PURSUANT TO SECTION
9   6-1-1603 (3); AND

10   (IV)   THE CHANGE IS INCLUDED IN TECHNICAL DOCUMENTATION
11   FOR THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM.

12   (11) "SUBSTANTIAL FACTOR" MEANS A FACTOR THAT ASSISTS IN
13   MAKING, AND IS CAPABLE OF ALTERING THE OUTCOME OF, A
14   CONSEQUENTIAL DECISION.

15   (12) "SYNTHETIC DIGITAL CONTENT" MEANS DIGITAL CONTENT,
16   INCLUDING AUDIO, IMAGES, TEXT, OR VIDEOS, THAT IS PRODUCED OR
17   MANIPULATED BY AN ARTIFICIAL INTELLIGENCE SYSTEM, INCLUDING A
18   GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL.

19   (13) "TRADE SECRET" HAS THE MEANING SET FORTH IN SECTION
20   7-74-102 (4).

21   **6-1-1602. Developer duty to avoid algorithmic discrimination**
22   **- required documentation.** (1) ON AND AFTER OCTOBER 1, 2025, A
23   DEVELOPER OF A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM SHALL USE
24   REASONABLE CARE TO PROTECT CONSUMERS FROM ANY KNOWN OR
25   REASONABLY FORESEEABLE RISKS OF ALGORITHMIC DISCRIMINATION. IN
26   ANY ENFORCEMENT ACTION BROUGHT ON OR AFTER OCTOBER 1, 2025, BY
27   THE ATTORNEY GENERAL OR A DISTRICT ATTORNEY PURSUANT TO SECTION
28   6-1-1608, THERE IS A REBUTTABLE PRESUMPTION THAT A DEVELOPER USED
29   REASONABLE CARE AS REQUIRED UNDER THIS SECTION IF THE DEVELOPER
30   COMPLIED WITH THIS SECTION.

31   (2) ON AND AFTER OCTOBER 1, 2025, AND EXCEPT AS PROVIDED
32   IN SUBSECTION (6) OF THIS SECTION, A DEVELOPER OF A HIGH-RISK
33   ARTIFICIAL INTELLIGENCE SYSTEM SHALL MAKE AVAILABLE TO THE
34   DEPLOYER OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM:

35   (a) A GENERAL STATEMENT DESCRIBING THE INTENDED USES OF
36   THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM;

37   (b) DOCUMENTATION DISCLOSING:

38   (I) KNOWN OR REASONABLY FORESEEABLE LIMITATIONS OF THE
39   HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, INCLUDING KNOWN OR
40   REASONABLY FORESEEABLE RISKS OF ALGORITHMIC DISCRIMINATION
41   ARISING FROM THE INTENDED USES OF THE HIGH-RISK ARTIFICIAL
42   INTELLIGENCE SYSTEM;

43   (II)   THE PURPOSE OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE

SYSTEM;

(III) THE INTENDED BENEFITS AND USES OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM; AND

(IV) RELEVANT INFORMATION CONCERNING THE MITIGATION OF ALGORITHMIC DISCRIMINATION AND EXPLAINABILITY OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM;

(c) DOCUMENTATION DESCRIBING:

(I) THE TYPE OF DATA USED TO TRAIN THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM;

(II) HOW THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM WAS EVALUATED FOR PERFORMANCE BEFORE THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM WAS OFFERED, SOLD, LEASED, LICENSED, GIVEN, OR OTHERWISE MADE AVAILABLE TO THE DEPLOYER;

(III) THE DATA GOVERNANCE MEASURES USED TO COVER THE TRAINING DATASETS AND THE MEASURES USED TO EXAMINE THE SUITABILITY OF DATA SOURCES, POSSIBLE BIASES, AND APPROPRIATE MITIGATION;

(IV) THE INTENDED OUTPUTS OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM;

(V) THE MEASURES THE DEVELOPER HAS TAKEN TO MITIGATE KNOWN OR REASONABLY FORESEEABLE RISKS OF ALGORITHMIC DISCRIMINATION THAT MAY ARISE FROM THE DEPLOYMENT OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM; AND

(VI) HOW THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM SHOULD BE USED OR MONITORED BY AN INDIVIDUAL WHEN THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM IS USED TO MAKE, OR IS A SUBSTANTIAL FACTOR IN MAKING, A CONSEQUENTIAL DECISION; AND

(d) ANY ADDITIONAL DOCUMENTATION THAT IS REASONABLY NECESSARY TO ASSIST THE DEPLOYER IN UNDERSTANDING THE OUTPUTS AND MONITOR THE PERFORMANCE OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM FOR RISKS OF ALGORITHMIC DISCRIMINATION.

(3) EXCEPT AS PROVIDED IN SUBSECTION (6) OF THIS SECTION, A DEVELOPER THAT OFFERS, SELLS, LEASES, LICENSES, GIVES, OR OTHERWISE MAKES AVAILABLE TO A DEPLOYER A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM ON OR AFTER OCTOBER 1, 2025, SHALL MAKE AVAILABLE TO THE DEPLOYER, TO THE EXTENT FEASIBLE, THE DOCUMENTATION AND INFORMATION, THROUGH ARTIFACTS SUCH AS MODEL CARDS, DATASET CARDS, OR OTHER IMPACT ASSESSMENTS, NECESSARY FOR THE DEPLOYER, OR FOR A THIRD PARTY CONTRACTED BY THE DEPLOYER, TO COMPLETE AN IMPACT ASSESSMENT PURSUANT TO SECTION 6-1-1603 (3).

(4) (a) ON AND AFTER OCTOBER 1, 2025, A DEVELOPER SHALL MAKE AVAILABLE, IN A MANNER THAT IS CLEAR AND READILY AVAILABLE FOR PUBLIC INSPECTION ON THE DEVELOPER'S WEBSITE OR IN A PUBLIC USE

CASE INVENTORY, A STATEMENT SUMMARIZING:

(I) THE TYPES OF HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEMS THAT THE DEVELOPER HAS DEVELOPED OR INTENTIONALLY AND SUBSTANTIALLY MODIFIED AND CURRENTLY MAKES AVAILABLE TO A DEPLOYER; AND

(II) HOW THE DEVELOPER MANAGES KNOWN OR REASONABLY FORESEEABLE RISKS OF ALGORITHMIC DISCRIMINATION THAT MAY ARISE FROM THE DEVELOPMENT OR INTENTIONAL AND SUBSTANTIAL MODIFICATION OF THE TYPES OF HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEMS DESCRIBED IN SUBSECTION (4)(a)(I) OF THIS SECTION.

(b) A DEVELOPER SHALL UPDATE THE STATEMENT DESCRIBED IN SUBSECTION (4)(a) OF THIS SECTION:

(I) AS NECESSARY TO ENSURE THAT THE STATEMENT REMAINS ACCURATE; AND

(II) NO LATER THAN NINETY DAYS AFTER THE DEVELOPER INTENTIONALLY AND SUBSTANTIALLY MODIFIES ANY HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM DESCRIBED IN SUBSECTION (4)(a)(I) OF THIS SECTION.

(5) ON AND AFTER OCTOBER 1, 2025, A DEVELOPER OF A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM SHALL DISCLOSE TO THE ATTORNEY GENERAL, IN A FORM AND MANNER PRESCRIBED BY THE ATTORNEY GENERAL, AND TO ALL KNOWN DEPLOYERS OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM ANY KNOWN RISKS OF ALGORITHMIC DISCRIMINATION ARISING FROM THE INTENDED USES OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM WITHOUT UNREASONABLE DELAY BUT NO LATER THAN NINETY DAYS AFTER THE DATE ON WHICH:

(a) THE DEVELOPER DISCOVERS THROUGH THE DEVELOPER'S ONGOING TESTING AND ANALYSIS THAT THE DEVELOPER'S HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM HAS BEEN DEPLOYED AND HAS CAUSED ALGORITHMIC DISCRIMINATION; OR

(b) THE DEVELOPER RECEIVES FROM A DEPLOYER A CREDIBLE REPORT THAT THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM HAS BEEN DEPLOYED AND HAS CAUSED ALGORITHMIC DISCRIMINATION.

(6) NOTHING IN SUBSECTIONS (2) TO (5) OF THIS SECTION REQUIRES A DEVELOPER TO DISCLOSE A TRADE SECRET OR OTHER CONFIDENTIAL OR PROPRIETARY INFORMATION.

(7) ON AND AFTER OCTOBER 1, 2025, THE ATTORNEY GENERAL MAY REQUIRE THAT A DEVELOPER DISCLOSE TO THE ATTORNEY GENERAL, IN A FORM AND MANNER PRESCRIBED BY THE ATTORNEY GENERAL, THE STATEMENT OR DOCUMENTATION DESCRIBED IN SUBSECTION (2) OF THIS SECTION IF THE STATEMENT OR DOCUMENTATION IS RELEVANT TO AN INVESTIGATION CONDUCTED BY THE ATTORNEY GENERAL. THE ATTORNEY GENERAL MAY EVALUATE SUCH STATEMENT OR DOCUMENTATION TO

1 ENSURE COMPLIANCE WITH THIS PART 16, AND THE STATEMENT OR
2 DOCUMENTATION IS NOT SUBJECT TO DISCLOSURE UNDER THE "COLORADO
3 OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24. TO THE EXTENT
4 THAT ANY INFORMATION CONTAINED IN THE STATEMENT OR
5 DOCUMENTATION INCLUDES INFORMATION SUBJECT TO ATTORNEY-CLIENT
6 PRIVILEGE OR WORK-PRODUCT PROTECTION, THE DISCLOSURE DOES NOT
7 CONSTITUTE A WAIVER OF THE PRIVILEGE OR PROTECTION.

8 **6-1-1603. Deployer duty to avoid algorithmic discrimination**
9 **- risk management policy and program.** (1) ON AND AFTER OCTOBER
10 1, 2025, A DEPLOYER OF A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM
11 SHALL USE REASONABLE CARE TO PROTECT CONSUMERS FROM ANY KNOWN
12 OR REASONABLY FORESEEABLE RISKS OF ALGORITHMIC DISCRIMINATION.
13 IN ANY ENFORCEMENT ACTION BROUGHT ON OR AFTER OCTOBER 1, 2025,
14 BY THE ATTORNEY GENERAL OR A DISTRICT ATTORNEY PURSUANT TO
15 SECTION 6-1-1608, THERE IS A REBUTTABLE PRESUMPTION THAT A
16 DEPLOYER OF A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM USED
17 REASONABLE CARE AS REQUIRED UNDER THIS SECTION IF THE DEPLOYER
18 COMPLIED WITH THIS SECTION.

19 (2) (a) ON AND AFTER OCTOBER 1, 2025, AND EXCEPT AS
20 PROVIDED IN SUBSECTION (7) OF THIS SECTION, A DEPLOYER OF A
21 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM SHALL IMPLEMENT A RISK
22 MANAGEMENT POLICY AND PROGRAM TO GOVERN THE DEPLOYER'S
23 DEPLOYMENT OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM. THE
24 RISK MANAGEMENT POLICY AND PROGRAM MUST SPECIFY AND
25 INCORPORATE THE PRINCIPLES, PROCESSES, AND PERSONNEL THAT THE
26 DEPLOYER USES TO IDENTIFY, DOCUMENT, AND MITIGATE KNOWN OR
27 REASONABLY FORESEEABLE RISKS OF ALGORITHMIC DISCRIMINATION. THE
28 RISK MANAGEMENT POLICY AND PROGRAM MUST BE AN ITERATIVE
29 PROCESS PLANNED AND RUN THROUGHOUT THE ENTIRE LIFE CYCLE OF A
30 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, REQUIRING REGULAR,
31 SYSTEMATIC REVIEW AND UPDATES. A RISK MANAGEMENT POLICY AND
32 PROGRAM IMPLEMENTED AND MAINTAINED PURSUANT TO THIS
33 SUBSECTION (2) MUST BE REASONABLE CONSIDERING:

34 (I) (A) THE GUIDANCE AND STANDARDS SET FORTH IN THE LATEST
35 VERSION OF THE "ARTIFICIAL INTELLIGENCE RISK MANAGEMENT
36 FRAMEWORK" PUBLISHED BY THE NATIONAL INSTITUTE OF STANDARDS
37 AND TECHNOLOGY IN THE UNITED STATES DEPARTMENT OF COMMERCE,
38 STANDARD ISO/IEC 42001 OF THE INTERNATIONAL ORGANIZATION FOR
39 STANDARDIZATION, OR ANOTHER NATIONALLY OR INTERNATIONALLY
40 RECOGNIZED RISK MANAGEMENT FRAMEWORK FOR ARTIFICIAL
41 INTELLIGENCE SYSTEMS; OR

42 (B) ANY RISK MANAGEMENT FRAMEWORK FOR ARTIFICIAL
43 INTELLIGENCE SYSTEMS THAT THE ATTORNEY GENERAL, IN THE ATTORNEY

GENERAL'S DISCRETION, MAY DESIGNATE;

(II) THE SIZE AND COMPLEXITY OF THE DEPLOYER;

(III) THE NATURE AND SCOPE OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEMS DEPLOYED BY THE DEPLOYER, INCLUDING THE INTENDED USES OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEMS; AND

(IV) THE SENSITIVITY AND VOLUME OF DATA PROCESSED IN CONNECTION WITH THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEMS DEPLOYED BY THE DEPLOYER.

(b) A RISK MANAGEMENT POLICY AND PROGRAM IMPLEMENTED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION MAY COVER MULTIPLE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEMS DEPLOYED BY THE DEPLOYER.

(3) (a) EXCEPT AS PROVIDED IN SUBSECTIONS (3)(d) AND (3)(e) OF THIS SECTION:

(I) A DEPLOYER, OR A THIRD PARTY CONTRACTED BY THE DEPLOYER, THAT DEPLOYS A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM ON OR AFTER OCTOBER 1, 2025, SHALL COMPLETE AN IMPACT ASSESSMENT FOR THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM; AND

(II) ON AND AFTER OCTOBER 1, 2025, A DEPLOYER, OR A THIRD PARTY CONTRACTED BY THE DEPLOYER, SHALL COMPLETE AN IMPACT ASSESSMENT FOR A DEPLOYED HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM AT LEAST ANNUALLY AND WITHIN NINETY DAYS AFTER ANY INTENTIONAL AND SUBSTANTIAL MODIFICATION TO THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM IS MADE AVAILABLE.

(b) AN IMPACT ASSESSMENT COMPLETED PURSUANT TO THIS SUBSECTION (3) MUST INCLUDE, AT A MINIMUM:

(I) A STATEMENT BY THE DEPLOYER DISCLOSING THE PURPOSE, INTENDED USE CASES, AND DEPLOYMENT CONTEXT OF, AND BENEFITS AFFORDED BY, THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM;

(II) AN ANALYSIS OF WHETHER THE DEPLOYMENT OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM POSES ANY KNOWN OR REASONABLY FORESEEABLE RISKS OF ALGORITHMIC DISCRIMINATION AND, IF SO, THE NATURE OF THE ALGORITHMIC DISCRIMINATION AND THE STEPS THAT HAVE BEEN TAKEN TO MITIGATE THE RISKS;

(III) A DESCRIPTION OF THE CATEGORIES OF DATA THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM PROCESSES AS INPUTS AND THE OUTPUTS THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM PRODUCES;

(IV) IF THE DEPLOYER USED DATA TO CUSTOMIZE THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, AN OVERVIEW OF THE CATEGORIES OF DATA THE DEPLOYER USED TO CUSTOMIZE THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM;

(V) ANY METRICS USED TO EVALUATE THE PERFORMANCE AND

KNOWN LIMITATIONS OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM;

(VI) A DESCRIPTION OF ANY TRANSPARENCY MEASURES TAKEN CONCERNING THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, INCLUDING ANY MEASURES TAKEN TO DISCLOSE TO A CONSUMER THAT THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM IS IN USE WHEN THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM IS IN USE; AND

(VII) A DESCRIPTION OF THE POST-DEPLOYMENT MONITORING AND USER SAFEGUARDS PROVIDED CONCERNING THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, INCLUDING THE OVERSIGHT PROCESS ESTABLISHED BY THE DEPLOYER TO ADDRESS ISSUES ARISING FROM THE DEPLOYMENT OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM.

(c) IN ADDITION TO THE INFORMATION REQUIRED UNDER SUBSECTION (3)(b) OF THIS SECTION, AN IMPACT ASSESSMENT COMPLETED PURSUANT TO THIS SUBSECTION (3) FOLLOWING AN INTENTIONAL AND SUBSTANTIAL MODIFICATION TO A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM ON OR AFTER OCTOBER 1, 2025, MUST INCLUDE A STATEMENT DISCLOSING THE EXTENT TO WHICH THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM WAS USED IN A MANNER THAT WAS CONSISTENT WITH, OR VARIED FROM, THE DEVELOPER'S INTENDED USES OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM.

(d) A SINGLE IMPACT ASSESSMENT MAY ADDRESS A COMPARABLE SET OF HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEMS DEPLOYED BY A DEPLOYER.

(e) IF A DEPLOYER, OR A THIRD PARTY CONTRACTED BY THE DEPLOYER, COMPLETES AN IMPACT ASSESSMENT FOR THE PURPOSE OF COMPLYING WITH ANOTHER APPLICABLE LAW OR REGULATION, THE IMPACT ASSESSMENT SATISFIES THE REQUIREMENTS ESTABLISHED IN THIS SUBSECTION (3) IF THE IMPACT ASSESSMENT IS REASONABLY SIMILAR IN SCOPE AND EFFECT TO THE IMPACT ASSESSMENT THAT WOULD OTHERWISE BE COMPLETED PURSUANT TO THIS SUBSECTION (3).

(f) A DEPLOYER SHALL MAINTAIN THE MOST RECENTLY COMPLETED IMPACT ASSESSMENT FOR A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM AS REQUIRED UNDER THIS SUBSECTION (3), ALL RECORDS CONCERNING EACH IMPACT ASSESSMENT, AND ALL PRIOR IMPACT ASSESSMENTS, IF ANY, FOR AT LEAST THREE YEARS FOLLOWING THE FINAL DEPLOYMENT OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM.

(g) ON OR BEFORE OCTOBER 1, 2025, AND AT LEAST ANNUALLY THEREAFTER, A DEPLOYER, OR A THIRD PARTY CONTRACTED BY THE DEPLOYER, MUST REVIEW THE DEPLOYMENT OF EACH HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM DEPLOYED BY THE DEPLOYER TO ENSURE THAT THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM IS NOT CAUSING ALGORITHMIC DISCRIMINATION.

1   (4) (a) ON AND AFTER OCTOBER 1, 2025, AND NO LATER THAN THE
2 TIME THAT A DEPLOYER DEPLOYS A HIGH-RISK ARTIFICIAL INTELLIGENCE
3 SYSTEM TO MAKE, OR BE A SUBSTANTIAL FACTOR IN MAKING, A
4 CONSEQUENTIAL DECISION CONCERNING A CONSUMER, THE DEPLOYER
5 SHALL:

6   (I) NOTIFY THE CONSUMER THAT THE DEPLOYER HAS DEPLOYED A
7 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM TO MAKE, OR BE A
8 SUBSTANTIAL FACTOR IN MAKING, THE CONSEQUENTIAL DECISION;

9   (II) PROVIDE TO THE CONSUMER A STATEMENT DISCLOSING THE
10 PURPOSE OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM AND THE
11 NATURE OF THE CONSEQUENTIAL DECISION, THE CONTACT INFORMATION
12 FOR THE DEPLOYER, AND A DESCRIPTION, IN PLAIN LANGUAGE, OF THE
13 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, INCLUDING A DESCRIPTION
14 OF ANY HUMAN COMPONENTS OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE
15 SYSTEM AND A DESCRIPTION OF:

16   (A) THE PERSONAL ATTRIBUTES OR CHARACTERISTICS THAT THE
17 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM ASSESSES OR MEASURES, THE
18 METHOD BY WHICH THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM
19 ASSESSES OR MEASURES THE ATTRIBUTES OR CHARACTERISTICS, AND WHY
20 THE ATTRIBUTES OR CHARACTERISTICS ARE RELEVANT TO THE
21 CONSEQUENTIAL DECISION;

22   (B) THE OUTPUTS OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE
23 SYSTEM;

24   (C) THE LOGIC USED BY THE HIGH-RISK ARTIFICIAL INTELLIGENCE
25 SYSTEM, INCLUDING THE KEY PARAMETERS THAT AFFECT THE OUTPUTS OF
26 THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM;

27   (D) THE SOURCES OF DATA USED BY THE HIGH-RISK ARTIFICIAL
28 INTELLIGENCE SYSTEM;

29   (E) THE SOURCES AND TYPES OF DATA COLLECTED FROM
30 CONSUMERS AND PROCESSED BY THE HIGH-RISK ARTIFICIAL INTELLIGENCE
31 SYSTEM WHEN THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM IS USED
32 TO MAKE, OR IS A SUBSTANTIAL FACTOR IN MAKING, A CONSEQUENTIAL
33 DECISION;

34   (F) THE RESULTS OF THE IMPACT ASSESSMENT MOST RECENTLY
35 COMPLETED FOR THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM
36 PURSUANT TO SUBSECTION (3) OF THIS SECTION OR AN ACTIVE LINK TO A
37 WEBSITE WHERE THE CONSUMER MAY REVIEW THE RESULTS;

38   (G) ANY HUMAN COMPONENTS OF THE HIGH-RISK ARTIFICIAL
39 INTELLIGENCE SYSTEM; AND

40   (H) HOW THE AUTOMATED COMPONENTS OF THE HIGH-RISK
41 ARTIFICIAL INTELLIGENCE SYSTEM ARE USED TO INFORM THE
42 CONSEQUENTIAL DECISION; AND

43   (III) PROVIDE TO THE CONSUMER INFORMATION, IF APPLICABLE,

1   REGARDING THE CONSUMER'S RIGHT TO OPT OUT OF THE PROCESSING OF
2   PERSONAL DATA CONCERNING THE CONSUMER FOR PURPOSES OF
3   PROFILING IN FURTHERANCE OF DECISIONS THAT PRODUCE LEGAL OR
4   SIMILARLY SIGNIFICANT EFFECTS CONCERNING THE CONSUMER UNDER
5   SECTION 6-1-1306 (1)(a)(I)(C).

6   (b) A DEPLOYER SHALL PROVIDE THE CONSUMER WITH AN
7   OPPORTUNITY TO APPEAL AN ADVERSE CONSEQUENTIAL DECISION
8   CONCERNING THE CONSUMER ARISING FROM THE DEPLOYMENT OF A
9   HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, WHICH APPEAL MUST, IF
10   TECHNICALLY FEASIBLE, ALLOW FOR HUMAN REVIEW.

11   (c) (I) EXCEPT AS PROVIDED IN SUBSECTION (4)(c)(II) OF THIS
12   SECTION, A DEPLOYER SHALL PROVIDE THE NOTICE, STATEMENT, CONTACT
13   INFORMATION, AND DESCRIPTION REQUIRED BY SUBSECTION (4)(a) OF THIS
14   SECTION:

15   (A) DIRECTLY TO THE CONSUMER;

16   (B) IN PLAIN LANGUAGE;

17   (C) IN ALL LANGUAGES IN WHICH THE DEPLOYER, IN THE
18   ORDINARY COURSE OF THE DEPLOYER'S BUSINESS, PROVIDES CONTRACTS,
19   DISCLAIMERS, SALE ANNOUNCEMENTS, AND OTHER INFORMATION TO
20   CONSUMERS; AND

21   (D) IN A FORMAT THAT IS ACCESSIBLE TO CONSUMERS WITH
22   DISABILITIES.

23   (II) IF THE DEPLOYER IS UNABLE TO PROVIDE THE NOTICE,
24   STATEMENT, CONTACT INFORMATION, AND DESCRIPTION REQUIRED BY
25   SUBSECTION (4)(a) OF THIS SECTION DIRECTLY TO THE CONSUMER, THE
26   DEPLOYER SHALL MAKE THE NOTICE, STATEMENT, CONTACT
27   INFORMATION, AND DESCRIPTION AVAILABLE IN A MANNER THAT IS
28   REASONABLY CALCULATED TO ENSURE THAT THE CONSUMER RECEIVES
29   THE NOTICE, STATEMENT, CONTACT INFORMATION, AND DESCRIPTION.

30   (5) (a) ON AND AFTER OCTOBER 1, 2025, A DEPLOYER SHALL MAKE
31   AVAILABLE, IN A MANNER THAT IS CLEAR AND READILY AVAILABLE FOR
32   PUBLIC INSPECTION, A STATEMENT SUMMARIZING:

33   (I) THE TYPES OF HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEMS
34   THAT ARE CURRENTLY DEPLOYED BY THE DEPLOYER;

35   (II) HOW THE DEPLOYER MANAGES KNOWN OR REASONABLY
36   FORESEEABLE RISKS OF ALGORITHMIC DISCRIMINATION THAT MAY ARISE
37   FROM THE DEPLOYMENT OF EACH HIGH-RISK ARTIFICIAL INTELLIGENCE
38   SYSTEM DESCRIBED PURSUANT TO SUBSECTION (5)(a)(I) OF THIS SECTION;
39   AND

40   (III) IN DETAIL, THE NATURE, SOURCE, AND EXTENT OF THE
41   INFORMATION COLLECTED AND USED BY THE DEPLOYER.

42   (b) A DEPLOYER SHALL PERIODICALLY UPDATE THE STATEMENT
43   DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION.

(6) IF A DEPLOYER DEPLOYS A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM ON OR AFTER OCTOBER 1, 2025, AND SUBSEQUENTLY DISCOVERS THAT THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM HAS CAUSED ALGORITHMIC DISCRIMINATION AGAINST A CONSUMER, THE DEPLOYER, WITHOUT UNREASONABLE DELAY, BUT NO LATER THAN NINETY DAYS AFTER THE DATE OF THE DISCOVERY, SHALL SEND TO THE ATTORNEY GENERAL, IN A FORM AND MANNER PRESCRIBED BY THE ATTORNEY GENERAL, A NOTICE DISCLOSING THE DISCOVERY.

(7) NOTHING IN SUBSECTIONS (2) TO (6) OF THIS SECTION REQUIRES A DEPLOYER TO DISCLOSE A TRADE SECRET OR OTHER CONFIDENTIAL OR PROPRIETARY INFORMATION.

(8) ON AND AFTER OCTOBER 1, 2025, THE ATTORNEY GENERAL MAY REQUIRE THAT A DEPLOYER , OR A THIRD PARTY CONTRACTED BY THE DEPLOYER, DISCLOSE TO THE ATTORNEY GENERAL, IN A FORM AND MANNER PRESCRIBED BY THE ATTORNEY GENERAL, THE RISK MANAGEMENT POLICY IMPLEMENTED PURSUANT TO SUBSECTION (2) OF THIS SECTION, IMPACT ASSESSMENT COMPLETED PURSUANT TO SUBSECTION (3) OF THIS SECTION, OR RECORDS MAINTAINED PURSUANT TO SUBSECTION (3)(f) OF THIS SECTION IF THE RISK MANAGEMENT POLICY, IMPACT ASSESSMENT, OR RECORDS ARE RELEVANT TO AN INVESTIGATION CONDUCTED BY THE ATTORNEY GENERAL. THE ATTORNEY GENERAL MAY EVALUATE THE RISK MANAGEMENT POLICY, IMPACT ASSESSMENT, OR RECORDS TO ENSURE COMPLIANCE WITH THIS PART 16, AND THE RISK MANAGEMENT POLICY, IMPACT ASSESSMENT, AND RECORDS ARE NOT SUBJECT TO DISCLOSURE UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24. TO THE EXTENT THAT ANY INFORMATION CONTAINED IN THE RISK MANAGEMENT POLICY, IMPACT ASSESSMENT, OR RECORDS INCLUDE INFORMATION SUBJECT TO ATTORNEY-CLIENT PRIVILEGE OR WORK-PRODUCT PROTECTION, THE DISCLOSURE DOES NOT CONSTITUTE A WAIVER OF THE PRIVILEGE OR PROTECTION.

6-1-1604. General purpose artificial intelligence model - developer documentation requirements - copyright policy - exceptions - rules. (1) ON AND AFTER JANUARY 1, 2026, A DEVELOPER OF A GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL SHALL:

(a) EXCEPT AS PROVIDED IN SUBSECTION (2)(a) OF THIS SECTION, CREATE AND MAINTAIN TECHNICAL DOCUMENTATION FOR THE GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL, WHICH DOCUMENTATION MUST:

(I) INCLUDE:

(A) THE TRAINING AND TESTING PROCESSES FOR THE GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL; AND

(B) THE RESULTS OF AN EVALUATION OF THE GENERAL PURPOSE

ARTIFICIAL INTELLIGENCE MODEL TO DETERMINE WHETHER THE GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL IS IN COMPLIANCE WITH SECTIONS 6-1-1601 TO 6-1-1607;

(II) INCLUDE AT LEAST THE FOLLOWING INFORMATION, AS APPROPRIATE, CONSIDERING THE SIZE AND RISK PROFILE OF THE GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL:

(A) THE TASKS THE GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL IS INTENDED TO PERFORM;

(B) THE TYPE AND NATURE OF ARTIFICIAL INTELLIGENCE SYSTEMS INTO WHICH THE GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL IS INTENDED TO BE INTEGRATED;

(C) ACCEPTABLE USE POLICIES FOR THE GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL;

(D) THE DATE THE GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL IS RELEASED;

(E) THE METHODS BY WHICH THE GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL IS DISTRIBUTED;

(F) THE MODALITY AND FORMAT OF INPUTS AND OUTPUTS FOR THE GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL; AND

(G) A DESCRIPTION OF THE DATA THAT WAS USED FOR PURPOSES OF TRAINING, TESTING, AND VALIDATION, WHERE APPLICABLE, INCLUDING THE TYPE AND PROVENANCE OF THE DATA, DATA CURATION METHODOLOGIES, HOW THE DATA WAS OBTAINED AND SELECTED, ALL OTHER MEASURES USED TO IDENTIFY UNSUITABLE DATA SOURCES, AND METHODS USED TO DETECT IDENTIFIABLE BIASES, WHERE APPLICABLE; AND

(b) CREATE, IMPLEMENT, MAINTAIN, AND MAKE AVAILABLE TO A PERSON THAT INTENDS TO INTEGRATE THE GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL INTO THE PERSON'S ARTIFICIAL INTELLIGENCE SYSTEMS DOCUMENTATION AND INFORMATION THAT:

(I) ENABLES THE PERSON TO:

(A) UNDERSTAND THE CAPABILITIES AND LIMITATIONS OF THE GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL; AND

(B) COMPLY WITH THE PERSON'S OBLIGATIONS UNDER THIS PART 16;

(II) DISCLOSES, AT A MINIMUM:

(A) THE TECHNICAL REQUIREMENTS FOR THE GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL TO BE INTEGRATED INTO THE PERSON'S ARTIFICIAL INTELLIGENCE SYSTEMS; AND

(B) THE INFORMATION REQUIRED BY THIS SUBSECTION (1)(b);

(c) EXCEPT AS PROVIDED IN SUBSECTION (2)(a) OF THIS SECTION, REVIEW AND REVISE THE TECHNICAL DOCUMENTATION FOR THE GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL CREATED PURSUANT TO SUBSECTIONS (1)(a) AND (1)(b) OF THIS SECTION AT LEAST ANNUALLY OR

1 MORE FREQUENTLY AS NECESSARY TO MAINTAIN THE ACCURACY OF THE
2 TECHNICAL DOCUMENTATION;

3 (d) EXCEPT AS PROVIDED IN SUBSECTION (2)(a) OF THIS SECTION,
4 ESTABLISH, IMPLEMENT, AND MAINTAIN A POLICY TO COMPLY WITH
5 FEDERAL AND STATE COPYRIGHT LAWS; AND

6 (e) EXCEPT AS PROVIDED IN SUBSECTION (2)(a) OF THIS SECTION,
7 CREATE, MAINTAIN, AND MAKE PUBLICLY AVAILABLE, IN A FORM AND
8 MANNER PRESCRIBED BY THE ATTORNEY GENERAL, A DETAILED SUMMARY
9 CONCERNING THE CONTENT USED TO TRAIN THE GENERAL PURPOSE
10 ARTIFICIAL INTELLIGENCE MODEL.

11 (2) (a) SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO A
12 DEVELOPER THAT DEVELOPS OR INTENTIONALLY AND SUBSTANTIALLY
13 MODIFIES A GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL ON OR
14 AFTER JANUARY 1, 2026, IF:

15 (I) THE DEVELOPER RELEASES THE GENERAL PURPOSE ARTIFICIAL
16 INTELLIGENCE MODEL UNDER A FREE AND OPEN-SOURCE LICENSE THAT
17 ALLOWS FOR:

18 (A) ACCESS TO, AND MODIFICATION, DISTRIBUTION, AND USAGE
19 OF, THE GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL; AND

20 (B) THE PARAMETERS OF THE GENERAL PURPOSE ARTIFICIAL
21 INTELLIGENCE MODEL TO BE MADE AVAILABLE AS SET FORTH IN
22 SUBSECTION (2)(a)(II) OF THIS SECTION; AND

23 (II) UNLESS THE GENERAL PURPOSE ARTIFICIAL INTELLIGENCE
24 MODEL IS DEPLOYED AS A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM,
25 THE PARAMETERS OF THE GENERAL PURPOSE ARTIFICIAL INTELLIGENCE
26 MODEL, INCLUDING THE WEIGHTS AND INFORMATION CONCERNING THE
27 MODEL ARCHITECTURE AND MODEL USAGE FOR THE GENERAL PURPOSE
28 ARTIFICIAL INTELLIGENCE MODEL, ARE MADE PUBLICLY AVAILABLE.

29 (b) A DEVELOPER THAT ACTS UNDER THE EXEMPTION ESTABLISHED
30 IN SUBSECTION (2)(a) OF THIS SECTION BEARS THE BURDEN OF
31 DEMONSTRATING THAT THE ACTION QUALIFIES FOR SUCH EXEMPTION.

32 (3) NOTHING IN SUBSECTION (1) OF THIS SECTION REQUIRES A
33 DEVELOPER TO DISCLOSE A TRADE SECRET OR OTHER CONFIDENTIAL OR
34 PROPRIETARY INFORMATION.

35 (4) ON AND AFTER JANUARY 1, 2026, THE ATTORNEY GENERAL
36 MAY REQUIRE THAT A DEVELOPER OF A GENERAL PURPOSE ARTIFICIAL
37 INTELLIGENCE MODEL DISCLOSE TO THE ATTORNEY GENERAL, IN A FORM
38 AND MANNER PRESCRIBED BY THE ATTORNEY GENERAL, ANY
39 DOCUMENTATION MAINTAINED PURSUANT TO THIS SECTION IF THE
40 DOCUMENTATION IS RELEVANT TO AN INVESTIGATION CONDUCTED BY THE
41 ATTORNEY GENERAL. THE ATTORNEY GENERAL MAY EVALUATE THE
42 DOCUMENTATION TO ENSURE COMPLIANCE WITH THIS SECTION AND ANY
43 RULES ADOPTED PURSUANT TO SECTION 6-1-1609, AND THE

DOCUMENTATION IS NOT SUBJECT TO DISCLOSURE UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24. TO THE EXTENT THAT THE DOCUMENTATION INCLUDES INFORMATION SUBJECT TO ATTORNEY-CLIENT PRIVILEGE OR WORK-PRODUCT PROTECTION, THE DISCLOSURE DOES NOT CONSTITUTE A WAIVER OF THE PRIVILEGE OR PROTECTION.

6-1-1605. Disclosure of a high-risk artificial intelligence system to consumer. (1) ON AND AFTER OCTOBER 1, 2025, AND EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, A PERSON DOING BUSINESS IN THIS STATE, INCLUDING A DEPLOYER, THAT DEPLOYS, OFFERS, SELLS, LEASES, LICENSES, GIVES, OR OTHERWISE MAKES AVAILABLE A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM THAT IS INTENDED TO INTERACT WITH CONSUMERS SHALL ENSURE THE DISCLOSURE TO EACH CONSUMER WHO INTERACTS WITH THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM THAT THE CONSUMER IS INTERACTING WITH A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM.

(2) DISCLOSURE IS NOT REQUIRED UNDER SUBSECTION (1) OF THIS SECTION UNDER CIRCUMSTANCES IN WHICH IT WOULD BE OBVIOUS TO A REASONABLE PERSON THAT THE PERSON IS INTERACTING WITH A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM.

6-1-1606. Developer duty to mark synthetic digital content - exemptions. (1) ON AND AFTER JANUARY 1, 2026, AND EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, THE DEVELOPER OF AN ARTIFICIAL INTELLIGENCE SYSTEM, INCLUDING A GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL, THAT GENERATES OR MANIPULATES SYNTHETIC DIGITAL CONTENT SHALL:

(a) ENSURE THAT THE OUTPUTS OF THE ARTIFICIAL INTELLIGENCE SYSTEM ARE:

(I) MARKED AND DETECTABLE AS SYNTHETIC DIGITAL CONTENT;

(II) MARKED AND DETECTABLE AS SYNTHETIC DIGITAL CONTENT NO LATER THAN THE TIME THAT A CONSUMER WHO DID NOT CREATE THE OUTPUTS FIRST INTERACTS WITH, OR IS EXPOSED TO, THE OUTPUTS; AND

(III) MARKED IN A MANNER THAT IS DETECTABLE BY CONSUMERS AND COMPLIES WITH ANY APPLICABLE ACCESSIBILITY REQUIREMENTS; AND

(b) AS FAR AS TECHNICALLY FEASIBLE AND IN A MANNER THAT IS CONSISTENT WITH ANY NATIONALLY OR INTERNATIONALLY RECOGNIZED TECHNICAL STANDARDS, ENSURE THAT THE DEVELOPER'S TECHNICAL SOLUTIONS ARE EFFECTIVE, INTEROPERABLE, ROBUST, AND RELIABLE, TAKING INTO ACCOUNT:

(I) THE SPECIFICITIES AND LIMITATIONS OF DIFFERENT TYPES OF SYNTHETIC DIGITAL CONTENT;

(II) THE IMPLEMENTATION COSTS; AND

(III) THE GENERALLY ACKNOWLEDGED STATE OF THE ART.

1   (2) IF THE SYNTHETIC DIGITAL CONTENT DESCRIBED IN SUBSECTION
2 (1) OF THIS SECTION IS IN AN AUDIO, IMAGE, OR VIDEO FORMAT, AND THE
3 SYNTHETIC DIGITAL CONTENT FORMS PART OF AN EVIDENTLY ARTISTIC,
4 CREATIVE, SATIRICAL, FICTIONAL, OR ANALOGOUS WORK OR PROGRAM,
5 THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION ARE LIMITED TO
6 DISCLOSURES THAT DO NOT HINDER THE DISPLAY OR ENJOYMENT OF SUCH
7 WORK OR PROGRAM.
8   (3) SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO:
9   (a) ANY SYNTHETIC DIGITAL CONTENT THAT:
10   (I) CONSISTS EXCLUSIVELY OF TEXT;
11   (II) IS PUBLISHED TO INFORM THE PUBLIC ON ANY MATTER OF
12 PUBLIC INTEREST;
13   (III) HAS BEEN SUBJECT TO A PROCESS OF HUMAN REVIEW OR
14 EDITORIAL CONTROL;
15   (IV) IS UNLIKELY TO MISLEAD A REASONABLE PERSON CONSUMING
16 THE SYNTHETIC DIGITAL CONTENT; OR
17   (V) IS SUBJECT TO CONTROL BY A PERSON WHO HOLDS EDITORIAL
18 RESPONSIBILITY FOR THE PUBLICATION OF THE SYNTHETIC DIGITAL
19 CONTENT; OR
20   (b) ANY ARTIFICIAL INTELLIGENCE SYSTEM DESCRIBED IN
21 SUBSECTION (1) OF THIS SECTION, TO THE EXTENT THE ARTIFICIAL
22 INTELLIGENCE SYSTEM:
23   (I) PERFORMS AN ASSISTIVE FUNCTION FOR STANDARD EDITING;
24   (II) DOES NOT SUBSTANTIALLY ALTER THE INPUT DATA PROVIDED
25 BY THE DEVELOPER OR THE SEMANTICS OF THE DATA; OR
26   (III) IS USED TO DETECT, PREVENT, INVESTIGATE, OR PROSECUTE
27 ANY CRIME WHERE AUTHORIZED BY LAW.
28   **6-1-1607. Compliance with other legal obligations.**
29 (1) NOTHING IN THIS PART 16 RESTRICTS A DEVELOPER'S, A DEPLOYER'S,
30 OR OTHER PERSON'S ABILITY TO:
31   (a) COMPLY WITH FEDERAL, STATE, OR MUNICIPAL LAWS,
32 ORDINANCES, OR REGULATIONS;
33   (b) COMPLY WITH A CIVIL, CRIMINAL, OR REGULATORY INQUIRY,
34 INVESTIGATION, SUBPOENA, OR SUMMONS BY A FEDERAL, A STATE, A
35 MUNICIPAL, OR OTHER GOVERNMENTAL AUTHORITY;
36   (c) COOPERATE WITH A LAW ENFORCEMENT AGENCY CONCERNING
37 CONDUCT OR ACTIVITY THAT THE DEVELOPER, DEPLOYER, OR OTHER
38 PERSON REASONABLY AND IN GOOD FAITH BELIEVES MAY VIOLATE
39 FEDERAL, STATE, OR MUNICIPAL LAWS, ORDINANCES, OR REGULATIONS;
40   (d) INVESTIGATE, ESTABLISH, EXERCISE, PREPARE FOR, OR DEFEND
41 LEGAL CLAIMS;
42   (e) TAKE IMMEDIATE STEPS TO PROTECT AN INTEREST THAT IS
43 ESSENTIAL FOR THE LIFE OR PHYSICAL SAFETY OF A CONSUMER OR

1 ANOTHER INDIVIDUAL;

2 (f) BY ANY MEANS OTHER THAN THE USE OF FACIAL RECOGNITION
3 TECHNOLOGY, PREVENT, DETECT, PROTECT AGAINST, OR RESPOND TO
4 SECURITY INCIDENTS, IDENTITY THEFT, FRAUD, HARASSMENT, MALICIOUS
5 OR DECEPTIVE ACTIVITIES, OR ILLEGAL ACTIVITY; INVESTIGATE, REPORT,
6 OR PROSECUTE THE PERSONS RESPONSIBLE FOR ANY SUCH ACTION; OR
7 PRESERVE THE INTEGRITY OR SECURITY OF SYSTEMS;

8 (g) ENGAGE IN PUBLIC OR PEER-REVIEWED SCIENTIFIC OR
9 STATISTICAL RESEARCH IN THE PUBLIC INTEREST THAT ADHERES TO ALL
10 OTHER APPLICABLE ETHICS AND PRIVACY LAWS AND IS CONDUCTED IN
11 ACCORDANCE WITH 45 CFR 46, AS AMENDED, OR RELEVANT
12 REQUIREMENTS ESTABLISHED BY THE FEDERAL FOOD AND DRUG
13 ADMINISTRATION;

14 (h) CONDUCT RESEARCH, TESTING, AND DEVELOPMENT ACTIVITIES
15 REGARDING AN ARTIFICIAL INTELLIGENCE SYSTEM OR MODEL, OTHER THAN
16 TESTING CONDUCTED UNDER REAL-WORLD CONDITIONS, BEFORE THE
17 ARTIFICIAL INTELLIGENCE SYSTEM OR MODEL IS PLACED ON THE MARKET,
18 DEPLOYED, OR PUT INTO SERVICE, AS APPLICABLE; OR

19 (i) ASSIST ANOTHER DEVELOPER, DEPLOYER, OR OTHER PERSON
20 WITH ANY OF THE OBLIGATIONS IMPOSED UNDER THIS PART 16.

21 (2) THE OBLIGATIONS IMPOSED ON DEVELOPERS, DEPLOYERS, OR
22 OTHER PERSONS UNDER THIS PART 16 DO NOT RESTRICT A DEVELOPER'S, A
23 DEPLOYER'S, OR OTHER PERSON'S ABILITY TO:

24 (a) EFFECTUATE A PRODUCT RECALL; OR

25 (b) IDENTIFY AND REPAIR TECHNICAL ERRORS THAT IMPAIR
26 EXISTING OR INTENDED FUNCTIONALITY.

27 (3) THE OBLIGATIONS IMPOSED ON DEVELOPERS, DEPLOYERS, OR
28 OTHER PERSONS UNDER THIS PART 16 DO NOT APPLY WHERE COMPLIANCE
29 WITH THIS PART 16 BY THE DEVELOPER, DEPLOYER, OR OTHER PERSON
30 WOULD VIOLATE AN EVIDENTIARY PRIVILEGE UNDER THE LAWS OF THIS
31 STATE.

32 (4) NOTHING IN THIS PART 16 IMPOSES ANY OBLIGATION ON A
33 DEVELOPER, A DEPLOYER, OR OTHER PERSON THAT ADVERSELY AFFECTS
34 THE RIGHTS OR FREEDOMS OF A PERSON, INCLUDING THE RIGHTS OF A
35 PERSON TO FREEDOM OF SPEECH OR FREEDOM OF THE PRESS THAT ARE
36 GUARANTEED IN:

37 (a) THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION;
38 OR

39 (b) SECTION 10 OF ARTICLE II OF THE STATE CONSTITUTION.

40 (5) NOTHING IN THIS PART 16 APPLIES TO A DEVELOPER, A
41 DEPLOYER, OR OTHER PERSON:

42 (a) INSOFAR AS THE DEVELOPER, DEPLOYER, OR OTHER PERSON
43 DEVELOPS, DEPLOYS, PUTS INTO SERVICE, OR INTENTIONALLY AND

SUBSTANTIALLY MODIFIES, AS APPLICABLE, A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM OR A GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL:

(I) THAT HAS BEEN APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION OR THE FEDERAL OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY; AND

(II) FOR WHICH THE DEVELOPER, DEPLOYER, OR OTHER PERSON, AS APPLICABLE, HAS ESTABLISHED AND MAINTAINS A GOVERNANCE POLICY; OR

(b) CONDUCTING RESEARCH REQUIRED TO SUPPORT AN APPLICATION FOR APPROVAL FROM THE FEDERAL FOOD AND DRUG ADMINISTRATION.

(6) IF A DEVELOPER, A DEPLOYER, OR OTHER PERSON ENGAGES IN AN ACTION PURSUANT TO AN EXEMPTION SET FORTH IN THIS SECTION, THE DEVELOPER, DEPLOYER, OR OTHER PERSON BEARS THE BURDEN OF DEMONSTRATING THAT THE ACTION QUALIFIES FOR THE EXEMPTION.

6-1-1608. Enforcement by attorney general and district attorneys. (1) THE ATTORNEY GENERAL AND DISTRICT ATTORNEYS HAVE EXCLUSIVE AUTHORITY TO ENFORCE SECTIONS 6-1-1601 TO 6-1-1607.

(2) EXCEPT AS PROVIDED IN SUBSECTION (6) OF THIS SECTION, DURING THE PERIOD FROM OCTOBER 1, 2025, THROUGH JUNE 30, 2026, THE ATTORNEY GENERAL OR A DISTRICT ATTORNEY, PRIOR TO INITIATING ANY ACTION FOR A VIOLATION OF SECTIONS 6-1-1601 TO 6-1-1607, SHALL ISSUE A NOTICE OF VIOLATION TO THE DEVELOPER, DEPLOYER, OR OTHER PERSON ALLEGED TO HAVE COMMITTED THE VIOLATION IF THE ATTORNEY GENERAL OR DISTRICT ATTORNEY DETERMINES THAT THE OPPORTUNITY TO CURE IS WARRANTED. IF THE DEVELOPER, DEPLOYER, OR OTHER PERSON FAILS TO CURE THE VIOLATION WITHIN SIXTY DAYS AFTER RECEIPT OF THE NOTICE OF VIOLATION, THE ATTORNEY GENERAL OR DISTRICT ATTORNEY MAY BRING AN ENFORCEMENT ACTION PURSUANT TO THIS PART 16.

(3) EXCEPT AS PROVIDED IN SUBSECTION (6) OF THIS SECTION, ON AND AFTER JULY 1, 2026, THE ATTORNEY GENERAL OR DISTRICT ATTORNEY, IN DETERMINING WHETHER TO GRANT A DEVELOPER, A DEPLOYER, OR OTHER PERSON THE OPPORTUNITY TO CURE AN ALLEGED VIOLATION DESCRIBED IN SUBSECTION (2) OF THIS SECTION, MAY CONSIDER:

(a) THE NUMBER OF VIOLATIONS;

(b) THE SIZE AND COMPLEXITY OF THE DEVELOPER, DEPLOYER, OR OTHER PERSON;

(c) THE NATURE AND EXTENT OF THE DEVELOPER'S, DEPLOYER'S, OR OTHER PERSON'S BUSINESS;

(d) THE SUBSTANTIAL LIKELIHOOD OF INJURY TO THE PUBLIC ARISING FROM THE VIOLATION;

1   (e) THE SAFETY OF PERSONS OR PROPERTY; AND

2   (f) WHETHER THE ALLEGED VIOLATION WAS LIKELY CAUSED BY
3   HUMAN OR TECHNICAL ERROR.

4   (4) SECTIONS 6-1-1601 TO 6-1-1607 DO NOT PROVIDE THE BASIS
5   FOR, AND ARE NOT SUBJECT TO, A PRIVATE RIGHT OF ACTION FOR
6   VIOLATIONS OF SECTIONS 6-1-1601 TO 6-1-1607 OR ANY OTHER LAW.

7   (5) EXCEPT AS PROVIDED IN SUBSECTION (6) OF THIS SECTION, A
8   VIOLATION OF THE REQUIREMENTS ESTABLISHED IN SECTIONS 6-1-1601 TO
9   6-1-1607 CONSTITUTES AN UNFAIR TRADE PRACTICE PURSUANT TO
10   SECTION 6-1-105 (1)(eeee).

11   (6) IN ANY ACTION COMMENCED BY THE ATTORNEY GENERAL OR
12   DISTRICT ATTORNEY TO ENFORCE SECTIONS 6-1-1601 TO 6-1-1607, IT IS AN
13   AFFIRMATIVE DEFENSE THAT THE DEVELOPER, DEPLOYER, OR OTHER
14   PERSON:

15   (a) DISCOVERS A VIOLATION OF SECTIONS 6-1-1601 TO 6-1-1607
16   AS A RESULT OF:

17   (I) FEEDBACK THAT THE DEVELOPER, DEPLOYER, OR OTHER
18   PERSON ENCOURAGES DEPLOYERS OR USERS TO PROVIDE TO THE
19   DEVELOPER, DEPLOYER, OR OTHER PERSON;

20   (II) ADVERSARIAL TESTING OR RED TEAMING, AS THOSE TERMS
21   ARE DEFINED OR USED BY THE NATIONAL INSTITUTE OF STANDARDS AND
22   TECHNOLOGY; OR

23   (III) AN INTERNAL REVIEW PROCESS;

24   (b) NO LATER THAN SIXTY DAYS AFTER DISCOVERING A VIOLATION
25   AS SET FORTH IN SUBSECTION (6)(a) OF THIS SECTION, CURES THE
26   VIOLATION AND PROVIDES TO THE ATTORNEY GENERAL OR DISTRICT
27   ATTORNEY, IN A FORM AND MANNER PRESCRIBED BY THE ATTORNEY
28   GENERAL, NOTICE THAT THE VIOLATION HAS BEEN CURED AND EVIDENCE
29   THAT ANY HARM CAUSED BY THE VIOLATION HAS BEEN MITIGATED; AND

30   (c) IS OTHERWISE IN COMPLIANCE WITH:

31   (I) THE LATEST VERSION OF THE "ARTIFICIAL INTELLIGENCE RISK
32   MANAGEMENT FRAMEWORK" PUBLISHED BY THE NATIONAL INSTITUTE OF
33   STANDARDS AND TECHNOLOGY IN THE UNITED STATES DEPARTMENT OF
34   COMMERCE AND STANDARD ISO/IEC 42001 OF THE INTERNATIONAL
35   ORGANIZATION FOR STANDARDIZATION;

36   (II) ANOTHER NATIONALLY OR INTERNATIONALLY RECOGNIZED
37   RISK MANAGEMENT FRAMEWORK FOR ARTIFICIAL INTELLIGENCE SYSTEMS;
38   OR

39   (III) ANY RISK MANAGEMENT FRAMEWORK FOR ARTIFICIAL
40   INTELLIGENCE SYSTEMS THAT THE ATTORNEY GENERAL, IN THE ATTORNEY
41   GENERAL'S DISCRETION, MAY DESIGNATE AND, IF DESIGNATED, SHALL
42   PUBLICLY DISSEMINATE.

43   (7) A DEVELOPER, A DEPLOYER, OR OTHER PERSON BEARS THE

1   BURDEN OF DEMONSTRATING TO THE ATTORNEY GENERAL OR DISTRICT

2   ATTORNEY THAT THE REQUIREMENTS ESTABLISHED IN SUBSECTION (6) OF

3   THIS SECTION HAVE BEEN SATISFIED.

4   **6-1-1609. Rules.** THE ATTORNEY GENERAL MAY PROMULGATE

5   RULES AS NECESSARY FOR THE PURPOSE OF IMPLEMENTING AND

6   ENFORCING THIS PART 16.

7   **SECTION 2.** In Colorado Revised Statutes, 6-1-105, **add**

8   (1)(eeee) as follows:

9   **6-1-105. Unfair or deceptive trade practices.** (1) A person

10   engages in a deceptive trade practice when, in the course of the person's

11   business, vocation, or occupation, the person:

12   (eeee) VIOLATES PART 16 OF THIS ARTICLE 1.

13   **SECTION 3. Safety clause.** The general assembly finds,

14   determines, and declares that this act is necessary for the immediate

15   preservation of the public peace, health, or safety or for appropriations for

16   the support and maintenance of the departments of the state and state

17   institutions.".

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