

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Rodriguez

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 THE USE OF AN ARTIFICIAL INTELLIGENCE SYSTEM MATERIALLY
11 INCREASES THE RISK OF AN UNLAWFUL DIFFERENTIAL TREATMENT OR
12 IMPACT THAT DISFAVORS AN INDIVIDUAL OR GROUP OF INDIVIDUALS ON
13 THE BASIS OF THEIR ACTUAL OR PERCEIVED AGE, COLOR, DISABILITY,
14 ETHNICITY, GENETIC INFORMATION, LIMITED PROFICIENCY IN THE ENGLISH
15 LANGUAGE, NATIONAL ORIGIN, RACE, RELIGION, REPRODUCTIVE HEALTH,
16 SEX, 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 THE PROVISION
39 OR DENIAL TO ANY CONSUMER OF, OR THE COST OR TERMS OF:

- 1 (a) EDUCATION ENROLLMENT OR AN EDUCATION OPPORTUNITY;
2 (b) EMPLOYMENT OR AN EMPLOYMENT OPPORTUNITY;
3 (c) A FINANCIAL OR LENDING SERVICE;
4 (d) AN ESSENTIAL GOVERNMENT SERVICE;
5 (e) HEALTH-CARE SERVICES;
6 (f) HOUSING;
7 (g) INSURANCE; OR
8 (h) A LEGAL SERVICE.
- 9 (4) "CONSUMER" MEANS AN INDIVIDUAL WHO IS A COLORADO
10 RESIDENT.
- 11 (5) "DEPLOY" MEANS TO USE A HIGH-RISK ARTIFICIAL
12 INTELLIGENCE SYSTEM.
- 13 (6) "DEPLOYER" MEANS A PERSON DOING BUSINESS IN THIS STATE
14 THAT DEPLOYS A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM.
- 15 (7) "DEVELOPER" MEANS A PERSON DOING BUSINESS IN THIS STATE
16 THAT DEVELOPS OR INTENTIONALLY AND SUBSTANTIALLY MODIFIES AN
17 ARTIFICIAL INTELLIGENCE SYSTEM.
- 18 (8) "HEALTH-CARE SERVICES" HAS THE SAME MEANING AS
19 PROVIDED IN 42 U.S.C. SEC. 234 (d)(2).
- 20 (9)(a) "HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM" MEANS ANY
21 ARTIFICIAL INTELLIGENCE SYSTEM THAT, WHEN DEPLOYED, MAKES, OR IS
22 A SUBSTANTIAL FACTOR IN MAKING, A CONSEQUENTIAL DECISION.
- 23 (b) "HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM" DOES NOT
24 INCLUDE:
- 25 (I) AN ARTIFICIAL INTELLIGENCE SYSTEM IF THE ARTIFICIAL
26 INTELLIGENCE SYSTEM IS INTENDED TO:
- 27 (A) PERFORM A NARROW PROCEDURAL TASK; OR
28 (B) DETECT DECISION-MAKING PATTERNS OR DEVIATIONS FROM
29 PRIOR DECISION-MAKING PATTERNS AND IS NOT INTENDED TO REPLACE OR
30 INFLUENCE A PREVIOUSLY COMPLETED HUMAN ASSESSMENT WITHOUT
31 SUFFICIENT HUMAN REVIEW; OR
- 32 (II) THE FOLLOWING TECHNOLOGIES, UNLESS THE TECHNOLOGIES,
33 WHEN DEPLOYED, MAKE, OR ARE A SUBSTANTIAL FACTOR IN MAKING, A
34 CONSEQUENTIAL DECISION:
- 35 (A) ANTI-FRAUD TECHNOLOGY THAT DOES NOT USE FACIAL
36 RECOGNITION TECHNOLOGY;
37 (B) ANTI-MALWARE;
38 (C) ANTI-VIRUS;
39 (D) ARTIFICIAL INTELLIGENCE-ENABLED VIDEO GAMES;
40 (E) CALCULATORS;
41 (F) CYBERSECURITY;
42 (G) DATABASES;
43 (H) DATA STORAGE;

- 1 (I) FIREWALL;
2 (J) INTERNET DOMAIN REGISTRATION;
3 (K) INTERNET WEBSITE LOADING;
4 (L) NETWORKING;
5 (M) SPAM- AND ROBOCALL-FILTERING;
6 (N) SPELL-CHECKING;
7 (O) SPREADSHEETS;
8 (P) WEB CACHING;
9 (Q) WEB HOSTING OR ANY SIMILAR TECHNOLOGY; OR
10 (R) TECHNOLOGY THAT COMMUNICATES IN NATURAL LANGUAGE
11 FOR THE PURPOSE OF PROVIDING USERS WITH INFORMATION, MAKING
12 REFERRALS OR RECOMMENDATIONS, AND ANSWERING QUESTIONS AND IS
13 SUBJECT TO AN ACCEPTED USE POLICY THAT PROHIBITS GENERATING
14 CONTENT THAT IS DISCRIMINATORY OR HARMFUL.
- 15 (10) (a) "INTENTIONAL AND SUBSTANTIAL MODIFICATION" OR
16 "INTENTIONALLY AND SUBSTANTIALLY MODIFIES" MEANS A DELIBERATE
17 CHANGE MADE TO AN ARTIFICIAL INTELLIGENCE SYSTEM THAT RESULTS IN
18 ANY NEW REASONABLY FORESEEABLE RISK OF ALGORITHMIC
19 DISCRIMINATION.
- 20 (b) "INTENTIONAL AND SUBSTANTIAL MODIFICATION" OR
21 "INTENTIONALLY AND SUBSTANTIALLY MODIFIES" DOES NOT INCLUDE A
22 CHANGE MADE TO A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, OR THE
23 PERFORMANCE OF A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, IF:
- 24 (I) THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM CONTINUES
25 TO LEARN AFTER THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM IS:
- 26 (A) OFFERED, SOLD, LEASED, LICENSED, GIVEN, OR OTHERWISE
27 MADE AVAILABLE TO A DEPLOYER; OR
28 (B) DEPLOYED;
- 29 (II) THE CHANGE IS MADE TO THE HIGH-RISK ARTIFICIAL
30 INTELLIGENCE SYSTEM AS A RESULT OF ANY LEARNING DESCRIBED IN
31 SUBSECTION (10)(b)(I) OF THIS SECTION;
- 32 (III) THE CHANGE WAS PREDETERMINED BY THE DEPLOYER, OR A
33 THIRD PARTY CONTRACTED BY THE DEPLOYER, WHEN THE DEPLOYER OR
34 THIRD PARTY COMPLETED AN INITIAL IMPACT ASSESSMENT OF SUCH
35 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM PURSUANT TO SECTION
36 6-1-1603 (3); AND
- 37 (IV) THE CHANGE IS INCLUDED IN TECHNICAL DOCUMENTATION
38 FOR THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM.
- 39 (11) (a) "SUBSTANTIAL FACTOR" MEANS A FACTOR THAT:
- 40 (I) ASSISTS IN MAKING A CONSEQUENTIAL DECISION;
41 (II) IS CAPABLE OF ALTERING THE OUTCOME OF A CONSEQUENTIAL
42 DECISION; AND
43 (III) IS GENERATED BY AN ARTIFICIAL INTELLIGENCE SYSTEM.

1 (b) "SUBSTANTIAL FACTOR" INCLUDES ANY USE OF AN ARTIFICIAL
2 INTELLIGENCE SYSTEM TO GENERATE ANY CONTENT, DECISION,
3 PREDICTION, OR RECOMMENDATION CONCERNING A CONSUMER THAT IS
4 USED AS A BASIS TO MAKE A CONSEQUENTIAL DECISION CONCERNING THE
5 CONSUMER.

6 (12) "TRADE SECRET" HAS THE MEANING SET FORTH IN SECTION
7 7-74-102 (4).

8 **6-1-1602. Developer duty to avoid algorithmic discrimination**
9 **- required documentation.** (1) ON AND AFTER FEBRUARY 1, 2026, A
10 DEVELOPER OF A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM SHALL USE
11 REASONABLE CARE TO PROTECT CONSUMERS FROM ANY KNOWN OR
12 REASONABLY FORESEEABLE RISKS OF ALGORITHMIC DISCRIMINATION
13 ARISING FROM THE INTENDED AND CONTRACTED USES OF THE HIGH-RISK
14 ARTIFICIAL INTELLIGENCE SYSTEM. IN ANY ENFORCEMENT ACTION
15 BROUGHT ON OR AFTER FEBRUARY 1, 2026, BY THE ATTORNEY GENERAL
16 PURSUANT TO SECTION 6-1-1606, THERE IS A REBUTTABLE PRESUMPTION
17 THAT A DEVELOPER USED REASONABLE CARE AS REQUIRED UNDER THIS
18 SECTION IF THE DEVELOPER COMPLIED WITH THIS SECTION AND ANY
19 ADDITIONAL REQUIREMENTS OR OBLIGATIONS AS SET FORTH IN RULES
20 PROMULGATED BY THE ATTORNEY GENERAL PURSUANT TO SECTION
21 6-1-1607.

22 (2) ON AND AFTER FEBRUARY 1, 2026, AND EXCEPT AS PROVIDED
23 IN SUBSECTION (6) OF THIS SECTION, A DEVELOPER OF A HIGH-RISK
24 ARTIFICIAL INTELLIGENCE SYSTEM SHALL MAKE AVAILABLE TO THE
25 DEPLOYER OR OTHER DEVELOPER OF THE HIGH-RISK ARTIFICIAL
26 INTELLIGENCE SYSTEM:

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

29 (b) DOCUMENTATION DISCLOSING:

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

32 (II) KNOWN OR REASONABLY FORESEEABLE LIMITATIONS OF THE
33 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, INCLUDING KNOWN OR
34 REASONABLY FORESEEABLE RISKS OF ALGORITHMIC DISCRIMINATION
35 ARISING FROM THE INTENDED USES OF THE HIGH-RISK ARTIFICIAL
36 INTELLIGENCE SYSTEM;

37 (III) THE PURPOSE OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE
38 SYSTEM; AND

39 (IV) THE INTENDED BENEFITS AND USES OF THE HIGH-RISK
40 ARTIFICIAL INTELLIGENCE SYSTEM;

41 (c) DOCUMENTATION DESCRIBING:

42 (I) HOW THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM WAS
43 EVALUATED FOR PERFORMANCE AND MITIGATION OF ALGORITHMIC

1 DISCRIMINATION BEFORE THE HIGH-RISK ARTIFICIAL INTELLIGENCE
2 SYSTEM WAS OFFERED, SOLD, LEASED, LICENSED, GIVEN, OR OTHERWISE
3 MADE AVAILABLE TO THE DEPLOYER;

4 (II) THE DATA GOVERNANCE MEASURES USED TO COVER THE
5 TRAINING DATASETS AND THE MEASURES USED TO EXAMINE THE
6 SUITABILITY OF DATA SOURCES, POSSIBLE BIASES, AND APPROPRIATE
7 MITIGATION;

8 (III) THE INTENDED OUTPUTS OF THE HIGH-RISK ARTIFICIAL
9 INTELLIGENCE SYSTEM;

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

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

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

22 (3) (a) EXCEPT AS PROVIDED IN SUBSECTION (6) OF THIS SECTION,
23 A DEVELOPER THAT OFFERS, SELLS, LEASES, LICENSES, GIVES, OR
24 OTHERWISE MAKES AVAILABLE TO A DEPLOYER OR OTHER DEVELOPER A
25 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM ON OR AFTER FEBRUARY 1,
26 2026, SHALL MAKE AVAILABLE TO THE DEPLOYER OR OTHER DEVELOPER,
27 TO THE EXTENT FEASIBLE, THE DOCUMENTATION AND INFORMATION,
28 THROUGH ARTIFACTS SUCH AS MODEL CARDS, DATASET CARDS, OR OTHER
29 IMPACT ASSESSMENTS, NECESSARY FOR A DEPLOYER, OR FOR A THIRD
30 PARTY CONTRACTED BY A DEPLOYER, TO COMPLETE AN IMPACT
31 ASSESSMENT PURSUANT TO SECTION 6-1-1603 (3).

32 (b) A DEVELOPER THAT ALSO SERVES AS A DEPLOYER FOR A
33 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM IS NOT REQUIRED TO
34 GENERATE THE DOCUMENTATION REQUIRED BY THIS SECTION UNLESS THE
35 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM IS PROVIDED TO AN
36 UNAFFILIATED ENTITY ACTING AS A DEPLOYER.

37 (4) (a) ON AND AFTER FEBRUARY 1, 2026, A DEVELOPER SHALL
38 MAKE AVAILABLE, IN A MANNER THAT IS CLEAR AND READILY AVAILABLE
39 ON THE DEVELOPER'S WEBSITE OR IN A PUBLIC USE CASE INVENTORY, A
40 STATEMENT SUMMARIZING:

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

1 DEPLOYER OR OTHER DEVELOPER; AND

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

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

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

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

16 (5) ON AND AFTER FEBRUARY 1, 2026, A DEVELOPER OF A
17 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM SHALL DISCLOSE TO THE
18 ATTORNEY GENERAL, IN A FORM AND MANNER PRESCRIBED BY THE
19 ATTORNEY GENERAL, AND TO ALL KNOWN DEPLOYERS OR OTHER
20 DEVELOPERS, OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM ANY
21 KNOWN OR REASONABLY FORESEEABLE RISKS OF ALGORITHMIC
22 DISCRIMINATION ARISING FROM THE INTENDED USES OF THE HIGH-RISK
23 ARTIFICIAL INTELLIGENCE SYSTEM WITHOUT UNREASONABLE DELAY BUT
24 NO LATER THAN NINETY DAYS AFTER THE DATE ON WHICH:

25 (a) THE DEVELOPER DISCOVERS THROUGH THE DEVELOPER'S
26 ONGOING TESTING AND ANALYSIS THAT THE DEVELOPER'S HIGH-RISK
27 ARTIFICIAL INTELLIGENCE SYSTEM HAS BEEN DEPLOYED AND HAS CAUSED
28 OR IS REASONABLY LIKELY TO HAVE CAUSED ALGORITHMIC
29 DISCRIMINATION; OR

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

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

36 (7) ON AND AFTER FEBRUARY 1, 2026, THE ATTORNEY GENERAL
37 MAY REQUIRE THAT A DEVELOPER DISCLOSE TO THE ATTORNEY GENERAL,
38 IN A FORM AND MANNER PRESCRIBED BY THE ATTORNEY GENERAL, THE
39 STATEMENT OR DOCUMENTATION DESCRIBED IN SUBSECTION (2) OF THIS
40 SECTION. THE ATTORNEY GENERAL MAY EVALUATE SUCH STATEMENT OR
41 DOCUMENTATION TO ENSURE COMPLIANCE WITH THIS PART 16, AND THE
42 STATEMENT OR DOCUMENTATION IS NOT SUBJECT TO DISCLOSURE UNDER
43 THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE

1 24. IN A DISCLOSURE PURSUANT TO THIS SUBSECTION (7), A DEVELOPER
2 MAY DESIGNATE THE STATEMENT OR DOCUMENTATION AS INCLUDING
3 PROPRIETARY INFORMATION OR A TRADE SECRET. TO THE EXTENT THAT
4 ANY INFORMATION CONTAINED IN THE STATEMENT OR DOCUMENTATION
5 INCLUDES INFORMATION SUBJECT TO ATTORNEY-CLIENT PRIVILEGE OR
6 WORK-PRODUCT PROTECTION, THE DISCLOSURE DOES NOT CONSTITUTE A
7 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 FEBRUARY
10 1, 2026, 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 FEBRUARY 1, 2026,
14 BY THE ATTORNEY GENERAL PURSUANT TO SECTION 6-1-1606, THERE IS A
15 REBUTTABLE PRESUMPTION THAT A DEPLOYER OF A HIGH-RISK ARTIFICIAL
16 INTELLIGENCE SYSTEM USED REASONABLE CARE AS REQUIRED UNDER THIS
17 SECTION IF THE DEPLOYER COMPLIED WITH THIS SECTION AND ANY
18 ADDITIONAL REQUIREMENTS OR OBLIGATIONS AS SET FORTH IN RULES
19 PROMULGATED BY THE ATTORNEY GENERAL PURSUANT TO SECTION
20 6-1-1607.

21 (2) (a) ON AND AFTER FEBRUARY 1, 2026, AND EXCEPT AS
22 PROVIDED IN SUBSECTION (8) OF THIS SECTION, A DEPLOYER OF A
23 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM SHALL IMPLEMENT A RISK
24 MANAGEMENT POLICY AND PROGRAM TO GOVERN THE DEPLOYER'S
25 DEPLOYMENT OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM. THE
26 RISK MANAGEMENT POLICY AND PROGRAM MUST SPECIFY AND
27 INCORPORATE THE PRINCIPLES, PROCESSES, AND PERSONNEL THAT THE
28 DEPLOYER USES TO IDENTIFY, DOCUMENT, AND MITIGATE KNOWN OR
29 REASONABLY FORESEEABLE RISKS OF ALGORITHMIC DISCRIMINATION. THE
30 RISK MANAGEMENT POLICY AND PROGRAM MUST BE AN ITERATIVE
31 PROCESS PLANNED, IMPLEMENTED, AND REGULARLY AND
32 SYSTEMATICALLY REVIEWED AND UPDATED OVER THE LIFE CYCLE OF A
33 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, REQUIRING REGULAR,
34 SYSTEMATIC REVIEW AND UPDATES. A RISK MANAGEMENT POLICY AND
35 PROGRAM IMPLEMENTED AND MAINTAINED PURSUANT TO THIS
36 SUBSECTION (2) MUST BE REASONABLE CONSIDERING:

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

1 INTELLIGENCE SYSTEMS; OR
2 (B) ANY RISK MANAGEMENT FRAMEWORK FOR ARTIFICIAL
3 INTELLIGENCE SYSTEMS THAT THE ATTORNEY GENERAL, IN THE ATTORNEY
4 GENERAL'S DISCRETION, MAY DESIGNATE;
5 (II) THE SIZE AND COMPLEXITY OF THE DEPLOYER;
6 (III) THE NATURE AND SCOPE OF THE HIGH-RISK ARTIFICIAL
7 INTELLIGENCE SYSTEMS DEPLOYED BY THE DEPLOYER, INCLUDING THE
8 INTENDED USES OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEMS;
9 AND
10 (IV) THE SENSITIVITY AND VOLUME OF DATA PROCESSED IN
11 CONNECTION WITH THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEMS
12 DEPLOYED BY THE DEPLOYER.
13 (b) A RISK MANAGEMENT POLICY AND PROGRAM IMPLEMENTED
14 PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION MAY COVER MULTIPLE
15 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEMS DEPLOYED BY THE
16 DEPLOYER.
17 (3) (a) EXCEPT AS PROVIDED IN SUBSECTIONS (3)(d), (3)(e), AND
18 (6) OF THIS SECTION:
19 (I) A DEPLOYER, OR A THIRD PARTY CONTRACTED BY THE
20 DEPLOYER, THAT DEPLOYS A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM
21 ON OR AFTER FEBRUARY 1, 2026, SHALL COMPLETE AN IMPACT
22 ASSESSMENT FOR THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM; AND
23 (II) ON AND AFTER FEBRUARY 1, 2026, A DEPLOYER, OR A THIRD
24 PARTY CONTRACTED BY THE DEPLOYER, SHALL COMPLETE AN IMPACT
25 ASSESSMENT FOR A DEPLOYED HIGH-RISK ARTIFICIAL INTELLIGENCE
26 SYSTEM AT LEAST ANNUALLY AND WITHIN NINETY DAYS AFTER ANY
27 INTENTIONAL AND SUBSTANTIAL MODIFICATION TO THE HIGH-RISK
28 ARTIFICIAL INTELLIGENCE SYSTEM IS MADE AVAILABLE.
29 (b) AN IMPACT ASSESSMENT COMPLETED PURSUANT TO THIS
30 SUBSECTION (3) MUST INCLUDE, AT A MINIMUM, AND TO THE EXTENT
31 REASONABLY KNOWN BY OR AVAILABLE TO THE DEPLOYER:
32 (I) A STATEMENT BY THE DEPLOYER DISCLOSING THE PURPOSE,
33 INTENDED USE CASES, AND DEPLOYMENT CONTEXT OF, AND BENEFITS
34 AFFORDED BY, THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM;
35 (II) AN ANALYSIS OF WHETHER THE DEPLOYMENT OF THE
36 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM POSES ANY KNOWN OR
37 REASONABLY FORESEEABLE RISKS OF ALGORITHMIC DISCRIMINATION AND,
38 IF SO, THE NATURE OF THE ALGORITHMIC DISCRIMINATION AND THE STEPS
39 THAT HAVE BEEN TAKEN TO MITIGATE THE RISKS;
40 (III) A DESCRIPTION OF THE CATEGORIES OF DATA THE HIGH-RISK
41 ARTIFICIAL INTELLIGENCE SYSTEM PROCESSES AS INPUTS AND THE
42 OUTPUTS THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM PRODUCES;
43 (IV) IF THE DEPLOYER USED DATA TO CUSTOMIZE THE HIGH-RISK

1 ARTIFICIAL INTELLIGENCE SYSTEM, AN OVERVIEW OF THE CATEGORIES OF
2 DATA THE DEPLOYER USED TO CUSTOMIZE THE HIGH-RISK ARTIFICIAL
3 INTELLIGENCE SYSTEM;

4 (V) ANY METRICS USED TO EVALUATE THE PERFORMANCE AND
5 KNOWN LIMITATIONS OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE
6 SYSTEM;

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

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

18 (c) IN ADDITION TO THE INFORMATION REQUIRED UNDER
19 SUBSECTION (3)(b) OF THIS SECTION, AN IMPACT ASSESSMENT COMPLETED
20 PURSUANT TO THIS SUBSECTION (3) FOLLOWING AN INTENTIONAL AND
21 SUBSTANTIAL MODIFICATION TO A HIGH-RISK ARTIFICIAL INTELLIGENCE
22 SYSTEM ON OR AFTER FEBRUARY 1, 2026, MUST INCLUDE A STATEMENT
23 DISCLOSING THE EXTENT TO WHICH THE HIGH-RISK ARTIFICIAL
24 INTELLIGENCE SYSTEM WAS USED IN A MANNER THAT WAS CONSISTENT
25 WITH, OR VARIED FROM, THE DEVELOPER'S INTENDED USES OF THE
26 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM.

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

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

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

43 (g) ON OR BEFORE FEBRUARY 1, 2026, AND AT LEAST ANNUALLY

1 THEREAFTER, A DEPLOYER, OR A THIRD PARTY CONTRACTED BY THE
2 DEPLOYER, MUST REVIEW THE DEPLOYMENT OF EACH HIGH-RISK
3 ARTIFICIAL INTELLIGENCE SYSTEM DEPLOYED BY THE DEPLOYER TO
4 ENSURE THAT THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM IS NOT
5 CAUSING ALGORITHMIC DISCRIMINATION.

6 (4) (a) ON AND AFTER FEBRUARY 1, 2026, AND NO LATER THAN
7 THE TIME THAT A DEPLOYER DEPLOYS A HIGH-RISK ARTIFICIAL
8 INTELLIGENCE SYSTEM TO MAKE, OR BE A SUBSTANTIAL FACTOR IN
9 MAKING, A CONSEQUENTIAL DECISION CONCERNING A CONSUMER, THE
10 DEPLOYER SHALL:

11 (I) NOTIFY THE CONSUMER THAT THE DEPLOYER HAS DEPLOYED A
12 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM TO MAKE, OR BE A
13 SUBSTANTIAL FACTOR IN MAKING, A CONSEQUENTIAL DECISION BEFORE
14 THE DECISION IS MADE;

15 (II) PROVIDE TO THE CONSUMER A STATEMENT DISCLOSING THE
16 PURPOSE OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM AND THE
17 NATURE OF THE CONSEQUENTIAL DECISION; THE CONTACT INFORMATION
18 FOR THE DEPLOYER; A DESCRIPTION, IN PLAIN LANGUAGE, OF THE
19 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM; AND INSTRUCTIONS ON HOW
20 TO ACCESS THE STATEMENT REQUIRED BY SUBSECTION (5)(a) OF THIS
21 SECTION; AND

22 (III) PROVIDE TO THE CONSUMER INFORMATION, IF APPLICABLE,
23 REGARDING THE CONSUMER'S RIGHT TO OPT OUT OF THE PROCESSING OF
24 PERSONAL DATA CONCERNING THE CONSUMER FOR PURPOSES OF
25 PROFILING IN FURTHERANCE OF DECISIONS THAT PRODUCE LEGAL OR
26 SIMILARLY SIGNIFICANT EFFECTS CONCERNING THE CONSUMER UNDER
27 SECTION 6-1-1306 (1)(a)(I)(C).

28 (b) ON AND AFTER FEBRUARY 1, 2026, A DEPLOYER THAT HAS
29 DEPLOYED A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM TO MAKE, OR
30 BE A SUBSTANTIAL FACTOR IN MAKING, A CONSEQUENTIAL DECISION
31 CONCERNING A CONSUMER SHALL, IF THE CONSEQUENTIAL DECISION IS
32 ADVERSE TO THE CONSUMER, PROVIDE TO THE CONSUMER:

33 (I) A STATEMENT DISCLOSING THE PRINCIPAL REASON OR REASONS
34 FOR THE CONSEQUENTIAL DECISION, INCLUDING:

35 (A) THE DEGREE TO WHICH, AND MANNER IN WHICH, THE
36 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM CONTRIBUTED TO THE
37 CONSEQUENTIAL DECISION;

38 (B) THE DATA THAT WAS PROCESSED BY THE HIGH-RISK ARTIFICIAL
39 INTELLIGENCE SYSTEM IN MAKING THE CONSEQUENTIAL DECISION; AND

40 (C) THE SOURCE OR SOURCES OF THE DATA DESCRIBED IN
41 SUBSECTION (4)(b)(I)(B) OF THIS SECTION;

42 (II) AN OPPORTUNITY TO CORRECT ANY INCORRECT PERSONAL
43 DATA THAT THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM PROCESSED

1 IN MAKING, OR AS A SUBSTANTIAL FACTOR IN MAKING, THE
2 CONSEQUENTIAL DECISION; AND

3 (III) AN OPPORTUNITY TO APPEAL AN ADVERSE CONSEQUENTIAL
4 DECISION CONCERNING THE CONSUMER ARISING FROM THE DEPLOYMENT
5 OF A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, WHICH APPEAL MUST,
6 IF TECHNICALLY FEASIBLE, ALLOW FOR HUMAN REVIEW UNLESS PROVIDING
7 THE OPPORTUNITY FOR APPEAL IS NOT IN THE BEST INTEREST OF THE
8 CONSUMER, INCLUDING IN INSTANCES IN WHICH ANY DELAY MIGHT POSE
9 A RISK TO THE LIFE OR SAFETY OF SUCH CONSUMER.

10 (c) (I) THE CONSUMER, BASED ON THE INFORMATION IN THE
11 STATEMENT PROVIDED PURSUANT TO SUBSECTION (4)(b)(I) OF THIS
12 SECTION, BEARS THE BURDEN OF DEMONSTRATING THAT THERE WAS A
13 MATERIAL ERROR OR OMISSION WARRANTING HUMAN REVIEW PURSUANT
14 TO SUBSECTION (4)(b)(III) OF THIS SECTION.

15 (II) A DEPLOYER THAT HAS DEPLOYED A HIGH-RISK ARTIFICIAL
16 INTELLIGENCE SYSTEM TO MAKE, OR BE A SUBSTANTIAL FACTOR IN
17 MAKING, A CONSEQUENTIAL DECISION CONCERNING A CONSUMER MAY
18 CONTRACTUALLY AGREE TO HAVE A DEVELOPER PROVIDE THE NOTICES
19 AND DISCLOSURES TO AND CONDUCT THE APPEAL PROCESS REQUIRED BY
20 THIS SUBSECTION (4) FOR CONSUMERS.

21 (d) (I) EXCEPT AS PROVIDED IN SUBSECTION (4)(d)(II) OF THIS
22 SECTION, A DEPLOYER SHALL PROVIDE THE NOTICE, STATEMENT, CONTACT
23 INFORMATION, AND DESCRIPTION REQUIRED BY SUBSECTIONS (4)(a) AND
24 (4)(b) OF THIS SECTION:

25 (A) DIRECTLY TO THE CONSUMER;

26 (B) IN PLAIN LANGUAGE;

27 (C) IN ALL LANGUAGES IN WHICH THE DEPLOYER, IN THE
28 ORDINARY COURSE OF THE DEPLOYER'S BUSINESS, PROVIDES CONTRACTS,
29 DISCLAIMERS, SALE ANNOUNCEMENTS, AND OTHER INFORMATION TO
30 CONSUMERS; AND

31 (D) IN A FORMAT THAT IS ACCESSIBLE TO CONSUMERS WITH
32 DISABILITIES.

33 (II) IF THE DEPLOYER IS UNABLE TO PROVIDE THE NOTICE,
34 STATEMENT, CONTACT INFORMATION, AND DESCRIPTION REQUIRED BY
35 SUBSECTIONS (4)(a) AND (4)(b) OF THIS SECTION DIRECTLY TO THE
36 CONSUMER, THE DEPLOYER SHALL MAKE THE NOTICE, STATEMENT,
37 CONTACT INFORMATION, AND DESCRIPTION AVAILABLE IN A MANNER THAT
38 IS REASONABLY CALCULATED TO ENSURE THAT THE CONSUMER RECEIVES
39 THE NOTICE, STATEMENT, CONTACT INFORMATION, AND DESCRIPTION.

40 (5) (a) ON AND AFTER FEBRUARY 1, 2026, AND EXCEPT AS
41 PROVIDED IN SUBSECTION (6) OF THIS SECTION, A DEPLOYER SHALL MAKE
42 AVAILABLE, IN A MANNER THAT IS CLEAR AND READILY AVAILABLE ON THE
43 DEPLOYER'S WEBSITE, A STATEMENT SUMMARIZING:

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

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

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

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

12 (6) SUBSECTIONS (2) AND (3) OF THIS SECTION AND THIS
13 SUBSECTION (6) DO NOT APPLY TO A DEPLOYER IF, AT THE TIME THE
14 DEPLOYER DEPLOYS A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM AND
15 AT ALL TIMES WHILE THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM IS
16 DEPLOYED:

17 (a) THE DEPLOYER:

18 (I) EMPLOYS FEWER THAN FIFTY FULL-TIME EQUIVALENT
19 EMPLOYEES; AND

20 (II) DOES NOT USE THE DEPLOYER'S OWN DATA TO TRAIN THE
21 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM;

22 (b) THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM:

23 (I) IS USED FOR THE INTENDED USES THAT ARE DISCLOSED TO THE
24 DEPLOYER AS REQUIRED BY SECTION 6-1-1602 (2)(a); AND

25 (II) CONTINUES LEARNING BASED ON DATA DERIVED FROM
26 SOURCES OTHER THAN THE DEPLOYER'S OWN DATA; AND

27 (c) THE DEPLOYER MAKES AVAILABLE TO CONSUMERS ANY IMPACT
28 ASSESSMENT THAT:

29 (I) THE DEVELOPER OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE
30 SYSTEM HAS COMPLETED AND PROVIDED TO THE DEPLOYER; AND

31 (II) INCLUDES INFORMATION THAT IS SUBSTANTIALLY SIMILAR TO
32 THE INFORMATION IN THE IMPACT ASSESSMENT REQUIRED UNDER
33 SUBSECTION (3)(b) OF THIS SECTION.

34 (7) IF A DEPLOYER DEPLOYS A HIGH-RISK ARTIFICIAL INTELLIGENCE
35 SYSTEM ON OR AFTER FEBRUARY 1, 2026, AND SUBSEQUENTLY DISCOVERS
36 THAT THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM HAS CAUSED
37 ALGORITHMIC DISCRIMINATION, THE DEPLOYER, WITHOUT UNREASONABLE
38 DELAY, BUT NO LATER THAN NINETY DAYS AFTER THE DATE OF THE
39 DISCOVERY, SHALL SEND TO THE ATTORNEY GENERAL, IN A FORM AND
40 MANNER PRESCRIBED BY THE ATTORNEY GENERAL, A NOTICE DISCLOSING
41 THE DISCOVERY.

42 (8) NOTHING IN SUBSECTIONS (2) TO (5) AND (7) OF THIS SECTION
43 REQUIRES A DEPLOYER TO DISCLOSE A TRADE SECRET OR OTHER

1 CONFIDENTIAL OR PROPRIETARY INFORMATION.

2 (9) ON AND AFTER FEBRUARY 1, 2026, THE ATTORNEY GENERAL
3 MAY REQUIRE THAT A DEPLOYER, OR A THIRD PARTY CONTRACTED BY THE
4 DEPLOYER, DISCLOSE TO THE ATTORNEY GENERAL, IN A FORM AND
5 MANNER PRESCRIBED BY THE ATTORNEY GENERAL, THE RISK
6 MANAGEMENT POLICY IMPLEMENTED PURSUANT TO SUBSECTION (2) OF
7 THIS SECTION, THE IMPACT ASSESSMENT COMPLETED PURSUANT TO
8 SUBSECTION (3) OF THIS SECTION, OR THE RECORDS MAINTAINED
9 PURSUANT TO SUBSECTION (3)(f) OF THIS SECTION. THE ATTORNEY
10 GENERAL MAY EVALUATE THE RISK MANAGEMENT POLICY, IMPACT
11 ASSESSMENT, OR RECORDS TO ENSURE COMPLIANCE WITH THIS PART 16,
12 AND THE RISK MANAGEMENT POLICY, IMPACT ASSESSMENT, AND RECORDS
13 ARE NOT SUBJECT TO DISCLOSURE UNDER THE "COLORADO OPEN RECORDS
14 ACT", PART 2 OF ARTICLE 72 OF TITLE 24. IN A DISCLOSURE PURSUANT TO
15 THIS SUBSECTION (9), A DEPLOYER MAY DESIGNATE THE STATEMENT OR
16 DOCUMENTATION AS INCLUDING PROPRIETARY INFORMATION OR A TRADE
17 SECRET. TO THE EXTENT THAT ANY INFORMATION CONTAINED IN THE RISK
18 MANAGEMENT POLICY, IMPACT ASSESSMENT, OR RECORDS INCLUDE
19 INFORMATION SUBJECT TO ATTORNEY-CLIENT PRIVILEGE OR
20 WORK-PRODUCT PROTECTION, THE DISCLOSURE DOES NOT CONSTITUTE A
21 WAIVER OF THE PRIVILEGE OR PROTECTION.

22 **6-1-1604. Disclosure of an artificial intelligence system to**
23 **consumer.** (1) ON AND AFTER FEBRUARY 1, 2026, AND EXCEPT AS
24 PROVIDED IN SUBSECTION (2) OF THIS SECTION, A DEPLOYER OR OTHER
25 DEVELOPER THAT DEPLOYS, OFFERS, SELLS, LEASES, LICENSES, GIVES, OR
26 OTHERWISE MAKES AVAILABLE AN ARTIFICIAL INTELLIGENCE SYSTEM
27 THAT IS INTENDED TO INTERACT WITH CONSUMERS SHALL ENSURE THE
28 DISCLOSURE TO EACH CONSUMER WHO INTERACTS WITH THE ARTIFICIAL
29 INTELLIGENCE SYSTEM THAT THE CONSUMER IS INTERACTING WITH AN
30 ARTIFICIAL INTELLIGENCE SYSTEM.

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

35 **6-1-1605. Compliance with other legal obligations -**
36 **definitions.** (1) NOTHING IN THIS PART 16 RESTRICTS A DEVELOPER'S, A
37 DEPLOYER'S, OR OTHER PERSON'S ABILITY TO:

38 (a) COMPLY WITH FEDERAL, STATE, OR MUNICIPAL LAWS,
39 ORDINANCES, OR REGULATIONS;

40 (b) COMPLY WITH A CIVIL, CRIMINAL, OR REGULATORY INQUIRY,
41 INVESTIGATION, SUBPOENA, OR SUMMONS BY A FEDERAL, A STATE, A
42 MUNICIPAL, OR OTHER GOVERNMENTAL AUTHORITY;

43 (c) COOPERATE WITH A LAW ENFORCEMENT AGENCY CONCERNING

1 CONDUCT OR ACTIVITY THAT THE DEVELOPER, DEPLOYER, OR OTHER
2 PERSON REASONABLY AND IN GOOD FAITH BELIEVES MAY VIOLATE
3 FEDERAL, STATE, OR MUNICIPAL LAWS, ORDINANCES, OR REGULATIONS;
4 (d) INVESTIGATE, ESTABLISH, EXERCISE, PREPARE FOR, OR DEFEND
5 LEGAL CLAIMS;
6 (e) TAKE IMMEDIATE STEPS TO PROTECT AN INTEREST THAT IS
7 ESSENTIAL FOR THE LIFE OR PHYSICAL SAFETY OF A CONSUMER OR
8 ANOTHER INDIVIDUAL;
9 (f) BY ANY MEANS OTHER THAN THE USE OF FACIAL RECOGNITION
10 TECHNOLOGY, PREVENT, DETECT, PROTECT AGAINST, OR RESPOND TO
11 SECURITY INCIDENTS, IDENTITY THEFT, FRAUD, HARASSMENT, MALICIOUS
12 OR DECEPTIVE ACTIVITIES, OR ILLEGAL ACTIVITY; INVESTIGATE, REPORT,
13 OR PROSECUTE THE PERSONS RESPONSIBLE FOR ANY SUCH ACTION; OR
14 PRESERVE THE INTEGRITY OR SECURITY OF SYSTEMS;
15 (g) ENGAGE IN PUBLIC OR PEER-REVIEWED SCIENTIFIC OR
16 STATISTICAL RESEARCH IN THE PUBLIC INTEREST THAT ADHERES TO ALL
17 OTHER APPLICABLE ETHICS AND PRIVACY LAWS AND IS CONDUCTED IN
18 ACCORDANCE WITH 45 CFR 46, AS AMENDED, OR RELEVANT
19 REQUIREMENTS ESTABLISHED BY THE FEDERAL FOOD AND DRUG
20 ADMINISTRATION;
21 (h) CONDUCT RESEARCH, TESTING, AND DEVELOPMENT ACTIVITIES
22 REGARDING AN ARTIFICIAL INTELLIGENCE SYSTEM OR MODEL, OTHER THAN
23 TESTING CONDUCTED UNDER REAL-WORLD CONDITIONS, BEFORE THE
24 ARTIFICIAL INTELLIGENCE SYSTEM OR MODEL IS PLACED ON THE MARKET,
25 DEPLOYED, OR PUT INTO SERVICE, AS APPLICABLE; OR
26 (i) ASSIST ANOTHER DEVELOPER, DEPLOYER, OR OTHER PERSON
27 WITH ANY OF THE OBLIGATIONS IMPOSED UNDER THIS PART 16.
28 (2) THE OBLIGATIONS IMPOSED ON DEVELOPERS, DEPLOYERS, OR
29 OTHER PERSONS UNDER THIS PART 16 DO NOT RESTRICT A DEVELOPER'S, A
30 DEPLOYER'S, OR OTHER PERSON'S ABILITY TO:
31 (a) EFFECTUATE A PRODUCT RECALL; OR
32 (b) IDENTIFY AND REPAIR TECHNICAL ERRORS THAT IMPAIR
33 EXISTING OR INTENDED FUNCTIONALITY.
34 (3) THE OBLIGATIONS IMPOSED ON DEVELOPERS, DEPLOYERS, OR
35 OTHER PERSONS UNDER THIS PART 16 DO NOT APPLY WHERE COMPLIANCE
36 WITH THIS PART 16 BY THE DEVELOPER, DEPLOYER, OR OTHER PERSON
37 WOULD VIOLATE AN EVIDENTIARY PRIVILEGE UNDER THE LAWS OF THIS
38 STATE.
39 (4) NOTHING IN THIS PART 16 IMPOSES ANY OBLIGATION ON A
40 DEVELOPER, A DEPLOYER, OR OTHER PERSON THAT ADVERSELY AFFECTS
41 THE RIGHTS OR FREEDOMS OF A PERSON, INCLUDING THE RIGHTS OF A
42 PERSON TO FREEDOM OF SPEECH OR FREEDOM OF THE PRESS THAT ARE
43 GUARANTEED IN:

1 (a) THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION;
2 OR
3 (b) SECTION 10 OF ARTICLE II OF THE STATE CONSTITUTION.
4 (5) NOTHING IN THIS PART 16 APPLIES TO A DEVELOPER, A
5 DEPLOYER, OR OTHER PERSON:
6 (a) IN SO FAR AS THE DEVELOPER, DEPLOYER, OR OTHER PERSON
7 DEVELOPS, DEPLOYS, PUTS INTO SERVICE, OR INTENTIONALLY AND
8 SUBSTANTIALLY MODIFIES, AS APPLICABLE, A HIGH-RISK ARTIFICIAL
9 INTELLIGENCE SYSTEM:
10 (I) THAT HAS BEEN APPROVED, AUTHORIZED, CERTIFIED, CLEARED,
11 OR GRANTED BY A FEDERAL AGENCY, SUCH AS THE FEDERAL FOOD AND
12 DRUG ADMINISTRATION OR THE FEDERAL AVIATION ADMINISTRATION,
13 ACTING WITHIN THE SCOPE OF THE FEDERAL AGENCY'S AUTHORITY; OR
14 (II) IN COMPLIANCE WITH STANDARDS ESTABLISHED BY A FEDERAL
15 AGENCY, INCLUDING STANDARDS ESTABLISHED BY THE FEDERAL OFFICE
16 OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION
17 TECHNOLOGY;
18 (b) CONDUCTING RESEARCH TO SUPPORT AN APPLICATION FOR
19 APPROVAL OR CERTIFICATION FROM A FEDERAL AGENCY, INCLUDING THE
20 FEDERAL AVIATION ADMINISTRATION, THE FEDERAL COMMUNICATIONS
21 COMMISSION, OR THE FEDERAL FOOD AND DRUG ADMINISTRATION OR
22 RESEARCH TO SUPPORT AN APPLICATION OTHERWISE SUBJECT TO REVIEW
23 BY THE FEDERAL AGENCY;
24 (c) PERFORMING WORK UNDER, OR IN CONNECTION WITH, A
25 CONTRACT WITH THE UNITED STATES DEPARTMENT OF COMMERCE, THE
26 UNITED STATES DEPARTMENT OF DEFENSE, OR THE NATIONAL
27 AERONAUTICS AND SPACE ADMINISTRATION, UNLESS THE DEVELOPER,
28 DEPLOYER, OR OTHER PERSON IS PERFORMING THE WORK ON A HIGH-RISK
29 ARTIFICIAL INTELLIGENCE SYSTEM THAT IS USED TO MAKE, OR IS A
30 SUBSTANTIAL FACTOR IN MAKING, A DECISION CONCERNING EMPLOYMENT
31 OR HOUSING; OR
32 (d) THAT IS A COVERED ENTITY WITHIN THE MEANING OF THE
33 FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT
34 OF 1996", 42 U.S.C. SECS. 1320d TO 1320d-9, AND THE REGULATIONS
35 PROMULGATED UNDER THE FEDERAL ACT, AS BOTH MAY BE AMENDED
36 FROM TIME TO TIME, AND IS PROVIDING HEALTH-CARE RECOMMENDATIONS
37 THAT:
38 (I) ARE GENERATED BY AN ARTIFICIAL INTELLIGENCE SYSTEM;
39 (II) REQUIRE A HEALTH-CARE PROVIDER TO TAKE ACTION TO
40 IMPLEMENT THE RECOMMENDATIONS; AND
41 (III) ARE NOT CONSIDERED TO BE HIGH RISK.
42 (6) NOTHING IN THIS PART 16 APPLIES TO ANY ARTIFICIAL
43 INTELLIGENCE SYSTEM THAT IS ACQUIRED BY OR FOR THE FEDERAL

1 GOVERNMENT OR ANY FEDERAL AGENCY OR DEPARTMENT, INCLUDING THE
2 UNITED STATES DEPARTMENT OF COMMERCE, THE UNITED STATES
3 DEPARTMENT OF DEFENSE, OR THE NATIONAL AERONAUTICS AND SPACE
4 ADMINISTRATION, UNLESS THE ARTIFICIAL INTELLIGENCE SYSTEM IS A
5 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM THAT IS USED TO MAKE, OR
6 IS A SUBSTANTIAL FACTOR IN MAKING, A DECISION CONCERNING
7 EMPLOYMENT OR HOUSING.

8 (7) AN INSURER, AS DEFINED IN SECTION 10-1-102 (13), OR
9 FRATERNAL BENEFIT SOCIETY, AS DEFINED IN SECTION 10-14-102, IS IN
10 FULL COMPLIANCE WITH THIS PART 16 IF THE INSURER OR FRATERNAL
11 BENEFIT SOCIETY HAS IMPLEMENTED AND MAINTAINS A WRITTEN
12 ARTIFICIAL INTELLIGENCE SYSTEMS PROGRAM IN ACCORDANCE WITH ALL
13 REQUIREMENTS ESTABLISHED BY THE COMMISSIONER OF INSURANCE AND
14 THE REQUIREMENTS ESTABLISHED BY THE COMMISSIONER OF INSURANCE
15 ARE SUBSTANTIALLY EQUIVALENT OR MORE STRINGENT THAN THE
16 REQUIREMENTS OF THIS PART 16.

17 (8) (a) A BANK, OUT-OF-STATE BANK, CREDIT UNION CHARTERED
18 BY THE STATE OF COLORADO, FEDERAL CREDIT UNION, OUT-OF-STATE
19 CREDIT UNION, OR ANY AFFILIATE OR SUBSIDIARY THEREOF, IS IN FULL
20 COMPLIANCE WITH THIS PART 16 IF THE BANK, OUT-OF-STATE BANK,
21 CREDIT UNION CHARTERED BY THE STATE OF COLORADO, FEDERAL CREDIT
22 UNION, OUT-OF-STATE CREDIT UNION, OR AFFILIATE OR SUBSIDIARY IS
23 SUBJECT TO EXAMINATION BY A STATE OR FEDERAL PRUDENTIAL
24 REGULATOR UNDER ANY PUBLISHED GUIDANCE OR REGULATIONS THAT
25 APPLY TO THE USE OF HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEMS AND
26 THE GUIDANCE OR REGULATIONS:

27 (I) IMPOSE REQUIREMENTS THAT ARE SUBSTANTIALLY EQUIVALENT
28 TO OR MORE STRINGENT THAN THE REQUIREMENTS IMPOSED IN THIS PART
29 16; AND

30 (II) AT A MINIMUM, REQUIRE THE BANK, OUT-OF-STATE BANK,
31 CREDIT UNION CHARTERED BY THE STATE OF COLORADO, FEDERAL CREDIT
32 UNION, OUT-OF-STATE CREDIT UNION, OR AFFILIATE OR SUBSIDIARY TO:

33 (A) REGULARLY AUDIT THE BANK'S, OUT-OF-STATE BANK'S,
34 CREDIT UNION CHARTERED BY THE STATE OF COLORADO'S, FEDERAL
35 CREDIT UNION'S, OUT-OF-STATE CREDIT UNION'S, OR AFFILIATE'S OR
36 SUBSIDIARY'S USE OF HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEMS FOR
37 COMPLIANCE WITH STATE AND FEDERAL ANTIDISCRIMINATION LAWS AND
38 REGULATIONS APPLICABLE TO THE BANK, OUT-OF-STATE BANK, CREDIT
39 UNION CHARTERED BY THE STATE OF COLORADO, FEDERAL CREDIT UNION,
40 OUT-OF-STATE CREDIT UNION, OR AFFILIATE OR SUBSIDIARY; AND

41 (B) MITIGATE ANY ALGORITHMIC DISCRIMINATION CAUSED BY THE
42 USE OF A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM OR ANY RISK OF
43 ALGORITHMIC DISCRIMINATION THAT IS REASONABLY FORESEEABLE AS A

1 RESULT OF THE USE OF A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM.
2 (b) AS USED IN THIS SUBSECTION (8):
3 (I) "AFFILIATE" HAS THE MEANING SET FORTH IN SECTION
4 11-101-401 (3.5).
5 (II) "BANK" HAS THE MEANING SET FORTH IN SECTION 11-101-401
6 (5).
7 (III) "CREDIT UNION" HAS THE MEANING SET FORTH IN SECTION
8 11-30-101 (1)(a).
9 (IV) "OUT-OF-STATE BANK" HAS THE MEANING SET FORTH IN
10 SECTION 11-101-401 (50).
11 (9) IF A DEVELOPER, A DEPLOYER, OR OTHER PERSON ENGAGES IN
12 AN ACTION PURSUANT TO AN EXEMPTION SET FORTH IN THIS SECTION, THE
13 DEVELOPER, DEPLOYER, OR OTHER PERSON BEARS THE BURDEN OF
14 DEMONSTRATING THAT THE ACTION QUALIFIES FOR THE EXEMPTION.
15 **6-1-1606. Enforcement by attorney general.**
16 (1) NOTWITHSTANDING SECTION 6-1-103, THE ATTORNEY GENERAL HAS
17 EXCLUSIVE AUTHORITY TO ENFORCE THIS PART 16.
18 (2) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, A
19 VIOLATION OF THE REQUIREMENTS ESTABLISHED IN THIS PART 16
20 CONSTITUTES AN UNFAIR TRADE PRACTICE PURSUANT TO SECTION 6-1-105
21 (1)(eeee).
22 (3) IN ANY ACTION COMMENCED BY THE ATTORNEY GENERAL TO
23 ENFORCE THIS PART 16, IT IS AN AFFIRMATIVE DEFENSE THAT THE
24 DEVELOPER, DEPLOYER, OR OTHER PERSON:
25 (a) DISCOVERS A VIOLATION OF THIS PART 16 AS A RESULT OF:
26 (I) FEEDBACK THAT THE DEVELOPER, DEPLOYER, OR OTHER
27 PERSON ENCOURAGES DEPLOYERS OR USERS TO PROVIDE TO THE
28 DEVELOPER, DEPLOYER, OR OTHER PERSON;
29 (II) ADVERSARIAL TESTING OR RED TEAMING, AS THOSE TERMS
30 ARE DEFINED OR USED BY THE NATIONAL INSTITUTE OF STANDARDS AND
31 TECHNOLOGY; OR
32 (III) AN INTERNAL REVIEW PROCESS; AND
33 (b) IS OTHERWISE IN COMPLIANCE WITH:
34 (I) THE LATEST VERSION OF THE "ARTIFICIAL INTELLIGENCE RISK
35 MANAGEMENT FRAMEWORK" PUBLISHED BY THE NATIONAL INSTITUTE OF
36 STANDARDS AND TECHNOLOGY IN THE UNITED STATES DEPARTMENT OF
37 COMMERCE AND STANDARD ISO/IEC 42001 OF THE INTERNATIONAL
38 ORGANIZATION FOR STANDARDIZATION;
39 (II) ANOTHER NATIONALLY OR INTERNATIONALLY RECOGNIZED
40 RISK MANAGEMENT FRAMEWORK FOR ARTIFICIAL INTELLIGENCE SYSTEMS;
41 OR
42 (III) ANY RISK MANAGEMENT FRAMEWORK FOR ARTIFICIAL
43 INTELLIGENCE SYSTEMS THAT THE ATTORNEY GENERAL, IN THE ATTORNEY

1 GENERAL'S DISCRETION, MAY DESIGNATE AND, IF DESIGNATED, SHALL
2 PUBLICLY DISSEMINATE.

3 (4) A DEVELOPER, A DEPLOYER, OR OTHER PERSON BEARS THE
4 BURDEN OF DEMONSTRATING TO THE ATTORNEY GENERAL THAT THE
5 REQUIREMENTS ESTABLISHED IN SUBSECTION (3) OF THIS SECTION HAVE
6 BEEN SATISFIED.

7 (5) NOTHING IN THIS PART 16, INCLUDING THE ENFORCEMENT
8 AUTHORITY GRANTED TO THE ATTORNEY GENERAL UNDER THIS SECTION,
9 PREEMPTS OR OTHERWISE AFFECTS ANY RIGHT, CLAIM, REMEDY,
10 PRESUMPTION, OR DEFENSE AVAILABLE AT LAW OR IN EQUITY. A
11 REBUTTABLE PRESUMPTION OR AFFIRMATIVE DEFENSE ESTABLISHED
12 UNDER THIS PART 16 APPLIES ONLY TO AN ENFORCEMENT ACTION
13 BROUGHT BY THE ATTORNEY GENERAL PURSUANT TO THIS SECTION AND
14 DOES NOT APPLY TO ANY RIGHT, CLAIM, REMEDY, PRESUMPTION, OR
15 DEFENSE AVAILABLE AT LAW OR IN EQUITY.

16 (6) THIS PART 16 DOES NOT PROVIDE THE BASIS FOR, AND IS NOT
17 SUBJECT TO, A PRIVATE RIGHT OF ACTION FOR VIOLATIONS OF THIS PART
18 16 OR ANY OTHER LAW.

19 **6-1-1607. Rules.** (1) THE ATTORNEY GENERAL MAY PROMULGATE
20 RULES AS NECESSARY FOR THE PURPOSE OF IMPLEMENTING AND
21 ENFORCING THIS PART 16, INCLUDING:

22 (a) THE DOCUMENTATION AND REQUIREMENTS FOR DEVELOPERS
23 PURSUANT TO SECTION 6-1-1602 (2);

24 (b) THE CONTENTS OF AND REQUIREMENTS FOR THE NOTICES AND
25 DISCLOSURES REQUIRED BY SECTIONS 6-1-1602 (5) AND (7); 6-1-1603 (4),
26 (5), (7), AND (9); AND 6-1-1604;

27 (c) THE CONTENT AND REQUIREMENTS OF THE RISK MANAGEMENT
28 POLICY AND PROGRAM REQUIRED BY SECTION 6-1-1603 (2);

29 (d) THE CONTENT AND REQUIREMENTS OF THE IMPACT
30 ASSESSMENTS REQUIRED BY SECTION 6-1-1603 (3);

31 (e) THE REQUIREMENTS FOR THE REBUTTABLE PRESUMPTIONS SET
32 FORTH IN SECTIONS 6-1-1602 AND 6-1-1603; AND

33 (f) THE REQUIREMENTS FOR THE AFFIRMATIVE DEFENSE SET FORTH
34 IN SECTION 6-1-1606 (3), INCLUDING THE PROCESS BY WHICH THE
35 ATTORNEY GENERAL WILL RECOGNIZE ANY OTHER NATIONALLY OR
36 INTERNATIONALLY RECOGNIZED RISK MANAGEMENT FRAMEWORK FOR
37 ARTIFICIAL INTELLIGENCE SYSTEMS.

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

40 **6-1-105. Unfair or deceptive trade practices.** (1) A person
41 engages in a deceptive trade practice when, in the course of the person's
42 business, vocation, or occupation, the person:

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

1 **SECTION 3. Safety clause.** The general assembly finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, or safety or for appropriations for
4 the support and maintenance of the departments of the state and state
5 institutions."

** ** ** ** **