

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0266.02 Megan Waples x4348

HOUSE BILL 21-1244

HOUSE SPONSORSHIP

Valdez A.,

SENATE SPONSORSHIP

Rodriguez,

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING RESTRICTIONS ON THE COLLECTION AND USE OF**
102 **BIOMETRIC INFORMATION.**

Bill Summary

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

The bill prohibits a legal entity that targets products or services to people in Colorado (covered entity) from collecting, storing, or using biometric identifiers of a Colorado consumer unless it:

- Provides the consumer with information about what biometric identifiers are collected;
- Obtains the consent of the consumer to the collection,

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

1 COLLECTION OF BIOMETRIC IDENTIFIERS

2 **6-1-1301. Legislative declaration.** (1) THE GENERAL ASSEMBLY
3 HEREBY FINDS AND DECLARES THAT:

4 (a) THE PEOPLE OF COLORADO VALUE THEIR INDIVIDUAL PRIVACY
5 AND UNDERSTAND IT TO BE A FUNDAMENTAL RIGHT AND AN ESSENTIAL
6 ELEMENT OF THEIR FREEDOM;

7 (b) COLORADO'S CONSTITUTION EXPLICITLY PROVIDES THE RIGHT
8 TO PRIVACY UNDER SECTION 7 OF ARTICLE II;

9 (c) FUNDAMENTAL PRIVACY RIGHTS HAVE BEEN AND CONTINUE TO
10 BE INTEGRAL TO PROTECTING THE LIBERTY AND FREEDOMS OF
11 COLORADANS;

12 (d) TECHNOLOGY HAS COME TO PLAY AN EVER-LARGER ROLE IN
13 THE DAY-TO-DAY LIVES OF MANY PEOPLE, INCLUDING IN THEIR WORK,
14 SOCIAL, AND HOME LIVES, AND THE TECHNOLOGY COLORADANS USE
15 INCREASINGLY INVOLVES FEATURES THAT RELY ON THE USE OF BIOMETRIC
16 IDENTIFIERS SUCH AS FACIAL OR VOICE RECOGNITION;

17 (e) THE INCREASING COLLECTION OF BIOMETRIC IDENTIFIERS
18 CREATES RISKS TO THE PRIVACY AND FREEDOMS OF THE PEOPLE OF
19 COLORADO; AND

20 (f) THE POTENTIAL FOR THE UNAUTHORIZED RELEASE OR
21 DISCLOSURE OF BIOMETRIC IDENTIFIERS ALSO CREATES ADDITIONAL RISKS
22 INCLUDING EXPOSURE TO FINANCIAL FRAUD, IDENTITY THEFT,
23 HARASSMENT, AND OTHER FORMS OF HARM THAT CAN HAVE SEVERE
24 IMPACTS ON THEIR VICTIMS.

25 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT,
26 IN LIGHT OF THE FOREGOING:

27 (a) IT IS A MATTER OF STATE INTEREST TO PROTECT COLORADANS

1 FROM THE RISKS ASSOCIATED WITH THE COLLECTION, STORAGE, AND USE
2 OF THEIR BIOMETRIC IDENTIFIERS; AND

3 (b) COLORADANS SHOULD HAVE THE OPPORTUNITY TO BE
4 INFORMED OF THE BIOMETRIC IDENTIFIERS THAT ARE COLLECTED
5 THROUGH THEIR USE OF TECHNOLOGY, TO DECIDE WHETHER TO CONSENT
6 TO THE COLLECTION OF BIOMETRIC IDENTIFIERS, TO REVOKE THAT
7 CONSENT AT ANY TIME, AND TO HAVE THEIR BIOMETRIC IDENTIFIERS
8 DELETED OR DESTROYED UPON THEIR REQUEST.

9 **6-1-1302. Definitions.** AS USED IN THIS PART 13, UNLESS THE
10 CONTEXT OTHERWISE REQUIRES:

11 (1) (a) "BIOMETRIC IDENTIFIER" MEANS:

12 (I) A RETINA OR IRIS SCAN;

13 (II) A VOICE PRINT;

14 (III) A FACE PRINT, INCLUDING A FACE PRINT DERIVED FROM A
15 PHOTOGRAPH;

16 (IV) A FINGERPRINT OR PALM PRINT; AND

17 (V) ANY OTHER UNIQUE IDENTIFYING INFORMATION BASED ON THE
18 CHARACTERISTICS OF AN INDIVIDUAL'S GAIT OR OTHER IMMUTABLE
19 CHARACTERISTICS OF AN INDIVIDUAL.

20 (b) "BIOMETRIC IDENTIFIER" DOES NOT INCLUDE:

21 (I) WRITING SAMPLES, WRITTEN SIGNATURES, PHOTOGRAPHS,
22 HUMAN BIOLOGICAL SAMPLES USED FOR VALID SCIENTIFIC TESTING OR
23 SCREENING, DEMOGRAPHIC DATA, TATTOO DESCRIPTIONS, OR PHYSICAL
24 DESCRIPTIONS SUCH AS HEIGHT, HAIR COLOR, OR EYE COLOR;

25 (II) INFORMATION CAPTURED FROM A PATIENT IN A HEALTH-CARE
26 SETTING FOR MEDICAL PURPOSES OR INFORMATION COLLECTED, USED, OR
27 STORED FOR HEALTH-CARE TREATMENT, PAYMENT, OR OPERATIONS

1 PURSUANT TO THE FEDERAL "HEALTH INSURANCE PORTABILITY AND
2 ACCOUNTABILITY ACT OF 1996", 42 U.S.C. SECS. 1320d TO 1320d-9, AS
3 AMENDED, AND ITS IMPLEMENTING REGULATIONS; OR

4 (III) AN X-RAY, ROENTGEN PROCESS, COMPUTED TOMOGRAPHY,
5 MRI, PET SCAN, MAMMOGRAPHY, OR OTHER IMAGE OR FILM OF THE
6 HUMAN ANATOMY USED TO DIAGNOSE, PROGNOSE, OR TREAT AN ILLNESS
7 OR OTHER MEDICAL CONDITION OR TO FURTHER VALIDATE SCIENTIFIC
8 TESTING OR SCREENING.

9 (2) "CHILD" MEANS AN INDIVIDUAL UNDER EIGHTEEN YEARS OF
10 AGE.

11 (3) "CONSENT" MEANS A CLEAR, AFFIRMATIVE ACT SIGNIFYING A
12 CONSUMER'S FREELY GIVEN, SPECIFIC, INFORMED, AND UNAMBIGUOUS
13 AGREEMENT, SUCH AS BY A WRITTEN STATEMENT, INCLUDING BY
14 ELECTRONIC MEANS, OR OTHER CLEAR, AFFIRMATIVE ACTION.

15 (4) "CONSUMER":

16 (a) MEANS AN INDIVIDUAL WHO IS A COLORADO RESIDENT ACTING
17 ONLY IN AN INDIVIDUAL OR HOUSEHOLD CAPACITY; AND

18 (b) DOES NOT INCLUDE AN INDIVIDUAL ACTING ON BEHALF OF OR
19 IN THE CAPACITY OF A BUSINESS OR COMMERCIAL ENTERPRISE OR IN AN
20 EMPLOYMENT CONTEXT.

21 (5) "COVERED ENTITY" MEANS A LEGAL ENTITY THAT CONDUCTS
22 BUSINESS IN COLORADO OR PRODUCES PRODUCTS OR SERVICES THAT ARE
23 INTENTIONALLY TARGETED TO RESIDENTS OF COLORADO AND COLLECTS,
24 STORES, OR USES BIOMETRIC IDENTIFIERS.

25 **6-1-1303. Collection of biometric identifiers - consent required**
26 **- option to revoke.** (1) A COVERED ENTITY SHALL NOT COLLECT, STORE,
27 OR USE A BIOMETRIC IDENTIFIER OF A CONSUMER UNLESS THE COVERED

1 ENTITY:

2 (a) INFORMS THE CONSUMER OF WHAT BIOMETRIC IDENTIFIER IS
3 BEING COLLECTED, HOW IT WILL BE STORED, AND HOW IT WILL BE USED;

4 (b) OBTAINS THE CONSENT OF THE CONSUMER TO THE COLLECTION,
5 STORAGE, OR USE OF THE BIOMETRIC IDENTIFIER; AND

6 (c) NOTIFIES THE CONSUMER THAT THE CONSUMER CAN REVOKE
7 CONSENT AT ANY TIME AND THE PROCEDURE FOR DOING SO.

8 (2) IF THE CONSUMER IS A KNOWN CHILD, THE COVERED ENTITY
9 SHALL NOT COLLECT, STORE, OR USE A BIOMETRIC IDENTIFIER OF THE
10 CONSUMER UNLESS THE COVERED ENTITY PROVIDES THE NOTICE AND
11 INFORMATION AND OBTAINS CONSENT AS REQUIRED BY SUBSECTION (1) OF
12 THIS SECTION FROM THE CONSUMER'S PARENT OR LEGAL GUARDIAN.

13 (3) (a) IF A CONSUMER REVOKES CONSENT TO THE COLLECTION,
14 STORAGE, OR USE OF THE CONSUMER'S BIOMETRIC IDENTIFIER, A COVERED
15 ENTITY SHALL, WITHIN THIRTY DAYS:

16 (I) CEASE COLLECTING OR USING THE CONSUMER'S BIOMETRIC
17 IDENTIFIER; AND

18 (II) DELETE OR DESTROY ANY BIOMETRIC IDENTIFIER OF THE
19 CONSUMER THAT THE COVERED ENTITY HAS COLLECTED OR STORED.

20 (b) A COVERED ENTITY IS NOT REQUIRED TO COMPLY WITH A
21 REVOCATION OF CONSENT UNDER THIS SUBSECTION (3) IF THE COVERED
22 ENTITY IS UNABLE TO DETERMINE USING COMMERCIALY REASONABLE
23 EFFORTS THAT THE REVOCATION IS BEING MADE BY THE CONSUMER OR ON
24 THE CONSUMER'S BEHALF, IN WHICH CASE THE COVERED ENTITY MAY
25 REQUEST THE PROVISION OF ADDITIONAL INFORMATION REASONABLY
26 NECESSARY TO AUTHENTICATE THE REVOCATION. A COVERED ENTITY
27 SHALL ACCEPT A COPY OF A VALID GOVERNMENT-ISSUED IDENTIFICATION

1 WITH A PHOTOGRAPH AS PROOF OF A REQUESTING CONSUMER'S IDENTITY.

2 **6-1-1304. Violations.** A VIOLATION OF THIS PART 13 CONSTITUTES
3 AN UNFAIR OR DECEPTIVE TRADE PRACTICE UNDER SECTION 6-1-105.

4 **SECTION 3.** In Colorado Revised Statutes, **add** part 2 to article
5 73 of title 24 as follows:

6 PART 2

7 COLLECTION AND USE OF BIOMETRIC IDENTIFIERS

8 **24-73-201. Legislative declaration.** (1) THE GENERAL ASSEMBLY
9 HEREBY FINDS AND DECLARES THAT:

10 (a) THE PEOPLE OF COLORADO VALUE THEIR INDIVIDUAL PRIVACY
11 AND UNDERSTAND IT TO BE A FUNDAMENTAL RIGHT AND AN ESSENTIAL
12 ELEMENT OF THEIR FREEDOM;

13 (b) COLORADO'S CONSTITUTION EXPLICITLY PROVIDES THE RIGHT
14 TO PRIVACY UNDER SECTION 7 OF ARTICLE II;

15 (c) FUNDAMENTAL PRIVACY RIGHTS HAVE BEEN AND CONTINUE TO
16 BE INTEGRAL TO PROTECTING THE LIBERTY AND FREEDOMS OF
17 COLORADANS;

18 (d) THE INCREASED USE OF TECHNOLOGY BY STATE AND LOCAL
19 GOVERNMENTS HAS LED TO AN INCREASE IN THE COLLECTION OF
20 BIOMETRIC IDENTIFIERS OF THE PEOPLE OF COLORADO;

21 (e) THE INCREASING COLLECTION OF BIOMETRIC IDENTIFIERS
22 CREATES RISKS TO THE PRIVACY AND FREEDOMS OF THE PEOPLE OF
23 COLORADO;

24 (f) THE SALE, RELEASE, OR ACQUISITION OF BIOMETRIC
25 IDENTIFIERS BY GOVERNMENTAL ENTITIES INCREASES THE RISKS TO THE
26 PEOPLE OF COLORADO, AND CREATES ADDITIONAL POTENTIAL FOR
27 SECURITY BREACHES AND UNAUTHORIZED RELEASES OF THEIR BIOMETRIC

1 IDENTIFIERS; AND

2 (g) THE POTENTIAL FOR UNAUTHORIZED RELEASES OF BIOMETRIC
3 IDENTIFIERS CREATES ADDITIONAL RISKS INCLUDING EXPOSURE TO
4 FINANCIAL FRAUD, IDENTITY THEFT, HARASSMENT, AND OTHER FORMS OF
5 HARM THAT CAN HAVE SEVERE IMPACTS ON THEIR VICTIMS.

6 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
7 IT IS A MATTER OF STATEWIDE CONCERN TO ENSURE THAT THE PEOPLE OF
8 COLORADO ARE PROTECTED FROM THE RISKS ASSOCIATED WITH THE
9 COLLECTION, TRANSFER, SALE, OR DISCLOSURE OF BIOMETRIC IDENTIFIERS
10 BY GOVERNMENTAL ENTITIES.

11 **24-73-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE
12 CONTEXT OTHERWISE REQUIRES:

13 (1) (a) "BIOMETRIC IDENTIFIER" MEANS:

14 (I) A RETINA OR IRIS SCAN;

15 (II) A VOICE PRINT;

16 (III) A FACE PRINT, INCLUDING A FACE PRINT DERIVED FROM A
17 PHOTOGRAPH;

18 (IV) A FINGERPRINT OR PALM PRINT; AND

19 (V) ANY OTHER UNIQUE IDENTIFYING INFORMATION BASED ON THE
20 CHARACTERISTICS OF AN INDIVIDUAL'S GAIT OR OTHER IMMUTABLE
21 CHARACTERISTICS OF AN INDIVIDUAL.

22 (b) "BIOMETRIC IDENTIFIER" DOES NOT INCLUDE:

23 (I) WRITING SAMPLES, WRITTEN SIGNATURES, PHOTOGRAPHS,
24 HUMAN BIOLOGICAL SAMPLES USED FOR VALID SCIENTIFIC TESTING OR
25 SCREENING, DEMOGRAPHIC DATA, TATTOO DESCRIPTIONS, OR PHYSICAL
26 DESCRIPTIONS SUCH AS HEIGHT, HAIR COLOR, OR EYE COLOR;

27 (II) INFORMATION CAPTURED FROM A PATIENT IN A HEALTH-CARE

1 SETTING FOR MEDICAL PURPOSES OR INFORMATION COLLECTED, USED, OR
2 STORED FOR HEALTH-CARE TREATMENT, PAYMENT, OR OPERATIONS
3 PURSUANT TO THE FEDERAL "HEALTH INSURANCE PORTABILITY AND
4 ACCOUNTABILITY ACT OF 1996", 42 U.S.C. SECS. 1320d TO 1320d-9, AS
5 AMENDED, AND ITS IMPLEMENTING REGULATIONS; OR

6 (III) AN X-RAY, ROENTGEN PROCESS, COMPUTED TOMOGRAPHY,
7 MRI, PET SCAN, MAMMOGRAPHY, OR OTHER IMAGE OR FILM OF THE
8 HUMAN ANATOMY USED TO DIAGNOSE, PROGNOSE, OR TREAT AN ILLNESS
9 OR OTHER MEDICAL CONDITION OR TO FURTHER VALIDATE SCIENTIFIC
10 TESTING OR SCREENING.

11 (2) "BIOMETRIC SURVEILLANCE SYSTEM" MEANS ANY COMPUTER
12 SOFTWARE THAT COLLECTS, STORES, OR USES BIOMETRIC IDENTIFIERS IN
13 REAL TIME OR ON A RECORDING OR PHOTOGRAPH.

14 (3) "GOVERNMENTAL ENTITY" MEANS THE STATE AND ANY STATE
15 AGENCY OR INSTITUTION, COUNTY, CITY AND COUNTY, INCORPORATED
16 CITY OR TOWN, SCHOOL DISTRICT, SPECIAL IMPROVEMENT DISTRICT,
17 AUTHORITY, STATE INSTITUTION OF HIGHER EDUCATION, AND EVERY
18 OTHER KIND OF DISTRICT, INSTRUMENTALITY, OR POLITICAL SUBDIVISION
19 OF THE STATE ORGANIZED PURSUANT TO LAW. "GOVERNMENTAL ENTITY"
20 INCLUDES ENTITIES GOVERNED BY HOME RULE CHARTERS.

21 (4) "SALE" OR "SELL" MEANS THE EXCHANGE OR TRANSFER OF
22 INFORMATION FOR MONETARY OR OTHER CONSIDERATION.

23 (5) "STATE INSTITUTION OF HIGHER EDUCATION" MEANS A STATE
24 INSTITUTION OF HIGHER EDUCATION AS DEFINED IN SECTION 23-18-102
25 (10)(a), A LOCAL DISTRICT COLLEGE AS DEFINED IN SECTION 23-71-102
26 (1)(a), OR AN AREA TECHNICAL COLLEGE AS DEFINED IN SECTION
27 23-60-103 (1).

1 **24-73-203. Authorization required for biometric surveillance.**

2 (1) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, A
3 GOVERNMENTAL ENTITY SHALL NOT ACQUIRE, POSSESS, OR USE ANY
4 BIOMETRIC IDENTIFIER OR BIOMETRIC SURVEILLANCE SYSTEM UNLESS THE
5 ACQUISITION, POSSESSION, OR USE IS SPECIFICALLY AUTHORIZED IN
6 STATUTE.

7 (2) STATUTORY AUTHORIZATION FOR THE ACQUISITION,
8 POSSESSION, OR USE OF BIOMETRIC IDENTIFIERS OR A BIOMETRIC
9 SURVEILLANCE SYSTEM BY A GOVERNMENTAL ENTITY MUST DESCRIBE, AT
10 A MINIMUM:

11 (a) THE GOVERNMENTAL ENTITIES PERMITTED TO ACQUIRE,
12 POSSESS, OR USE THE BIOMETRIC IDENTIFIERS OR BIOMETRIC
13 SURVEILLANCE SYSTEM, THE PURPOSES FOR SUCH ACQUISITION AND USE,
14 AND PROHIBITED USES;

15 (b) STANDARDS FOR THE ACQUISITION, POSSESSION, USE, AND
16 MANAGEMENT OF INFORMATION DERIVED FROM THE BIOMETRIC
17 IDENTIFIERS OR BIOMETRIC SURVEILLANCE SYSTEM, INCLUDING BUT NOT
18 LIMITED TO DATA RETENTION, SHARING, ACCESS, AND AUDIT TRAILS;

19 (c) AUDITING REQUIREMENTS TO ENSURE THE ACCURACY OF
20 BIOMETRIC SURVEILLANCE SYSTEM TECHNOLOGIES, STANDARDS FOR
21 MINIMUM ACCURACY RATES, AND ACCURACY RATES BY GENDER, SKIN
22 COLOR, AND AGE;

23 (d) STANDARDS FOR PROTECTIONS FOR DUE PROCESS, PRIVACY,
24 FREE SPEECH AND ASSOCIATION, AND RACIAL, GENDER, AND RELIGIOUS
25 EQUITY; AND

26 (e) MECHANISMS TO ENSURE COMPLIANCE.

27 (3) THIS SECTION DOES NOT APPLY TO THE COLLECTION AND USE

1 OF FINGERPRINTS FOR IDENTIFICATION PURPOSES.

2 **24-73-204. Sale and acquisition of biometric information -**

3 **limitations.** (1) A GOVERNMENTAL ENTITY SHALL NOT SELL, DISCLOSE,
4 OR RELEASE ANY BIOMETRIC IDENTIFIERS OR ANY INFORMATION DERIVED
5 FROM A BIOMETRIC SURVEILLANCE SYSTEM MAINTAINED OR USED BY THE
6 GOVERNMENTAL ENTITY, UNLESS:

7 (a) THE SALE, DISCLOSURE, OR RELEASE OF THE BIOMETRIC
8 IDENTIFIERS OR INFORMATION IS REQUIRED TO COMPLY WITH A COURT
9 ORDER OR RULE OR A STATE OR FEDERAL LAW; OR

10 (b) THE INDIVIDUAL WHO IS THE SUBJECT OF THE BIOMETRIC
11 IDENTIFIER OR INFORMATION CONSENTS IN WRITING TO THE SALE,
12 DISCLOSURE, OR RELEASE OF THE BIOMETRIC IDENTIFIER OR INFORMATION.

13 (2) EXCEPT AS PROVIDED BY SUBSECTION (1) OF THIS SECTION, A
14 GOVERNMENTAL ENTITY SHALL NOT ACQUIRE, POSSESS, ACCESS, OR USE
15 BIOMETRIC IDENTIFIERS OR ANY INFORMATION DERIVED FROM A
16 BIOMETRIC SURVEILLANCE SYSTEM OPERATED BY A THIRD PARTY,
17 INCLUDING ANOTHER GOVERNMENTAL ENTITY, UNLESS AUTHORIZED BY A
18 COURT ORDER.

19 **24-73-205. More stringent regulation allowed.** THIS PART 2
20 DOES NOT PROHIBIT A GOVERNMENTAL ENTITY FROM ADOPTING AND
21 ENFORCING RESTRICTIONS ON THE ACQUISITION, POSSESSION, ACCESS TO,
22 OR USE OF BIOMETRIC IDENTIFIERS OR BIOMETRIC SURVEILLANCE SYSTEMS
23 BY THAT GOVERNMENTAL ENTITY THAT MEET OR EXCEED THE
24 RESTRICTIONS OF THIS PART 2.

25 **24-73-206. Admissibility.** EXCEPT IN AN INVESTIGATION OR
26 JUDICIAL PROCEEDING ALLEGING A VIOLATION OF THIS SECTION,
27 INFORMATION OBTAINED IN VIOLATION OF THIS PART 2 IS NOT ADMISSIBLE

1 IN ANY CRIMINAL, CIVIL, ADMINISTRATIVE, DISCIPLINARY, OR OTHER
2 INVESTIGATION OR PROCEEDING.

3 **24-73-207. Enforcement - private right of action.** (1) A
4 VIOLATION OF THIS PART 2 CONSTITUTES AN INJURY TO ANY INDIVIDUAL
5 WHO IS THE SUBJECT OF INFORMATION THAT IS ACQUIRED, POSSESSED,
6 USED, SOLD, PURCHASED, DISCLOSED, OR RELEASED IN VIOLATION OF THIS
7 PART 2.

8 (2) AN INDIVIDUAL WHO IS THE SUBJECT OF A VIOLATION OF THIS
9 PART 2 MAY BRING A CIVIL ACTION AGAINST THE GOVERNMENTAL ENTITY
10 IN ACCORDANCE WITH THE "COLORADO GOVERNMENTAL IMMUNITY ACT",
11 ARTICLE 10 OF THIS TITLE 24; EXCEPT THAT, NOTWITHSTANDING SECTION
12 24-10-114, UPON A FINDING OF A VIOLATION OF THIS PART 2, THE COURT
13 MAY AWARD ANY OF THE FOLLOWING REMEDIES IN ADDITION TO ACTUAL
14 DAMAGES:

15 (a) PUNITIVE OR EXEMPLARY DAMAGES, SUBJECT TO THE
16 LIMITATIONS ON THE AMOUNT OF EXEMPLARY DAMAGES THAT MAY BE
17 AWARDED AS SET FORTH IN SECTION 13-21-102;

18 (b) REASONABLE ATTORNEY FEES AND COSTS; AND

19 (c) ANY OTHER RELIEF, INCLUDING INJUNCTIVE RELIEF, THAT THE
20 COURT DETERMINES TO BE APPROPRIATE.

21 **SECTION 4.** In Colorado Revised Statutes, 24-10-106, **add** (1)(j)
22 as follows:

23 **24-10-106. Immunity and partial waiver.** (1) A public entity
24 shall be immune from liability in all claims for injury which lie in tort or
25 could lie in tort regardless of whether that may be the type of action or the
26 form of relief chosen by the claimant except as provided otherwise in this
27 section. Sovereign immunity is waived by a public entity in an action for

1 injuries resulting from:

2 (j) AN ACTION BROUGHT PURSUANT TO SECTION 24-73-207.

3 **SECTION 5. Act subject to petition - effective date.** Sections
4 1 and 2 of this act take effect July 1, 2022, and the remainder of this act
5 takes effect on January 1, 2022; except that, if a referendum petition is
6 filed pursuant to section 1 (3) of article V of the state constitution against
7 this act or an item, section, or part of this act within the ninety-day period
8 after final adjournment of the general assembly, then the act, item,
9 section, or part will not take effect unless approved by the people at the
10 general election to be held in November 2022 and, in such case, will take
11 effect on the date of the official declaration of the vote thereon by the
12 governor.