

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 26-0705.01 Eden Rolland x2373

HOUSE BILL 26-1303

HOUSE SPONSORSHIP

Bradley and Carter, Espenoza

SENATE SPONSORSHIP

Ball and Catlin, Exum, Rich

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING TECHNICAL CHANGES TO ENERGY AND CARBON**
102 **MANAGEMENT STATUTES.**

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/>.)

Statutory Revision Committee. The bill makes 2 revisions to energy and carbon management statutes. First, the bill amends the terminology used to describe an examination that welders working on oil and gas process lines are required to pass to obtain certification. Current law requires the energy and carbon management commission (commission) to adopt rules to require certification for welders working

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

HOUSE
2nd Reading Unamended
March 13, 2026

on oil and gas process lines, including rules that require passing an exam. Current law refers to the exam as "the International Code Council Exam F31, national standard journeyman mechanical, or an analogous successor exam" (F31 exam). The F31 exam is not applicable to welders. The bill changes the reference to instead refer to certain other examinations that are applicable to welders in the oil and gas industry.

Second, in certain instances, the bill changes "oil and gas operations" to "energy and carbon management operations" to ensure uniformity of terminology and to align statutory references to "operations" to those operations that are within the scope of the commission's regulatory authority.

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

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

4 **6-1-105. Unfair or deceptive trade practices - definitions.**

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

7 (qqqq) VIOLATES PART 19 OF THIS ARTICLE 1.

8 **SECTION 2.** In Colorado Revised Statutes, **add** part 19 to article
9 1 of title 6 as follows:

10 **PART 19**

11 **PROHIBITING INDIVIDUALIZED PRICE**

12 **AND WAGE SETTING USING SURVEILLANCE DATA**

13 **6-1-1901. Definitions.**

14 **AS USED IN THIS PART 19, UNLESS THE CONTEXT OTHERWISE**
15 **REQUIRES:**

16 (1) **"BIOMETRICS" HAS THE SAME MEANING AS "BIOMETRIC**
17 **IDENTIFIER", AS DEFINED IN SECTION 6-1-1303, AND INCLUDES BIOMETRIC**
18 **IDENTIFIERS ASSOCIATED WITH A WORKER.**

19 (2) **"CONSUMER" HAS THE MEANING SET FORTH IN SECTION**

1 6-1-732 (1)(d).

2 (3) "INDIVIDUALIZED" MEANS SPECIFIC TO OR INFERRED ABOUT AN
3 INDIVIDUAL OR GROUP, BAND, CLASS, OR TIER OF INDIVIDUALS WITH
4 PARTICULAR PERSONAL CHARACTERISTICS, ONLINE BEHAVIORS, OR
5 BIOMETRICS.

6 (4) (a) "INDIVIDUALIZED PRICE SETTING" MEANS USING A PWSA
7 OR THE OUTPUT OF A PWSA IN DETERMINING A PRICE OFFERED TO A
8 CONSUMER.

9 (b) "INDIVIDUALIZED PRICE SETTING" DOES NOT INCLUDE THE USE
10 OF LOCATION DATA OR AN INTERNET PROTOCOL ADDRESS SOLELY FOR THE
11 PURPOSE OF DETERMINING THE JURISDICTION WHERE AN INDIVIDUAL IS
12 LOCATED IF THE LOCATION DATA OR INTERNET PROTOCOL ADDRESS IS
13 USED SOLELY FOR THE PURPOSE OF:

14 (I) LIMITING OFFERED PRODUCTS OR SERVICES TO THOSE
15 AVAILABLE IN THAT JURISDICTION;

16 (II) DISPLAYING PRICES IN THE APPROPRIATE CURRENCY;

17 (III) CALCULATING JURISDICTION-SPECIFIC TAXES; OR

18 (IV) COMPLYING WITH JURISDICTION-SPECIFIC DISCLOSURE OR
19 OTHER REGULATORY REQUIREMENTS.

20 (5) (a) "INDIVIDUALIZED WAGE SETTING" MEANS USING A PWSA
21 OR THE OUTPUT OF A PWSA IN DETERMINING A WAGE OFFERED TO A
22 WORKER.

23 (b) "INDIVIDUALIZED WAGE SETTING" DOES NOT INCLUDE:

24 (I) A PERSON'S DECISION NOT TO HIRE AN INDIVIDUAL WHO HAS
25 NOT PREVIOUSLY WORKED FOR OR THROUGH THE PERSON OR THE PERSON'S
26 AFFILIATES OR SUBSIDIARIES; OR

27 (II) PAY EQUITY STUDIES, COMPENSATION REVIEWS, OR OTHER

1 ACTIVITIES NECESSARY TO COMPLY WITH FEDERAL AND STATE
2 ANTIDISCRIMINATION AND PAY EQUITY LAWS.

3 (6) "INSURER" HAS THE MEANING SET FORTH IN SECTION 10-1-102.

4 (7) "ONLINE BEHAVIORS" MEANS:

5 (a) AN INDIVIDUAL'S ACTIONS, HABITS, PREFERENCES,
6 AFFILIATIONS, FINANCIAL CIRCUMSTANCES, OR INTERESTS THAT ARE
7 OBSERVABLE, MEASURABLE, OR INFERRED THROUGH ELECTRONIC
8 SURVEILLANCE, DATA SCRAPING, DATA PURCHASE, WEB BROWSING
9 HISTORY, GEOLOCATION, OR PURCHASE HISTORY; OR

10 (b) INFERENCES ASSOCIATED WITH A GROUP, BAND, CLASS, OR TIER
11 OF INDIVIDUALS WITH SIMILAR OBSERVABLE AND MEASURABLE ACTIONS,
12 HABITS, PREFERENCES, AFFILIATIONS, FINANCIAL CIRCUMSTANCES, OR
13 INTERESTS.

14 (8) "PERSONAL CHARACTERISTICS" INCLUDES PERSONAL DATA, AS
15 DEFINED IN SECTION 6-1-1303 (17)(a), INCLUDING PUBLICLY AVAILABLE
16 INFORMATION; SENSITIVE DATA, AS DEFINED IN SECTION 6-1-1303 (24);
17 GENETIC INFORMATION, AS DEFINED IN SECTION 10-3-1104.6 (2)(c); AND
18 BOTH MUTABLE AND IMMUTABLE QUALITIES, FEATURES, ATTRIBUTES, OR
19 TRAITS OF AN INDIVIDUAL.

20 (9) "PRICE" MEANS THE AMOUNT CHARGED TO A CONSUMER IN
21 RELATION TO A TRANSACTION, INCLUDING ALL RELATED COSTS AND FEES
22 AND OTHER MATERIAL TERMS OF THE TRANSACTION THAT HAVE A DIRECT
23 BEARING ON THE AMOUNT PAID BY THE CONSUMER.

24 (10) "PRICE OR WAGE SETTING ALGORITHM" OR "PWSA" MEANS
25 ANY TECHNOLOGY, SOFTWARE, PROGRAM, MACHINE-BASED SYSTEM, OR
26 COMPUTATIONAL PROCESS THAT:

27 (a) USES STATISTICAL MODELING, DATA ANALYTICS, ARTIFICIAL

1 INTELLIGENCE, OR OTHER DATA PROCESSING TECHNIQUES TO ANALYZE
2 SURVEILLANCE DATA; AND

3 (b) IS A SUBSTANTIAL FACTOR IN SETTING, OFFERING, OR
4 DETERMINING A PRICE OR A WAGE OFFERED TO AN INDIVIDUAL.

5 (11) "SUBSTANTIAL FACTOR" MEANS MORE THAN A DE MINIMIS OR
6 INCIDENTAL FACTOR THAT INFORMS THE PRICE OR WAGE OFFERED TO AN
7 INDIVIDUAL.

8 (12)(a) "SURVEILLANCE DATA" MEANS DATA OBTAINED THROUGH
9 OBSERVATION, INFERENCE, OR SURVEILLANCE OF A CONSUMER OR
10 WORKER THAT IS RELATED TO PERSONAL CHARACTERISTICS, ONLINE
11 BEHAVIORS, OR BIOMETRICS OF THE INDIVIDUAL OR A GROUP, BAND,
12 CLASS, OR TIER TO WHICH THE INDIVIDUAL BELONGS.

13 (b) "SURVEILLANCE DATA" INCLUDES INFORMATION GATHERED,
14 PURCHASED, OR OTHERWISE ACQUIRED.

15 (13) "WAGE" MEANS THE MATERIAL TERMS OFFERED TO A WORKER
16 IN EXCHANGE FOR LABOR, INCLUDING THE AMOUNT TO BE PAID FOR THE
17 LABOR, WHETHER PAID BY TIME RATE, PIECE RATE, SALARY, BONUSES,
18 COMMISSIONS, AND OTHER INCENTIVES AND TASK ASSIGNMENTS THAT
19 HAVE A DIRECT IMPACT ON EARNINGS.

20 (14)(a) "WORKER" MEANS AN INDIVIDUAL PERFORMING WORK FOR
21 WAGES OR OTHER COMPENSATION AND INCLUDES AN EMPLOYEE, AS
22 DEFINED IN SECTION 8-4-101, AND ANY OTHER INDIVIDUAL PERFORMING
23 WORK ON BEHALF OF OR FOR THE BENEFIT OF AN EMPLOYER OR OTHER
24 PERSON.

25 (b) "WORKER" DOES NOT INCLUDE A WORKER ENGAGED BY:

26 (I) THE FEDERAL GOVERNMENT;

27 (II) A PUBLIC ENTITY, AS DEFINED IN SECTION 24-10-103 (5); OR

1 (III) THE STATE, AS DEFINED IN SECTION 24-10-103 (7).

2 **6-1-1902. Prohibition against individualized price or wage**
3 **setting - publication of procedures.**

4 (1) **Individualized price setting.**

5 (a) A PERSON SHALL NOT ENGAGE IN INDIVIDUALIZED PRICE
6 SETTING.

7 (b) A PERSON HAS NOT ENGAGED IN INDIVIDUALIZED PRICE
8 SETTING IF THE PERSON CAN DEMONSTRATE THAT:

9 (I) DIFFERENTIAL PRICES ARE JUSTIFIED BASED ON DIFFERENCES IN
10 COST IN PROVIDING A GOOD OR SERVICE TO DIFFERENT CONSUMERS,
11 INCLUDING BASED ON CONSUMER SELECTIONS, DELIVERY DISTANCE, OR
12 DELIVERY TIME;

13 (II) DIFFERENTIAL PRICES ARE JUSTIFIED BY TEMPORAL
14 DIFFERENCES, INCLUDING PRICE FLUCTUATIONS BASED ON SUPPLY AND
15 DEMAND;

16 (III) A PUBLIC DISCOUNTED PRICE IS OFFERED ON EQUAL TERMS
17 PURSUANT TO PUBLICLY DISCLOSED ELIGIBILITY CRITERIA TO:

18 (A) ALL CONSUMERS WHO MEET THE PUBLICLY DISCLOSED
19 ELIGIBILITY CRITERIA, INCLUDING CRITERIA RELATED TO VOLUME
20 PURCHASES, SIGNING UP FOR A MAILING LIST, REGISTERING FOR
21 PROMOTIONAL COMMUNICATIONS, OR PARTICIPATING IN A PROMOTIONAL
22 EVENT; OR

23 (B) ALL MEMBERS OF A BROADLY DEFINED AND PUBLICLY
24 RECOGNIZED GROUP OF CONSUMERS, INCLUDING TEACHERS, ACTIVE OR
25 RETIRED MILITARY PERSONNEL, SENIOR CITIZENS, STUDENTS, OR
26 RESIDENTS OF A CERTAIN AREA BASED ON PUBLICLY DISCLOSED
27 ELIGIBILITY CRITERIA;

1 (IV) A DISCOUNTED PRICE IS OFFERED ON EQUAL TERMS PURSUANT
2 TO PUBLICLY DISCLOSED TERMS AND CONDITIONS TO ALL MEMBERS,
3 ENROLLEES, OR PARTICIPANTS IN A LOYALTY, MEMBERSHIP, OR REWARDS
4 PROGRAM. FOR PURPOSES OF THIS SECTION:

5 (A) A "LOYALTY, MEMBERSHIP, OR REWARDS PROGRAM" IS A
6 LOYALTY, REWARDS, OR CLUB CARD PROGRAM ESTABLISHED FOR THE
7 GENUINE PURPOSE OF PROVIDING BENEFITS TO CONSUMERS THAT
8 VOLUNTARILY PARTICIPATE IN THAT PROGRAM REGARDLESS OF WHETHER
9 THOSE BENEFITS ARE PROVIDED DIRECTLY BY A BUSINESS OR THROUGH A
10 LOYALTY PROGRAM PARTNER; AND

11 (B) A "LOYALTY PROGRAM PARTNER" IS A THIRD PARTY THAT
12 PROVIDES LOYALTY, MEMBERSHIP, OR REWARDS PROGRAM BENEFITS TO
13 CONSUMERS WHO CONSENT TO PARTICIPATE IN A LOYALTY, MEMBERSHIP,
14 OR REWARDS PROGRAM OFFERED BY A DIFFERENT SELLER;

15 (V) THE PERSON OPERATES AS AN INSURER COMPLYING WITH
16 SECTION 10-3-1104.9 AND ASSOCIATED RULES AND ONLY INPUTS
17 RISK-RELEVANT DATA INTO A PRICE OR WAGE SETTING ALGORITHM THAT
18 INFORMS DECISIONS RELATED TO THE AMOUNT A CONSUMER MUST PAY
19 FOR AN INSURANCE POLICY OR CONTRACT;

20 (VI) DIFFERENTIAL PRICES ARE OFFERED OR PROVIDED TO A
21 CONSUMER AS A GOOD FAITH CREDIT, REFUND, REBATE, OR DISCOUNT
22 ISSUED IN RESPONSE TO:

23 (A) A CONSUMER'S COMPLAINT, INQUIRY, OR EXPRESSION OF
24 DISSATISFACTION REGARDING A GOOD OR SERVICE;

25 (B) A SERVICE DISRUPTION, ERROR, OR OTHER FAILURE TO DELIVER
26 A GOOD OR SERVICE AS PROMISED OR EXPECTED;

27 (C) A BILLING DISPUTE OR DISCREPANCY;

1 (D) A REQUEST FOR ACCOUNT RETENTION OR CANCELLATION; OR

2 (E) OTHER CUSTOMER SERVICE INTERACTION IN WHICH THE
3 PERSON PROVIDES A CREDIT, REFUND, REBATE, OR DISCOUNT TO ADDRESS
4 A CONSUMER'S CONCERNS OR TO MAINTAIN THE CONSUMER RELATIONSHIP;

5 (VII) DIFFERENTIAL PRICES ARE OFFERED PURSUANT TO THE
6 FOLLOWING ESTABLISHED NEED-BASED DISCOUNT PROGRAMS THAT ARE
7 PUBLICLY DISCLOSED AND STRUCTURED TO PROVIDE REDUCED PRICING OR
8 FINANCIAL ASSISTANCE BASED ON OBJECTIVE ELIGIBILITY CRITERIA
9 RELATED TO INCOME OR FINANCIAL NEED:

10 (A) HOSPITAL DISCOUNTED CARE;

11 (B) SLIDING SCALE FEES; OR

12 (C) CHARITY CARE OR MEDICAL FINANCIAL ASSISTANCE POLICIES;

13 OR

14 (VIII) A REFUSAL TO EXTEND CREDIT ON SPECIFIC TERMS OR THE
15 REFUSAL TO ENTER INTO A FINANCIAL TRANSACTION WITH A SPECIFIC
16 CONSUMER IS BASED ON DATA PROVIDED IN A CONSUMER REPORT
17 COVERED BY THE FEDERAL "FAIR CREDIT REPORTING ACT", 15 U.S.C.
18 SEC. 1681 ET SEQ.

19 (2) **Individualized wage setting.**

20 (a) A PERSON SHALL NOT ENGAGE IN INDIVIDUALIZED WAGE
21 SETTING.

22 (b) A PERSON HAS NOT ENGAGED IN INDIVIDUALIZED WAGE
23 SETTING IF THE PERSON CAN DEMONSTRATE THAT:

24 (I) THE PERSON OFFERS INDIVIDUALIZED WAGES BASED SOLELY ON
25 DATA SPECIFIC TO THE INDIVIDUAL WORKER THAT IS DIRECTLY RELATED
26 TO THE TASKS THE WORKER WAS HIRED TO PERFORM, INCLUDING DATA
27 ASSOCIATED WITH A WORKER'S PERFORMANCE OR GENERATION OF NEW

1 BUSINESS; AND

2 (II) THE PERSON DISCLOSES IN PLAIN LANGUAGE BEFORE HIRING A
3 WORKER TO PERFORM WORK, AND TO ALL WORKERS WHOSE WAGES ARE
4 SET IN WHOLE OR IN PART THROUGH A PRICE OR WAGE SETTING
5 ALGORITHM, WHAT DATA IS CONSIDERED AND HOW THE PRICE OR WAGE
6 SETTING ALGORITHM CONSIDERS THE DATA. TO THE EXTENT THESE
7 DISCLOSURES DUPLICATE DISCLOSURES REQUIRED UNDER EQUAL PAY,
8 WAGE AND HOUR, OR OTHER EXISTING LAWS, A PERSON'S OBLIGATIONS
9 UNDER THIS SUBSECTION (2)(b)(II) MAY BE FULFILLED BY COMPLYING
10 WITH APPLICABLE LAW.

11 (3) **Publication of procedures.** A PERSON THAT USES A PRICE OR
12 WAGE SETTING ALGORITHM SHALL DEVELOP AND PUBLISH REASONABLE
13 PROCEDURES:

14 (a) TO ENSURE THE ACCURACY OF ALL DATA CONSIDERED BY THE
15 PRICE OR WAGE SETTING ALGORITHM;

16 (b) FOR WORKERS TO REQUEST AND RECEIVE INFORMATION
17 REGARDING WHAT DATA IS CONSIDERED BY THE PRICE OR WAGE SETTING
18 ALGORITHM AND HOW THE PRICE OR WAGE SETTING ALGORITHM
19 CONSIDERS THE DATA WHEN SETTING PARTICULAR WAGES; AND

20 (c) TO ALLOW A WORKER TO CORRECT OR CHALLENGE THE
21 ACCURACY OF DATA CONSIDERED BY THE PRICE OR WAGE SETTING
22 ALGORITHM.

23 **6-1-1903. Rule-making authority.**

24 THE ATTORNEY GENERAL MAY ADOPT RULES AS NECESSARY FOR
25 THE PURPOSE OF IMPLEMENTING AND ENFORCING THIS PART 19.

26 **SECTION 2. Act subject to petition - effective date -**
27 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following

1 the expiration of the ninety-day period after final adjournment of the
2 general assembly (August 12, 2026, if adjournment sine die is on May 13,
3 2026); except that, if a referendum petition is filed pursuant to section 1
4 (3) of article V of the state constitution against this act or an item, section,
5 or part of this act within such period, then the act, item, section, or part
6 will not take effect unless approved by the people at the general election
7 to be held in November 2026 and, in such case, will take effect on the
8 date of the official declaration of the vote thereon by the governor.

9 (2) This act applies to conduct occurring on or after the applicable
10 effective date of this act.