

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0922.03 Josh Schultz x5486

SENATE BILL 24-205

SENATE SPONSORSHIP

Rodriguez,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING CONSUMER PROTECTIONS IN INTERACTIONS WITH**
102 **ARTIFICIAL INTELLIGENCE SYSTEMS.**

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 requires a developer of a high-risk artificial intelligence system (high-risk system) to use reasonable care to avoid algorithmic discrimination in the high-risk system. There is a rebuttable presumption that a developer used reasonable care if the developer complied with specified provisions in the bill, including:

- Making available to a deployer of the high-risk system a

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.

statement disclosing specified information about the high-risk system;

- Making available to a deployer of the high-risk system information and documentation necessary to complete an impact assessment of the high-risk system;
- Making a publicly available statement summarizing the types of high-risk systems that the developer has developed or intentionally and substantially modified and currently makes available to a deployer and how the developer manages any known or reasonably foreseeable risks of algorithmic discrimination that may arise from the development or intentional and substantial modification of each of these high-risk systems; and
- Disclosing to the attorney general and known deployers of the high-risk system any known or reasonably foreseeable risk of algorithmic discrimination, within 90 days after the discovery or receipt of a credible report from the deployer, that the high-risk system has caused or is reasonably likely to have caused.

The bill also requires a deployer of a high-risk system to use reasonable care to avoid algorithmic discrimination in the high-risk system. There is a rebuttable presumption that a deployer used reasonable care if the deployer complied with specified provisions in the bill, including:

- Implementing a risk management policy and program for the high-risk system;
- Completing an impact assessment of the high-risk system;
- Notifying a consumer of specified items if the high-risk system makes a consequential decision concerning a consumer;
- Making a publicly available statement summarizing the types of high-risk systems that the deployer currently deploys and how the deployer manages any known or reasonably foreseeable risks of algorithmic discrimination that may arise from deployment of each of these high-risk systems; and
- Disclosing to the attorney general the discovery of algorithmic discrimination, within 90 days after the discovery, that the high-risk system has caused or is reasonably likely to have caused.

A developer of a general purpose artificial intelligence model (general purpose model) is required to create and maintain specified documentation for the general purpose model, including:

- A policy to comply with federal and state copyright laws; and

- A detailed summary concerning the content used to train the general purpose model.

A developer of a general purpose model must create, implement, maintain, and make available to deployers who intend to integrate the general purpose model into the deployers' artificial intelligence systems documentation and information that:

- Enables the deployers to understand the capabilities and limitations of the general purpose model;
- Discloses the technical requirements for the general purpose model to be integrated into the deployers' artificial intelligence systems;
- Discloses the design specifications of, and training processes for, the general purpose model, including the training methodologies and techniques for the general purpose model;
- Discloses the key design choices for the general purpose model, including the rationale and assumptions made;
- Discloses what the general purpose model is designed to optimize for and the relevance of the different parameters, as applicable; and
- Provides a description of the data that was used for purposes of training, testing, and validation, as applicable.

If an artificial intelligence system, including a general purpose model, generates or manipulates synthetic digital content, the bill requires the developer to:

- Ensure that the outputs of the artificial intelligence system are marked in a machine-readable format and detectable as synthetic digital content; and
- Ensure that the developer's technical solutions are effective, interoperable, robust, and reliable.

If an artificial intelligence system, including a general purpose model, generates or manipulates synthetic digital content, the bill requires the deployer of the artificial intelligence system to disclose to a consumer that the synthetic digital content has been artificially generated or manipulated.

The attorney general and district attorneys have exclusive authority to enforce the bill. During the period from July 1, 2025, through June 30, 2026, the attorney general or a district attorney, prior to initiating any action for a violation of the provisions of the bill, shall issue a notice of violation to the alleged violator and, if the attorney general or district attorney determines that a cure is possible, provide the alleged violator 60 days to cure the violation before bringing an enforcement action.

The bill provides an affirmative defense for a developer or deployer if:

- The developer or deployer of the high-risk system or

- generative system involved in a potential violation has implemented and maintained a program that is in compliance with a nationally or internationally recognized risk management framework for artificial intelligence systems that the bill or the attorney general designates; and
- The developer or deployer takes specified measures to discover and correct violations of the bill.

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

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

4 **PART 16**

5 **ARTIFICIAL INTELLIGENCE**

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

8 (1) (a) "ALGORITHMIC DISCRIMINATION" MEANS ANY CONDITION
9 IN WHICH AN ARTIFICIAL INTELLIGENCE SYSTEM MATERIALLY INCREASES
10 THE RISK OF AN UNLAWFUL DIFFERENTIAL TREATMENT OR IMPACT THAT
11 DISFAVORS AN INDIVIDUAL OR GROUP OF INDIVIDUALS ON THE BASIS OF
12 THEIR ACTUAL OR PERCEIVED AGE, COLOR, DISABILITY, ETHNICITY,
13 GENETIC INFORMATION, LIMITED PROFICIENCY IN THE ENGLISH LANGUAGE,
14 NATIONAL ORIGIN, RACE, RELIGION, REPRODUCTIVE HEALTH, SEX,
15 VETERAN STATUS, OR OTHER CLASSIFICATION PROTECTED UNDER THE
16 LAWS OF THIS STATE OR FEDERAL LAW.

17 (b) "ALGORITHMIC DISCRIMINATION" DOES NOT INCLUDE:

18 (I) THE OFFER, LICENSE, OR USE OF A HIGH-RISK ARTIFICIAL
19 INTELLIGENCE SYSTEM BY A DEVELOPER OR DEPLOYER FOR THE SOLE
20 PURPOSE OF:

21 (A) THE DEVELOPER'S OR DEPLOYER'S SELF-TESTING TO IDENTIFY,
22 MITIGATE, OR PREVENT DISCRIMINATION OR OTHERWISE ENSURE

1 COMPLIANCE WITH STATE AND FEDERAL LAW; OR

2 (B) EXPANDING AN APPLICANT, CUSTOMER, OR PARTICIPANT POOL
3 TO INCREASE DIVERSITY OR REDRESS HISTORICAL DISCRIMINATION; OR

4 (II) AN ACT OR OMISSION BY OR ON BEHALF OF A PRIVATE CLUB OR
5 OTHER ESTABLISHMENT THAT IS NOT IN FACT OPEN TO THE PUBLIC, AS SET
6 FORTH IN TITLE II OF THE FEDERAL "CIVIL RIGHTS ACT OF 1964", 42
7 U.S.C. SEC. 2000a (e), AS AMENDED.

8 (2) "ARTIFICIAL INTELLIGENCE SYSTEM" MEANS ANY
9 MACHINE-BASED SYSTEM THAT, FOR ANY EXPLICIT OR IMPLICIT OBJECTIVE,
10 INFERS FROM THE INPUTS THE SYSTEM RECEIVES HOW TO GENERATE
11 OUTPUTS, INCLUDING CONTENT, DECISIONS, PREDICTIONS, OR
12 RECOMMENDATIONS, THAT CAN INFLUENCE PHYSICAL OR VIRTUAL
13 ENVIRONMENTS.

14 (3) "CONSEQUENTIAL DECISION" MEANS A DECISION THAT HAS A
15 MATERIAL LEGAL, OR SIMILARLY SIGNIFICANT, EFFECT ON A CONSUMER'S
16 ACCESS TO, OR THE AVAILABILITY, COST, OR TERMS OF:

17 (a) A CRIMINAL CASE ASSESSMENT, A SENTENCING OR PLEA
18 AGREEMENT ANALYSIS, OR A PARDON, PAROLE, PROBATION, OR RELEASE
19 DECISION;

20 (b) EDUCATION ENROLLMENT OR AN EDUCATION OPPORTUNITY;

21 (c) EMPLOYMENT OR AN EMPLOYMENT OPPORTUNITY;

22 (d) AN ESSENTIAL UTILITY, INCLUDING ELECTRICITY, HEAT,
23 INTERNET OR TELECOMMUNICATIONS ACCESS, TRANSPORTATION, OR
24 WATER;

25 (e) A FINANCIAL OR LENDING SERVICE;

26 (f) AN ESSENTIAL GOVERNMENT SERVICE;

27 (g) A HEALTH-CARE SERVICE;

1 (h) HOUSING;
2 (i) INSURANCE; OR
3 (j) A LEGAL SERVICE.
4 (4) "CONSUMER" MEANS AN INDIVIDUAL WHO IS A COLORADO
5 RESIDENT.
6 (5) "DEPLOY" MEANS TO USE A HIGH-RISK ARTIFICIAL
7 INTELLIGENCE SYSTEM.
8 (6) "DEPLOYER" MEANS A PERSON DOING BUSINESS IN THIS STATE
9 THAT DEPLOYS A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM.
10 (7) "DEVELOPER" MEANS A PERSON DOING BUSINESS IN THIS STATE
11 THAT DEVELOPS OR INTENTIONALLY AND SUBSTANTIALLY MODIFIES A
12 GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL OR A HIGH-RISK
13 ARTIFICIAL INTELLIGENCE SYSTEM.
14 (8) (a) "GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL"
15 MEANS ANY FORM OF ARTIFICIAL INTELLIGENCE SYSTEM THAT:
16 (I) DISPLAYS SIGNIFICANT GENERALITY;
17 (II) IS CAPABLE OF COMPETENTLY PERFORMING A WIDE RANGE OF
18 DISTINCT TASKS; AND
19 (III) CAN BE INTEGRATED INTO A VARIETY OF DOWNSTREAM
20 APPLICATIONS OR SYSTEMS.
21 (b) "GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL" DOES
22 NOT INCLUDE ANY ARTIFICIAL INTELLIGENCE MODEL THAT IS USED FOR
23 DEVELOPMENT, PROTOTYPING, OR RESEARCH ACTIVITIES BEFORE THE
24 MODEL IS RELEASED ON THE MARKET.
25 (9)(a) "HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM" MEANS ANY
26 ARTIFICIAL INTELLIGENCE SYSTEM THAT, WHEN DEPLOYED, MAKES, OR IS
27 A SUBSTANTIAL FACTOR IN MAKING, A CONSEQUENTIAL DECISION.

1 (b) "HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM" DOES NOT
2 INCLUDE:

3 (I) AN ARTIFICIAL INTELLIGENCE SYSTEM IF THE ARTIFICIAL
4 INTELLIGENCE SYSTEM IS INTENDED TO:

5 (A) PERFORM A NARROW PROCEDURAL TASK;

6 (B) IMPROVE THE RESULT OF A PREVIOUSLY COMPLETED HUMAN
7 ACTIVITY; OR

8 (C) DETECT DECISION-MAKING PATTERNS OR DEVIATIONS FROM
9 PRIOR DECISION-MAKING PATTERNS AND IS NOT INTENDED TO REPLACE OR
10 INFLUENCE A PREVIOUSLY COMPLETED HUMAN ASSESSMENT WITHOUT
11 SUFFICIENT HUMAN REVIEW; OR

12 (II) THE FOLLOWING TECHNOLOGIES, UNLESS THE TECHNOLOGIES,
13 WHEN DEPLOYED, MAKE, OR ARE A SUBSTANTIAL FACTOR IN MAKING, A
14 CONSEQUENTIAL DECISION:

15 (A) ANTI-MALWARE;

16 (B) ANTI-VIRUS;

17 (C) CALCULATORS;

18 (D) DATABASES;

19 (E) DATA STORAGE;

20 (F) FIREWALL;

21 (G) INTERNET DOMAIN REGISTRATION;

22 (H) INTERNET WEBSITE LOADING;

23 (I) NETWORKING;

24 (J) SPAM- AND ROBOCALL-FILTERING;

25 (K) SPELL-CHECKING;

26 (L) SPREADSHEETS;

27 (M) WEB CACHING; OR

1 (N) WEB HOSTING OR ANY SIMILAR TECHNOLOGY.

2 (10) (a) "INTENTIONAL AND SUBSTANTIAL MODIFICATION" OR
3 "INTENTIONALLY AND SUBSTANTIALLY MODIFIES" MEANS A DELIBERATE
4 CHANGE MADE TO:

5 (I) AN ARTIFICIAL INTELLIGENCE SYSTEM THAT RESULTS IN ANY
6 NEW REASONABLY FORESEEABLE RISK OF ALGORITHMIC DISCRIMINATION;
7 OR

8 (II) A GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL THAT:

9 (A) AFFECTS THE COMPLIANCE OF A GENERAL PURPOSE ARTIFICIAL
10 INTELLIGENCE SYSTEM;

11 (B) MATERIALLY CHANGES THE PURPOSE OF THE GENERAL
12 PURPOSE ARTIFICIAL INTELLIGENCE SYSTEM; OR

13 (C) RESULTS IN ANY NEW REASONABLY FORESEEABLE RISK OF
14 ALGORITHMIC DISCRIMINATION.

15 (b) "INTENTIONAL AND SUBSTANTIAL MODIFICATION" OR
16 "INTENTIONALLY AND SUBSTANTIALLY MODIFIES" DOES NOT INCLUDE A
17 CHANGE MADE TO A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, OR THE
18 PERFORMANCE OF A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, IF:

19 (I) THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM CONTINUES
20 TO LEARN AFTER THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM IS:

21 (A) OFFERED, SOLD, LEASED, LICENSED, GIVEN, OR OTHERWISE
22 MADE AVAILABLE TO A DEPLOYER; OR

23 (B) DEPLOYED;

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

27 (III) THE CHANGE WAS PREDETERMINED BY THE DEPLOYER, OR A

1 THIRD PARTY CONTRACTED BY THE DEPLOYER, WHEN THE DEPLOYER OR
2 THIRD PARTY COMPLETED AN INITIAL IMPACT ASSESSMENT OF SUCH
3 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM PURSUANT TO SECTION
4 6-1-1603 (3); AND

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

7 (11) "SUBSTANTIAL FACTOR" MEANS A FACTOR THAT ASSISTS IN
8 MAKING, AND IS CAPABLE OF ALTERING THE OUTCOME OF, A
9 CONSEQUENTIAL DECISION.

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

14 (13) "TRADE SECRET" HAS THE MEANING SET FORTH IN SECTION
15 7-74-102 (4).

16 **6-1-1602. Developer duty to avoid algorithmic discrimination**
17 **- required documentation. (1) ON AND AFTER OCTOBER 1, 2025, A**
18 **DEVELOPER OF A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM SHALL USE**
19 **REASONABLE CARE TO PROTECT CONSUMERS FROM ANY KNOWN OR**
20 **REASONABLY FORESEEABLE RISKS OF ALGORITHMIC DISCRIMINATION. IN**
21 **ANY ENFORCEMENT ACTION BROUGHT ON OR AFTER OCTOBER 1, 2025, BY**
22 **THE ATTORNEY GENERAL OR A DISTRICT ATTORNEY PURSUANT TO SECTION**
23 **6-1-1608, THERE IS A REBUTTABLE PRESUMPTION THAT A DEVELOPER USED**
24 **REASONABLE CARE AS REQUIRED UNDER THIS SECTION IF THE DEVELOPER**
25 **COMPLIED WITH THIS SECTION.**

26 (2) ON AND AFTER OCTOBER 1, 2025, AND EXCEPT AS PROVIDED
27 IN SUBSECTION (6) OF THIS SECTION, A DEVELOPER OF A HIGH-RISK

1 ARTIFICIAL INTELLIGENCE SYSTEM SHALL MAKE AVAILABLE TO THE
2 DEPLOYER OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM:

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

5 (b) DOCUMENTATION DISCLOSING:

6 (I) KNOWN OR REASONABLY FORESEEABLE LIMITATIONS OF THE
7 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, INCLUDING KNOWN OR
8 REASONABLY FORESEEABLE RISKS OF ALGORITHMIC DISCRIMINATION
9 ARISING FROM THE INTENDED USES OF THE HIGH-RISK ARTIFICIAL
10 INTELLIGENCE SYSTEM;

11 (II) THE PURPOSE OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE
12 SYSTEM;

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

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

18 (c) DOCUMENTATION DESCRIBING:

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

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

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

1 MITIGATION;

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

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

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

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

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

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

1 CASE INVENTORY, A STATEMENT SUMMARIZING:

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

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

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

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

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

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

27 (a) THE DEVELOPER DISCOVERS THROUGH THE DEVELOPER'S

1 ONGOING TESTING AND ANALYSIS THAT THE DEVELOPER'S HIGH-RISK
2 ARTIFICIAL INTELLIGENCE SYSTEM HAS BEEN DEPLOYED AND HAS CAUSED
3 ALGORITHMIC DISCRIMINATION; OR

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

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

10 (7) ON AND AFTER OCTOBER 1, 2025, THE ATTORNEY GENERAL
11 MAY REQUIRE THAT A DEVELOPER DISCLOSE TO THE ATTORNEY GENERAL,
12 IN A FORM AND MANNER PRESCRIBED BY THE ATTORNEY GENERAL, THE
13 STATEMENT OR DOCUMENTATION DESCRIBED IN SUBSECTION (2) OF THIS
14 SECTION IF THE STATEMENT OR DOCUMENTATION IS RELEVANT TO AN
15 INVESTIGATION CONDUCTED BY THE ATTORNEY GENERAL. THE ATTORNEY
16 GENERAL MAY EVALUATE SUCH STATEMENT OR DOCUMENTATION TO
17 ENSURE COMPLIANCE WITH THIS PART 16, AND THE STATEMENT OR
18 DOCUMENTATION IS NOT SUBJECT TO DISCLOSURE UNDER THE "COLORADO
19 OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24. TO THE EXTENT
20 THAT ANY INFORMATION CONTAINED IN THE STATEMENT OR
21 DOCUMENTATION INCLUDES INFORMATION SUBJECT TO ATTORNEY-CLIENT
22 PRIVILEGE OR WORK-PRODUCT PROTECTION, THE DISCLOSURE DOES NOT
23 CONSTITUTE A WAIVER OF THE PRIVILEGE OR PROTECTION.

24 **6-1-1603. Deployer duty to avoid algorithmic discrimination**
25 **- risk management policy and program. (1) ON AND AFTER OCTOBER**
26 **1, 2025, A DEPLOYER OF A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM**
27 **SHALL USE REASONABLE CARE TO PROTECT CONSUMERS FROM ANY KNOWN**

1 OR REASONABLY FORESEEABLE RISKS OF ALGORITHMIC DISCRIMINATION.
2 IN ANY ENFORCEMENT ACTION BROUGHT ON OR AFTER OCTOBER 1, 2025,
3 BY THE ATTORNEY GENERAL OR A DISTRICT ATTORNEY PURSUANT TO
4 SECTION 6-1-1608, THERE IS A REBUTTABLE PRESUMPTION THAT A
5 DEPLOYER OF A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM USED
6 REASONABLE CARE AS REQUIRED UNDER THIS SECTION IF THE DEPLOYER
7 COMPLIED WITH THIS SECTION.

8 (2) (a) ON AND AFTER OCTOBER 1, 2025, AND EXCEPT AS
9 PROVIDED IN SUBSECTION (7) OF THIS SECTION, A DEPLOYER OF A
10 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM SHALL IMPLEMENT A RISK
11 MANAGEMENT POLICY AND PROGRAM TO GOVERN THE DEPLOYER'S
12 DEPLOYMENT OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM. THE
13 RISK MANAGEMENT POLICY AND PROGRAM MUST SPECIFY AND
14 INCORPORATE THE PRINCIPLES, PROCESSES, AND PERSONNEL THAT THE
15 DEPLOYER USES TO IDENTIFY, DOCUMENT, AND MITIGATE KNOWN OR
16 REASONABLY FORESEEABLE RISKS OF ALGORITHMIC DISCRIMINATION. THE
17 RISK MANAGEMENT POLICY AND PROGRAM MUST BE AN ITERATIVE
18 PROCESS PLANNED AND RUN THROUGHOUT THE ENTIRE LIFE CYCLE OF A
19 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, REQUIRING REGULAR,
20 SYSTEMATIC REVIEW AND UPDATES. A RISK MANAGEMENT POLICY AND
21 PROGRAM IMPLEMENTED AND MAINTAINED PURSUANT TO THIS
22 SUBSECTION (2) MUST BE REASONABLE CONSIDERING:

23 (I) (A) THE GUIDANCE AND STANDARDS SET FORTH IN THE LATEST
24 VERSION OF THE "ARTIFICIAL INTELLIGENCE RISK MANAGEMENT
25 FRAMEWORK" PUBLISHED BY THE NATIONAL INSTITUTE OF STANDARDS
26 AND TECHNOLOGY IN THE UNITED STATES DEPARTMENT OF COMMERCE,
27 STANDARD ISO/IEC 42001 OF THE INTERNATIONAL ORGANIZATION FOR

1 STANDARDIZATION, OR ANOTHER NATIONALLY OR INTERNATIONALLY
2 RECOGNIZED RISK MANAGEMENT FRAMEWORK FOR ARTIFICIAL
3 INTELLIGENCE SYSTEMS; OR

4 (B) ANY RISK MANAGEMENT FRAMEWORK FOR ARTIFICIAL
5 INTELLIGENCE SYSTEMS THAT THE ATTORNEY GENERAL, IN THE ATTORNEY
6 GENERAL'S DISCRETION, MAY DESIGNATE;

7 (II) THE SIZE AND COMPLEXITY OF THE DEPLOYER;

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

11 AND

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

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

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

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

25 (II) ON AND AFTER OCTOBER 1, 2025, A DEPLOYER, OR A THIRD
26 PARTY CONTRACTED BY THE DEPLOYER, SHALL COMPLETE AN IMPACT
27 ASSESSMENT FOR A DEPLOYED HIGH-RISK ARTIFICIAL INTELLIGENCE

1 SYSTEM AT LEAST ANNUALLY AND WITHIN NINETY DAYS AFTER ANY
2 INTENTIONAL AND SUBSTANTIAL MODIFICATION TO THE HIGH-RISK
3 ARTIFICIAL INTELLIGENCE SYSTEM IS MADE AVAILABLE.

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

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

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

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

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

21 (V) ANY METRICS USED TO EVALUATE THE PERFORMANCE AND
22 KNOWN LIMITATIONS OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE
23 SYSTEM;

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

1 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM IS IN USE; AND

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

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

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

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

26 (f) A DEPLOYER SHALL MAINTAIN THE MOST RECENTLY
27 COMPLETED IMPACT ASSESSMENT FOR A HIGH-RISK ARTIFICIAL

1 INTELLIGENCE SYSTEM AS REQUIRED UNDER THIS SUBSECTION (3), ALL
2 RECORDS CONCERNING EACH IMPACT ASSESSMENT, AND ALL PRIOR IMPACT
3 ASSESSMENTS, IF ANY, FOR AT LEAST THREE YEARS FOLLOWING THE FINAL
4 DEPLOYMENT OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM.

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

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

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

19 (II) PROVIDE TO THE CONSUMER A STATEMENT DISCLOSING THE
20 PURPOSE OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM AND THE
21 NATURE OF THE CONSEQUENTIAL DECISION, THE CONTACT INFORMATION
22 FOR THE DEPLOYER, AND A DESCRIPTION, IN PLAIN LANGUAGE, OF THE
23 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, INCLUDING A DESCRIPTION
24 OF ANY HUMAN COMPONENTS OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE
25 SYSTEM AND A DESCRIPTION OF:

26 (A) THE PERSONAL ATTRIBUTES OR CHARACTERISTICS THAT THE
27 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM ASSESSES OR MEASURES, THE

1 METHOD BY WHICH THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM
2 ASSESSES OR MEASURES THE ATTRIBUTES OR CHARACTERISTICS, AND WHY
3 THE ATTRIBUTES OR CHARACTERISTICS ARE RELEVANT TO THE
4 CONSEQUENTIAL DECISION;

5 (B) THE OUTPUTS OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE
6 SYSTEM;

7 (C) THE LOGIC USED BY THE HIGH-RISK ARTIFICIAL INTELLIGENCE
8 SYSTEM, INCLUDING THE KEY PARAMETERS THAT AFFECT THE OUTPUTS OF
9 THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM;

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

12 (E) THE SOURCES AND TYPES OF DATA COLLECTED FROM
13 CONSUMERS AND PROCESSED BY THE HIGH-RISK ARTIFICIAL INTELLIGENCE
14 SYSTEM WHEN THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM IS USED
15 TO MAKE, OR IS A SUBSTANTIAL FACTOR IN MAKING, A CONSEQUENTIAL
16 DECISION;

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

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

23 (H) HOW THE AUTOMATED COMPONENTS OF THE HIGH-RISK
24 ARTIFICIAL INTELLIGENCE SYSTEM ARE USED TO INFORM THE
25 CONSEQUENTIAL DECISION; AND

26 (III) PROVIDE TO THE CONSUMER INFORMATION, IF APPLICABLE,
27 REGARDING THE CONSUMER'S RIGHT TO OPT OUT OF THE PROCESSING OF

1 PERSONAL DATA CONCERNING THE CONSUMER FOR PURPOSES OF
2 PROFILING IN FURTHERANCE OF DECISIONS THAT PRODUCE LEGAL OR
3 SIMILARLY SIGNIFICANT EFFECTS CONCERNING THE CONSUMER UNDER
4 SECTION 6-1-1306 (1)(a)(I)(C).

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

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

14 (A) DIRECTLY TO THE CONSUMER;

15 (B) IN PLAIN LANGUAGE;

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

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

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

1 THE NOTICE, STATEMENT, CONTACT INFORMATION, AND DESCRIPTION.

2 (5) (a) ON AND AFTER OCTOBER 1, 2025, A DEPLOYER SHALL MAKE

3 AVAILABLE, IN A MANNER THAT IS CLEAR AND READILY AVAILABLE FOR

4 PUBLIC INSPECTION, A STATEMENT SUMMARIZING:

5 (I) THE TYPES OF HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEMS

6 THAT ARE CURRENTLY DEPLOYED BY THE DEPLOYER;

7 (II) HOW THE DEPLOYER MANAGES KNOWN OR REASONABLY

8 FORESEEABLE RISKS OF ALGORITHMIC DISCRIMINATION THAT MAY ARISE

9 FROM THE DEPLOYMENT OF EACH HIGH-RISK ARTIFICIAL INTELLIGENCE

10 SYSTEM DESCRIBED PURSUANT TO SUBSECTION (5)(a)(I) OF THIS SECTION;

11 AND

12 (III) IN DETAIL, THE NATURE, SOURCE, AND EXTENT OF THE

13 INFORMATION COLLECTED AND USED BY THE DEPLOYER.

14 (b) A DEPLOYER SHALL PERIODICALLY UPDATE THE STATEMENT

15 DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION.

16 (6) IF A DEPLOYER DEPLOYS A HIGH-RISK ARTIFICIAL INTELLIGENCE

17 SYSTEM ON OR AFTER OCTOBER 1, 2025, AND SUBSEQUENTLY DISCOVERS

18 THAT THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM HAS CAUSED

19 ALGORITHMIC DISCRIMINATION AGAINST A CONSUMER, THE DEPLOYER,

20 WITHOUT UNREASONABLE DELAY, BUT NO LATER THAN NINETY DAYS

21 AFTER THE DATE OF THE DISCOVERY, SHALL SEND TO THE ATTORNEY

22 GENERAL, IN A FORM AND MANNER PRESCRIBED BY THE ATTORNEY

23 GENERAL, A NOTICE DISCLOSING THE DISCOVERY.

24 (7) NOTHING IN SUBSECTIONS (2) TO (6) OF THIS SECTION REQUIRES

25 A DEPLOYER TO DISCLOSE A TRADE SECRET OR OTHER CONFIDENTIAL OR

26 PROPRIETARY INFORMATION.

27 (8) ON AND AFTER OCTOBER 1, 2025, THE ATTORNEY GENERAL

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

20 **6-1-1604. General purpose artificial intelligence model -**
21 **developer documentation requirements - copyright policy -**
22 **exceptions - rules. (1) ON AND AFTER JANUARY 1, 2026, A DEVELOPER**
23 **OF A GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL SHALL:**

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

- 1 (I) INCLUDE:
- 2 (A) THE TRAINING AND TESTING PROCESSES FOR THE GENERAL
3 PURPOSE ARTIFICIAL INTELLIGENCE MODEL; AND
- 4 (B) THE RESULTS OF AN EVALUATION OF THE GENERAL PURPOSE
5 ARTIFICIAL INTELLIGENCE MODEL TO DETERMINE WHETHER THE GENERAL
6 PURPOSE ARTIFICIAL INTELLIGENCE MODEL IS IN COMPLIANCE WITH
7 SECTIONS 6-1-1601 TO 6-1-1607;
- 8 (II) INCLUDE AT LEAST THE FOLLOWING INFORMATION, AS
9 APPROPRIATE, CONSIDERING THE SIZE AND RISK PROFILE OF THE GENERAL
10 PURPOSE ARTIFICIAL INTELLIGENCE MODEL:
- 11 (A) THE TASKS THE GENERAL PURPOSE ARTIFICIAL INTELLIGENCE
12 MODEL IS INTENDED TO PERFORM;
- 13 (B) THE TYPE AND NATURE OF ARTIFICIAL INTELLIGENCE SYSTEMS
14 INTO WHICH THE GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL IS
15 INTENDED TO BE INTEGRATED;
- 16 (C) ACCEPTABLE USE POLICIES FOR THE GENERAL PURPOSE
17 ARTIFICIAL INTELLIGENCE MODEL;
- 18 (D) THE DATE THE GENERAL PURPOSE ARTIFICIAL INTELLIGENCE
19 MODEL IS RELEASED;
- 20 (E) THE METHODS BY WHICH THE GENERAL PURPOSE ARTIFICIAL
21 INTELLIGENCE MODEL IS DISTRIBUTED;
- 22 (F) THE MODALITY AND FORMAT OF INPUTS AND OUTPUTS FOR THE
23 GENERAL PURPOSE ARTIFICIAL INTELLIGENCE MODEL; AND
- 24 (G) A DESCRIPTION OF THE DATA THAT WAS USED FOR PURPOSES
25 OF TRAINING, TESTING, AND VALIDATION, WHERE APPLICABLE, INCLUDING
26 THE TYPE AND PROVENANCE OF THE DATA, DATA CURATION
27 METHODOLOGIES, HOW THE DATA WAS OBTAINED AND SELECTED, ALL

1 OTHER MEASURES USED TO IDENTIFY UNSUITABLE DATA SOURCES, AND
2 METHODS USED TO DETECT IDENTIFIABLE BIASES, WHERE APPLICABLE; AND

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

7 (I) ENABLES THE PERSON TO:

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

10 (B) COMPLY WITH THE PERSON'S OBLIGATIONS UNDER THIS PART
11 16;

12 (II) DISCLOSES, AT A MINIMUM:

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

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

17 (c) EXCEPT AS PROVIDED IN SUBSECTION (2)(a) OF THIS SECTION,
18 REVIEW AND REVISE THE TECHNICAL DOCUMENTATION FOR THE GENERAL
19 PURPOSE ARTIFICIAL INTELLIGENCE MODEL CREATED PURSUANT TO
20 SUBSECTIONS (1)(a) AND (1)(b) OF THIS SECTION AT LEAST ANNUALLY OR
21 MORE FREQUENTLY AS NECESSARY TO MAINTAIN THE ACCURACY OF THE
22 TECHNICAL DOCUMENTATION;

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

26 (e) EXCEPT AS PROVIDED IN SUBSECTION (2)(a) OF THIS SECTION,
27 CREATE, MAINTAIN, AND MAKE PUBLICLY AVAILABLE, IN A FORM AND

1 MANNER PRESCRIBED BY THE ATTORNEY GENERAL, A DETAILED SUMMARY
2 CONCERNING THE CONTENT USED TO TRAIN THE GENERAL PURPOSE
3 ARTIFICIAL INTELLIGENCE MODEL.

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

8 (I) THE DEVELOPER RELEASES THE GENERAL PURPOSE ARTIFICIAL
9 INTELLIGENCE MODEL UNDER A FREE AND OPEN-SOURCE LICENSE THAT
10 ALLOWS FOR:

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

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

16 (II) UNLESS THE GENERAL PURPOSE ARTIFICIAL INTELLIGENCE
17 MODEL IS DEPLOYED AS A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM,
18 THE PARAMETERS OF THE GENERAL PURPOSE ARTIFICIAL INTELLIGENCE
19 MODEL, INCLUDING THE WEIGHTS AND INFORMATION CONCERNING THE
20 MODEL ARCHITECTURE AND MODEL USAGE FOR THE GENERAL PURPOSE
21 ARTIFICIAL INTELLIGENCE MODEL, ARE MADE PUBLICLY AVAILABLE.

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

25 (3) NOTHING IN SUBSECTION (1) OF THIS SECTION REQUIRES A
26 DEVELOPER TO DISCLOSE A TRADE SECRET OR OTHER CONFIDENTIAL OR
27 PROPRIETARY INFORMATION.

1 (4) ON AND AFTER JANUARY 1, 2026, THE ATTORNEY GENERAL
2 MAY REQUIRE THAT A DEVELOPER OF A GENERAL PURPOSE ARTIFICIAL
3 INTELLIGENCE MODEL DISCLOSE TO THE ATTORNEY GENERAL, IN A FORM
4 AND MANNER PRESCRIBED BY THE ATTORNEY GENERAL, ANY
5 DOCUMENTATION MAINTAINED PURSUANT TO THIS SECTION IF THE
6 DOCUMENTATION IS RELEVANT TO AN INVESTIGATION CONDUCTED BY THE
7 ATTORNEY GENERAL. THE ATTORNEY GENERAL MAY EVALUATE THE
8 DOCUMENTATION TO ENSURE COMPLIANCE WITH THIS SECTION AND ANY
9 RULES ADOPTED PURSUANT TO SECTION 6-1-1609, AND THE
10 DOCUMENTATION IS NOT SUBJECT TO DISCLOSURE UNDER THE "COLORADO
11 OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24. TO THE EXTENT
12 THAT THE DOCUMENTATION INCLUDES INFORMATION SUBJECT TO
13 ATTORNEY-CLIENT PRIVILEGE OR WORK-PRODUCT PROTECTION, THE
14 DISCLOSURE DOES NOT CONSTITUTE A WAIVER OF THE PRIVILEGE OR
15 PROTECTION.

16 **6-1-1605. Disclosure of a high-risk artificial intelligence**
17 **system to consumer.** (1) ON AND AFTER OCTOBER 1, 2025, AND EXCEPT
18 AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, A PERSON DOING
19 BUSINESS IN THIS STATE, INCLUDING A DEPLOYER, THAT DEPLOYS, OFFERS,
20 SELLS, LEASES, LICENSES, GIVES, OR OTHERWISE MAKES AVAILABLE A
21 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM THAT IS INTENDED TO
22 INTERACT WITH CONSUMERS SHALL ENSURE THE DISCLOSURE TO EACH
23 CONSUMER WHO INTERACTS WITH THE HIGH-RISK ARTIFICIAL
24 INTELLIGENCE SYSTEM THAT THE CONSUMER IS INTERACTING WITH A
25 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM.

26 (2) DISCLOSURE IS NOT REQUIRED UNDER SUBSECTION (1) OF THIS
27 SECTION UNDER CIRCUMSTANCES IN WHICH IT WOULD BE OBVIOUS TO A

1 REASONABLE PERSON THAT THE PERSON IS INTERACTING WITH A HIGH-RISK
2 ARTIFICIAL INTELLIGENCE SYSTEM.

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

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

11 **(I) MARKED AND DETECTABLE AS SYNTHETIC DIGITAL CONTENT;**

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

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

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

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

24 **(II) THE IMPLEMENTATION COSTS; AND**

25 **(III) THE GENERALLY ACKNOWLEDGED STATE OF THE ART.**

26 **(2) IF THE SYNTHETIC DIGITAL CONTENT DESCRIBED IN SUBSECTION**
27 **(1) OF THIS SECTION IS IN AN AUDIO, IMAGE, OR VIDEO FORMAT, AND THE**

1 SYNTHETIC DIGITAL CONTENT FORMS PART OF AN EVIDENTLY ARTISTIC,
2 CREATIVE, SATIRICAL, FICTIONAL, OR ANALOGOUS WORK OR PROGRAM,
3 THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION ARE LIMITED TO
4 DISCLOSURES THAT DO NOT HINDER THE DISPLAY OR ENJOYMENT OF SUCH
5 WORK OR PROGRAM.

6 (3) SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO:

7 (a) ANY SYNTHETIC DIGITAL CONTENT THAT:

8 (I) CONSISTS EXCLUSIVELY OF TEXT;

9 (II) IS PUBLISHED TO INFORM THE PUBLIC ON ANY MATTER OF
10 PUBLIC INTEREST;

11 (III) HAS BEEN SUBJECT TO A PROCESS OF HUMAN REVIEW OR
12 EDITORIAL CONTROL;

13 (IV) IS UNLIKELY TO MISLEAD A REASONABLE PERSON CONSUMING
14 THE SYNTHETIC DIGITAL CONTENT; OR

15 (V) IS SUBJECT TO CONTROL BY A PERSON WHO HOLDS EDITORIAL
16 RESPONSIBILITY FOR THE PUBLICATION OF THE SYNTHETIC DIGITAL
17 CONTENT; OR

18 (b) ANY ARTIFICIAL INTELLIGENCE SYSTEM DESCRIBED IN
19 SUBSECTION (1) OF THIS SECTION, TO THE EXTENT THE ARTIFICIAL
20 INTELLIGENCE SYSTEM:

21 (I) PERFORMS AN ASSISTIVE FUNCTION FOR STANDARD EDITING;

22 (II) DOES NOT SUBSTANTIALLY ALTER THE INPUT DATA PROVIDED
23 BY THE DEVELOPER OR THE SEMANTICS OF THE DATA; OR

24 (III) IS USED TO DETECT, PREVENT, INVESTIGATE, OR PROSECUTE
25 ANY CRIME WHERE AUTHORIZED BY LAW.

26 **6-1-1607. Compliance with other legal obligations.**

27 (1) NOTHING IN THIS PART 16 RESTRICTS A DEVELOPER'S, A DEPLOYER'S,

1 OR OTHER PERSON'S ABILITY TO:

2 (a) COMPLY WITH FEDERAL, STATE, OR MUNICIPAL LAWS,
3 ORDINANCES, OR REGULATIONS;

4 (b) COMPLY WITH A CIVIL, CRIMINAL, OR REGULATORY INQUIRY,
5 INVESTIGATION, SUBPOENA, OR SUMMONS BY A FEDERAL, A STATE, A
6 MUNICIPAL, OR OTHER GOVERNMENTAL AUTHORITY;

7 (c) COOPERATE WITH A LAW ENFORCEMENT AGENCY CONCERNING
8 CONDUCT OR ACTIVITY THAT THE DEVELOPER, DEPLOYER, OR OTHER
9 PERSON REASONABLY AND IN GOOD FAITH BELIEVES MAY VIOLATE
10 FEDERAL, STATE, OR MUNICIPAL LAWS, ORDINANCES, OR REGULATIONS;

11 (d) INVESTIGATE, ESTABLISH, EXERCISE, PREPARE FOR, OR DEFEND
12 LEGAL CLAIMS;

13 (e) TAKE IMMEDIATE STEPS TO PROTECT AN INTEREST THAT IS
14 ESSENTIAL FOR THE LIFE OR PHYSICAL SAFETY OF A CONSUMER OR
15 ANOTHER INDIVIDUAL;

16 (f) BY ANY MEANS OTHER THAN THE USE OF FACIAL RECOGNITION
17 TECHNOLOGY, PREVENT, DETECT, PROTECT AGAINST, OR RESPOND TO
18 SECURITY INCIDENTS, IDENTITY THEFT, FRAUD, HARASSMENT, MALICIOUS
19 OR DECEPTIVE ACTIVITIES, OR ILLEGAL ACTIVITY; INVESTIGATE, REPORT,
20 OR PROSECUTE THE PERSONS RESPONSIBLE FOR ANY SUCH ACTION; OR
21 PRESERVE THE INTEGRITY OR SECURITY OF SYSTEMS;

22 (g) ENGAGE IN PUBLIC OR PEER-REVIEWED SCIENTIFIC OR
23 STATISTICAL RESEARCH IN THE PUBLIC INTEREST THAT ADHERES TO ALL
24 OTHER APPLICABLE ETHICS AND PRIVACY LAWS AND IS CONDUCTED IN
25 ACCORDANCE WITH 45 CFR 46, AS AMENDED, OR RELEVANT
26 REQUIREMENTS ESTABLISHED BY THE FEDERAL FOOD AND DRUG
27 ADMINISTRATION;

1 (h) CONDUCT RESEARCH, TESTING, AND DEVELOPMENT ACTIVITIES
2 REGARDING AN ARTIFICIAL INTELLIGENCE SYSTEM OR MODEL, OTHER THAN
3 TESTING CONDUCTED UNDER REAL-WORLD CONDITIONS, BEFORE THE
4 ARTIFICIAL INTELLIGENCE SYSTEM OR MODEL IS PLACED ON THE MARKET,
5 DEPLOYED, OR PUT INTO SERVICE, AS APPLICABLE; OR

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

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

11 (a) EFFECTUATE A PRODUCT RECALL; OR

12 (b) IDENTIFY AND REPAIR TECHNICAL ERRORS THAT IMPAIR
13 EXISTING OR INTENDED FUNCTIONALITY.

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

19 (4) NOTHING IN THIS PART 16 IMPOSES ANY OBLIGATION ON A
20 DEVELOPER, A DEPLOYER, OR OTHER PERSON THAT ADVERSELY AFFECTS
21 THE RIGHTS OR FREEDOMS OF A PERSON, INCLUDING THE RIGHTS OF A
22 PERSON TO FREEDOM OF SPEECH OR FREEDOM OF THE PRESS THAT ARE
23 GUARANTEED IN:

24 (a) THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION;

25 OR

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

27 (5) NOTHING IN THIS PART 16 APPLIES TO A DEVELOPER, A

1 DEPLOYER, OR OTHER PERSON:

2 (a) INsofar AS THE DEVELOPER, DEPLOYER, OR OTHER PERSON
3 DEVELOPS, DEPLOYS, PUTS INTO SERVICE, OR INTENTIONALLY AND
4 SUBSTANTIALLY MODIFIES, AS APPLICABLE, A HIGH-RISK ARTIFICIAL
5 INTELLIGENCE SYSTEM OR A GENERAL PURPOSE ARTIFICIAL INTELLIGENCE
6 MODEL:

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

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

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

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

20 **6-1-1608. Enforcement by attorney general and district**
21 **attorneys.** (1) THE ATTORNEY GENERAL AND DISTRICT ATTORNEYS HAVE
22 EXCLUSIVE AUTHORITY TO ENFORCE SECTIONS 6-1-1601 TO 6-1-1607.

23 (2) EXCEPT AS PROVIDED IN SUBSECTION (6) OF THIS SECTION,
24 DURING THE PERIOD FROM OCTOBER 1, 2025, THROUGH JUNE 30, 2026,
25 THE ATTORNEY GENERAL OR A DISTRICT ATTORNEY, PRIOR TO INITIATING
26 ANY ACTION FOR A VIOLATION OF SECTIONS 6-1-1601 TO 6-1-1607, SHALL
27 ISSUE A NOTICE OF VIOLATION TO THE DEVELOPER, DEPLOYER, OR OTHER

1 PERSON ALLEGED TO HAVE COMMITTED THE VIOLATION IF THE ATTORNEY
2 GENERAL OR DISTRICT ATTORNEY DETERMINES THAT THE OPPORTUNITY TO
3 CURE IS WARRANTED. IF THE DEVELOPER, DEPLOYER, OR OTHER PERSON
4 FAILS TO CURE THE VIOLATION WITHIN SIXTY DAYS AFTER RECEIPT OF THE
5 NOTICE OF VIOLATION, THE ATTORNEY GENERAL OR DISTRICT ATTORNEY
6 MAY BRING AN ENFORCEMENT ACTION PURSUANT TO THIS PART 16.

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

13 (a) THE NUMBER OF VIOLATIONS;

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

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

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

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

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

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

26 (5) EXCEPT AS PROVIDED IN SUBSECTION (6) OF THIS SECTION, A
27 VIOLATION OF THE REQUIREMENTS ESTABLISHED IN SECTIONS 6-1-1601 TO

1 6-1-1607 CONSTITUTES AN UNFAIR TRADE PRACTICE PURSUANT TO
2 SECTION 6-1-105 (1)(eeee).

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

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

9 (I) FEEDBACK THAT THE DEVELOPER, DEPLOYER, OR OTHER
10 PERSON ENCOURAGES DEPLOYERS OR USERS TO PROVIDE TO THE
11 DEVELOPER, DEPLOYER, OR OTHER PERSON;

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

15 (III) AN INTERNAL REVIEW PROCESS;

16 (b) NO LATER THAN SIXTY DAYS AFTER DISCOVERING A VIOLATION
17 AS SET FORTH IN SUBSECTION (6)(a) OF THIS SECTION, CURES THE
18 VIOLATION AND PROVIDES TO THE ATTORNEY GENERAL OR DISTRICT
19 ATTORNEY, IN A FORM AND MANNER PRESCRIBED BY THE ATTORNEY
20 GENERAL, NOTICE THAT THE VIOLATION HAS BEEN CURED AND EVIDENCE
21 THAT ANY HARM CAUSED BY THE VIOLATION HAS BEEN MITIGATED; AND

22 (c) IS OTHERWISE IN COMPLIANCE WITH:

23 (I) THE LATEST VERSION OF THE "ARTIFICIAL INTELLIGENCE RISK
24 MANAGEMENT FRAMEWORK" PUBLISHED BY THE NATIONAL INSTITUTE OF
25 STANDARDS AND TECHNOLOGY IN THE UNITED STATES DEPARTMENT OF
26 COMMERCE AND STANDARD ISO/IEC 42001 OF THE INTERNATIONAL
27 ORGANIZATION FOR STANDARDIZATION;

1 (II) ANOTHER NATIONALLY OR INTERNATIONALLY RECOGNIZED
2 RISK MANAGEMENT FRAMEWORK FOR ARTIFICIAL INTELLIGENCE SYSTEMS;
3 OR

4 (III) ANY RISK MANAGEMENT FRAMEWORK FOR ARTIFICIAL
5 INTELLIGENCE SYSTEMS THAT THE ATTORNEY GENERAL, IN THE ATTORNEY
6 GENERAL'S DISCRETION, MAY DESIGNATE AND, IF DESIGNATED, SHALL
7 PUBLICLY DISSEMINATE.

8 (7) A DEVELOPER, A DEPLOYER, OR OTHER PERSON BEARS THE
9 BURDEN OF DEMONSTRATING TO THE ATTORNEY GENERAL OR DISTRICT
10 ATTORNEY THAT THE REQUIREMENTS ESTABLISHED IN SUBSECTION (6) OF
11 THIS SECTION HAVE BEEN SATISFIED.

12 **6-1-1609. Rules.** THE ATTORNEY GENERAL MAY PROMULGATE
13 RULES AS NECESSARY FOR THE PURPOSE OF IMPLEMENTING AND
14 ENFORCING THIS PART 16.

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

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

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

21 **SECTION 3. Safety clause.** The general assembly finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety or for appropriations for
24 the support and maintenance of the departments of the state and state
25 institutions.