

## HB25-1287 – OVERVIEW OF BILL AND AMENDMENTS

March 28<sup>th</sup>, 2025

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### BILL OVERVIEW AFTER AMENDMENTS:

HB25-1287 would require social media companies with users in Colorado to provide basic safety and privacy tools to minors ages 17 and under. These tools will protect youth from harmful impacts on their mental and physical health such as addictive design features, damaging algorithmic recommendation systems, and ongoing threats to their security and privacy.

After the amendment process described below, the bill retains the following provisions:

- o Basic safety tools for minors to control their own experience on social media platforms, including options to disable addictive features, set usage time limits, and easily report contact and activity that may violate the law and/or social media platform policies.
- o Basic safeguards for minors to maximize the privacy and security of minor users, including preventing unknown adults from contacting minor users, preventing other users from accessing minors' personal data, and complying with all measures in the Colorado Consumer Protection Act.
- o Age assurance to support the safeguards listed above. Without required age assurance, it is impossible to know which users are actually minors, since social media companies currently allow minors to sign up with false age information. HB 25-1287 directs social media companies to employ a reliable age assurance method to (1) determine which users are minors and (2) provide these users with the enhanced safety and privacy protections required by this bill.
- o User autonomy requirements that prohibit social media companies from using manipulative mechanisms that induce minors to disable privacy and security protections or provide their personal information.
- o Alignment with Colorado Privacy Act requirements around designs, algorithms and features that present a heightened risk of harm to minors.
- o Enforcement of this law under the Colorado Consumer Protection Act.

### AMENDMENTS OVERVIEW:

In response to feedback from various stakeholders, several amendments are being introduced. In general, the amendments address the following topics. A detailed list of the amendments is also provided.

- o Age assurance provision – Amendments seek to address concerns around the use of government IDs, the security of age assurance data, and alignment with existing data privacy laws.
- o Parental tools provision – Amendments remove parental tools for all minors because of a possibility of being used negatively by unsupportive parents, including to out teens' sexual orientation or gender identity.
- o Privacy and security safeguards – Amendments clarify default privacy and security safeguards and remove parental consent requirement for changing default safety settings for youth ages 15 and younger.
- o Discrimination and algorithms – Amendments address concerns about personalized recommendation systems and social media companies censoring LGBTQ+ content by adding a non-discrimination provision, as well as required notifications for minors about a platform's use of algorithmic feeds.

**LIST OF AMENDMENTS:**

Amendments on age assurance:

- Added language to the definition of "age assurance system" indicating companies should use alternatives to government identification when commercially reasonable and technically feasible
- Added language to the definition of "age assurance system" for alignment with the federal COPPA data privacy law for children ages 12 and under
- Modified definition of "personal data" to align with the Colorado Privacy Act
- Added language clarifying that a user appealing their age determination can submit any information, and that documentary evidence is not required
- Added language indicating a user who does not wish to participate in the age assurance system will have access to a platform as a minor user
- Added language to require stronger protections for data used to conduct age assurance
- Added language to require companies to retain age assurance data for the purpose of an age determination appeal if one is filed, but companies must immediately delete age assurance data if no appeal is filed or within 30 days of an appeal
- Added language to also address privacy protections for age assurance data during rulemaking
- Modified the Colorado Privacy Act to strengthen protections for collected personal data.
- Added later effective date for age assurance
- Added provision such that age assurance system will not take effect without a certification from the Attorney General's Office that no court of binding authority has held it to be unconstitutional

#### Amendments on parental tools:

Based on feedback from stakeholders, this section is being removed. No tools will be required to assist parents in supporting their kids' experience on social media platforms.

#### Amendments on default safeguards:

- Removed parental consent requirement for minors ages 15 and younger for changing default privacy/security settings
- Removed definition of "verifiable parental consent"
- Added the term "applicable" in reference to provisions of the Colorado Privacy Act
- Added a requirement that social media companies provide an easily understandable notice to minors with a description of how platforms use personalized recommendation systems and what tools are available to control such systems.
  - The purpose of this notice is to give all minors access to information about these recommendation algorithms so they can make informed choices about their use.
- Drafting change to organize all default safeguards within one subsection (c)
- Amended the privacy safeguard in 6-1-1606(c)(I) to clarify that social media companies are required to protect minors' personal data from public access
- Amended the privacy safeguard in 6-1-1606(c)(V) to change from limitations about sharing content, to limitations on the visibility of posted information.
- Added safeguard 6-1-1606(c)(VIII) to not display a minor user's location unless the minor explicitly shares it with another user
- Added language that social media companies must allow minors to enable/disable these safeguards individually, rather than with a single on/off setting covering all safeguards

#### Amendments related to discrimination and algorithms:

- Added language stating that nothing in the bill may be construed to discriminate on the basis of race, color, ethnicity, religion, sex, disability, sexual orientation, gender identity, gender expression, or national origin.
- Added requirement that social media companies provide notice to minors about how personalized recommendations are used and how they can be controlled by the minor (or parent, if relevant)

