

SB25-318

SENATE FLOOR AMENDMENT

Second Reading

BY SENATORS Baisley and Marchman

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 6-1-1702, **amend**
4 (1), (2) introductory portion, (3)(a), (4)(a) introductory portion, (5)
5 introductory portion, and (7) as follows:

6 **6-1-1702. Developer duty to avoid algorithmic discrimination**
7 **- required documentation.** (1) On and after ~~February 1, 2026~~ JANUARY
8 1, 2027, a developer of a high-risk artificial intelligence system shall use
9 reasonable care to protect consumers from any known or reasonably
10 foreseeable risks of algorithmic discrimination arising from the intended
11 and contracted uses of the high-risk artificial intelligence system. In any
12 enforcement action brought on or after ~~February 1, 2026~~ JANUARY 1,
13 2027, by the attorney general pursuant to section 6-1-1706, there is a
14 rebuttable presumption that a developer used reasonable care as required
15 under this section if the developer complied with this section and any
16 additional requirements or obligations as set forth in rules ~~promulgated~~
17 ADOPTED by the attorney general pursuant to section 6-1-1707.

18 (2) On and after ~~February 1, 2026~~ JANUARY 1, 2027, and except
19 as provided in subsection (6) of this section, a developer of a high-risk
20 artificial intelligence system shall make available to the deployer or other
21 developer of the high-risk artificial intelligence system:

22 (3) (a) Except as provided in subsection (6) of this section, a
23 developer that offers, sells, leases, licenses, gives, or otherwise makes
24 available to a deployer or other developer a high-risk artificial
25 intelligence system on or after ~~February 1, 2026~~ JANUARY 1, 2027, shall
26 make available to the deployer or other developer, to the extent feasible,
27 the documentation and information, through artifacts such as model cards,
28 dataset cards, or other impact assessments, necessary for a deployer, or
29 for a third party contracted by a deployer, to complete an impact
30 assessment pursuant to section 6-1-1703 (3).

31 (4) (a) On and after ~~February 1, 2026~~ JANUARY 1, 2027, a
32 developer shall make available, in a manner that is clear and readily
33 available on the developer's website or in a public use case inventory, a
34 statement summarizing:

35 (5) On and after ~~February 1, 2026~~ JANUARY 1, 2027, a developer
36 of a high-risk artificial intelligence system shall disclose to the attorney
37 general, in a form and manner prescribed by the attorney general, and to
38 all known deployers or other developers of the high-risk artificial
39 intelligence system, any known or reasonably foreseeable risks of
40 algorithmic discrimination arising from the intended uses of the high-risk
41 artificial intelligence system without unreasonable delay but no later than

1 ninety days after the date on which:
2 (7) On and after ~~February 1, 2026~~ JANUARY 1, 2027, the attorney
3 general may require that a developer disclose to the attorney general, no
4 later than ninety days after the request and in a form and manner
5 prescribed by the attorney general, the statement or documentation
6 described in subsection (2) of this section. The attorney general may
7 evaluate such statement or documentation to ensure compliance with this
8 part 17, and the statement or documentation is not subject to disclosure
9 under the "Colorado Open Records Act", part 2 of article 72 of title 24.
10 In a disclosure MADE pursuant to this subsection (7), a developer may
11 designate the statement or documentation as including proprietary
12 information or a trade secret. To the extent that any information contained
13 in the statement or documentation includes information subject to
14 attorney-client privilege or work-product protection, the disclosure does
15 not constitute a waiver of the privilege or protection.

16 **SECTION 2.** In Colorado Revised Statutes, 6-1-1703, **amend** (1),
17 (2)(a) introductory portion, (3)(a), (3)(c), (3)(g), (4)(a) introductory
18 portion, (4)(b) introductory portion, (5)(a) introductory portion, (7), and
19 (9) as follows:

20 **6-1-1703. Deployer duty to avoid algorithmic discrimination**
21 **- risk management policy and program.** (1) On and after ~~February 1,~~
22 ~~2026~~ JANUARY 1, 2027, a deployer of a high-risk artificial intelligence
23 system shall use reasonable care to protect consumers from any known or
24 reasonably foreseeable risks of algorithmic discrimination. In any
25 enforcement action brought on or after ~~February 1, 2026~~ JANUARY 1,
26 2027, by the attorney general pursuant to section 6-1-1706, there is a
27 rebuttable presumption that a deployer of a high-risk artificial intelligence
28 system used reasonable care as required under this section if the deployer
29 complied with this section and any additional requirements or obligations
30 as set forth in rules ~~promulgated~~ ADOPTED by the attorney general
31 pursuant to section 6-1-1707.

32 (2) (a) On and after ~~February 1, 2026~~ JANUARY 1, 2027, and
33 except as provided in subsection (6) of this section, a deployer of a
34 high-risk artificial intelligence system shall implement a risk management
35 policy and program to govern the deployer's deployment of the high-risk
36 artificial intelligence system. The risk management policy and program
37 must specify and incorporate the principles, processes, and personnel that
38 the deployer uses to identify, document, and mitigate known or
39 reasonably foreseeable risks of algorithmic discrimination. The risk
40 management policy and program must be an iterative process planned,
41 implemented, and regularly and systematically reviewed and updated over
42 the life cycle of a high-risk artificial intelligence system, requiring
43 regular, systematic review and updates. A risk management policy and

1 program implemented and maintained pursuant to this subsection (2) must
2 be reasonable considering:

3 (3) (a) Except as provided in subsections (3)(d), (3)(e), and (6) of
4 this section:

5 (I) A deployer, or a third party contracted by the deployer, that
6 deploys a high-risk artificial intelligence system on or after ~~February 1,~~
7 ~~2026~~ JANUARY 1, 2027, shall complete an impact assessment for the
8 high-risk artificial intelligence system; and

9 (II) On and after ~~February 1, 2026~~ JANUARY 1, 2027, a deployer,
10 or a third party contracted by the deployer, shall complete an impact
11 assessment for a deployed high-risk artificial intelligence system at least
12 annually and within ninety days after any intentional and substantial
13 modification to the high-risk artificial intelligence system is made
14 available.

15 (c) In addition to the information required under subsection (3)(b)
16 of this section, an impact assessment completed pursuant to this
17 subsection (3) following an intentional and substantial modification to a
18 high-risk artificial intelligence system on or after ~~February 1, 2026~~
19 JANUARY 1, 2027, must include a statement disclosing the extent to which
20 the high-risk artificial intelligence system was used in a manner that was
21 consistent with, or varied from, the developer's intended uses of the
22 high-risk artificial intelligence system.

23 (g) On or before ~~February 1, 2026~~ JANUARY 1, 2027, and at least
24 annually thereafter, a deployer, or a third party contracted by the deployer,
25 must review the deployment of each high-risk artificial intelligence
26 system deployed by the deployer to ensure that the high-risk artificial
27 intelligence system is not causing algorithmic discrimination.

28 (4) (a) On and after ~~February 1, 2026~~ JANUARY 1, 2027, and no
29 later than the time that a deployer deploys a high-risk artificial
30 intelligence system to make, or be a substantial factor in making, a
31 consequential decision concerning a consumer, the deployer shall:

32 (b) On and after ~~February 1, 2026~~ JANUARY 1, 2027, a deployer
33 that has deployed a high-risk artificial intelligence system to make, or be
34 a substantial factor in making, a consequential decision concerning a
35 consumer shall, if the consequential decision is adverse to the consumer,
36 provide to the consumer:

37 (5) (a) On and after ~~February 1, 2026~~ JANUARY 1, 2027, and
38 except as provided in subsection (6) of this section, a deployer shall make
39 available, in a manner that is clear and readily available on the deployer's
40 website, a statement summarizing:

41 (7) If a deployer deploys a high-risk artificial intelligence system
42 on or after ~~February 1, 2026~~ JANUARY 1, 2027, and subsequently
43 discovers that the high-risk artificial intelligence system has caused

1 algorithmic discrimination, the deployer, without unreasonable delay, but
2 no later than ninety days after the date of the discovery, shall send to the
3 attorney general, in a form and manner prescribed by the attorney general,
4 a notice disclosing the discovery.

5 (9) On and after ~~February 1, 2026~~ JANUARY 1, 2027, the attorney
6 general may require that a deployer, or a third party contracted by the
7 deployer, disclose to the attorney general, no later than ninety days after
8 the request and in a form and manner prescribed by the attorney general,
9 the risk management policy implemented pursuant to subsection (2) of
10 this section, the impact assessment completed pursuant to subsection (3)
11 of this section, or the records maintained pursuant to subsection (3)(f) of
12 this section. The attorney general may evaluate the risk management
13 policy, impact assessment, or records to ensure compliance with this part
14 17, and the risk management policy, impact assessment, and records are
15 not subject to disclosure under the "Colorado Open Records Act", part 2
16 of article 72 of title 24. In a disclosure MADE pursuant to this subsection
17 (9), a deployer may designate the statement or documentation as including
18 proprietary information or a trade secret. To the extent that any
19 information contained in the risk management policy, impact assessment,
20 or records includes information subject to attorney-client privilege or
21 work-product protection, the disclosure does not constitute a waiver of
22 the privilege or protection.

23 **SECTION 3.** In Colorado Revised Statutes, 6-1-1704, **amend** (1)
24 as follows:

25 **6-1-1704. Disclosure of an artificial intelligence system to**
26 **consumer.** (1) On and after ~~February 1, 2026~~ JANUARY 1, 2027, and
27 except as provided in subsection (2) of this section, a deployer or other
28 developer that deploys, offers, sells, leases, licenses, gives, or otherwise
29 makes available an artificial intelligence system that is intended to
30 interact with consumers shall ensure the disclosure to each consumer who
31 interacts with the artificial intelligence system that the consumer is
32 interacting with an artificial intelligence system.

33 **SECTION 4. Act subject to petition - effective date.** This act
34 takes effect at 12:01 a.m. on the day following the expiration of the
35 ninety-day period after final adjournment of the general assembly; except
36 that, if a referendum petition is filed pursuant to section 1 (3) of article V
37 of the state constitution against this act or an item, section, or part of this
38 act within such period, then the act, item, section, or part will not take
39 effect unless approved by the people at the general election to be held in
40 November 2026 and, in such case, will take effect on the date of the
41 official declaration of the vote thereon by the governor."

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