

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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