

AMENDMENT TO REPORT OF THE COMMITTEE OF THE WHOLE

SB004\_S.001

DATE 8/24/2025

Senator Baisley moved to amend the Report of the Committee of the Whole to show that the following Baisley floor amendment, (L.027) to SB25B-004, did pass.

Strike the Appropriations Committee Report, dated August 24, 2025.

Strike the Business, Labor, and Technology Committee Report, dated August 21, 2025.

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

**"SECTION 1.** In Colorado Revised Statutes, **repeal and reenact, with amendments,** part 17 of article 1 of title 6 as follows:

PART 17

DIGITAL-ASSISTED DISCRIMINATION PROHIBITED

**6-1-1701. Short title.** THE SHORT TITLE OF THIS PART 17 IS THE "TECHNOLOGY-NEUTRAL ANTI-DISCRIMINATION CLARIFICATION ACT OF 2026".

**6-1-1702. Legislative declaration.** (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) DISCRIMINATION BASED ON PROTECTED CHARACTERISTICS IS UNLAWFUL IN COLORADO WHETHER IT OCCURS IN HOUSING, EMPLOYMENT, PUBLIC ACCOMMODATIONS, EDUCATION, CREDIT, OR ANY OTHER CONTEXT COVERED BY STATE CIVIL RIGHTS STATUTES;

(b) ADVANCES IN SOFTWARE, AUTOMATION, ALGORITHMIC DECISION-MAKING, ARTIFICIAL INTELLIGENCE, AND OTHER DIGITAL TECHNOLOGIES DO NOT CREATE A LAWFUL AVENUE TO ENGAGE IN CONDUCT THAT EXISTING LAW ALREADY PROHIBITS; AND

(c) CLARIFYING THAT DISCRIMINATORY CONDUCT REMAINS UNLAWFUL REGARDLESS OF THE TOOLS USED WILL:

(I) AFFIRM THAT IMPLEMENTING ILLEGAL DISCRIMINATION THROUGH A DIGITAL MECHANISM CONFERS NO LEGAL IMMUNITY;

(II) ENSURE COLORADO'S CIVIL RIGHTS STATUTES APPLY CONSISTENTLY ACROSS PRESENT AND FUTURE TECHNOLOGIES, WITHOUT PRIVILEGING OR DISADVANTAGING ANY PARTICULAR METHOD OF IMPLEMENTATION; AND

(III) AVOID IMPOSING VICARIOUS LIABILITY ON TECHNOLOGY DEVELOPERS THAT NEITHER INTEND NOR KNOWINGLY FACILITATE DISCRIMINATORY CONDUCT.

**6-1-1703. Digital-assisted discrimination prohibited.** ALL PROHIBITIONS ON DISCRIMINATION CONTAINED IN A STATUTE OF THIS STATE APPLY WITH FULL FORCE AND EFFECT REGARDLESS OF WHETHER THE CHALLENGED CONDUCT IS EXECUTED, FACILITATED, OR SCALED, IN WHOLE OR IN PART, BY MEANS OF A DIGITAL, AUTOMATED, ALGORITHMIC, ARTIFICIAL INTELLIGENCE, MACHINE LEARNING, OR OTHER TECHNOLOGICAL PROCESS.

**6-1-1704. Rules of construction.** (1) AS USED IN THIS PART 17, "DIGITAL",

"AUTOMATED", "ALGORITHMIC", "ARTIFICIAL INTELLIGENCE", "MACHINE LEARNING", AND "OTHER TECHNOLOGICAL PROCESS" ARE ILLUSTRATIVE AND NONEXHAUSTIVE TERMS AND ENCOMPASS PRESENT AND FUTURE MEANS OF COMPUTATION, COMMUNICATION, AND DECISION-MAKING.

(2) NOTHING IN THIS PART 17 ALTERS THE LIST OF PROTECTED CHARACTERISTICS ENUMERATED ELSEWHERE IN STATUTE.

(3) A CREATOR, PUBLISHER, OR DISTRIBUTOR OF TECHNOLOGY IS LIABLE UNDER THIS PART 17 ONLY IF THAT PARTY INTENTIONALLY ENGAGES IN, DIRECTS, OR KNOWINGLY AIDS THE UNDERLYING DISCRIMINATORY CONDUCT.

(4) THIS PART 17 DOES NOT ALTER EXISTING BURDENS OF PROOF, DEFENSES, AND REMEDIES APPLICABLE TO DISCRIMINATION CLAIMS.

**SECTION 2. Act subject to petition - effective date - applicability.**

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

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

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