

SENATE FLOOR AMENDMENT

Third Reading

BY SENATOR Rodriguez

1 Amend engrossed 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~~ JUNE 30,
8 2026, 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~~ JUNE 30, 2026,
13 by the attorney general pursuant to section 6-1-1706, there is a rebuttable
14 presumption that a developer used reasonable care as required under this
15 section if the developer complied with this section and any additional
16 requirements or obligations as set forth in rules ~~promulgated~~ ADOPTED by
17 the attorney general pursuant to section 6-1-1707.

18 (2) On and after ~~February 1, 2026~~ JUNE 30, 2026, and except as
19 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~~ JUNE 30, 2026, 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~~ JUNE 30, 2026, a developer
32 shall make available, in a manner that is clear and readily available on the
33 developer's website or in a public use case inventory, a statement
34 summarizing:

35 (5) On and after ~~February 1, 2026~~ JUNE 30, 2026, a developer of
36 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

1 artificial intelligence system without unreasonable delay but no later than
2 ninety days after the date on which:

3 (7) On and after ~~February 1, 2026~~ JUNE 30, 2026, the attorney
4 general may require that a developer disclose to the attorney general, no
5 later than ninety days after the request and in a form and manner
6 prescribed by the attorney general, the statement or documentation
7 described in subsection (2) of this section. The attorney general may
8 evaluate such statement or documentation to ensure compliance with this
9 part 17, and the statement or documentation is not subject to disclosure
10 under the "Colorado Open Records Act", part 2 of article 72 of title 24.
11 In a disclosure MADE pursuant to this subsection (7), a developer may
12 designate the statement or documentation as including proprietary
13 information or a trade secret. To the extent that any information contained
14 in the statement or documentation includes information subject to
15 attorney-client privilege or work-product protection, the disclosure does
16 not constitute a waiver of the privilege or protection.

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

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

33 (2) (a) On and after ~~February 1, 2026~~ JUNE 30, 2026, and except
34 as provided in subsection (6) of this section, a deployer of a high-risk
35 artificial intelligence system shall implement a risk management policy
36 and program to govern the deployer's deployment of the high-risk
37 artificial intelligence system. The risk management policy and program
38 must specify and incorporate the principles, processes, and personnel that
39 the deployer uses to identify, document, and mitigate known or
40 reasonably foreseeable risks of algorithmic discrimination. The risk
41 management policy and program must be an iterative process planned,
42 implemented, and regularly and systematically reviewed and updated over
43 the life cycle of a high-risk artificial intelligence system, requiring
44 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~~ JUNE 30, 2026, shall complete an impact assessment for the
8 high-risk artificial intelligence system; and

9 (II) On and after ~~February 1, 2026~~ JUNE 30, 2026, a deployer, or
10 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~~ JUNE
19 30, 2026, must include a statement disclosing the extent to which the
20 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~~ JUNE 30, 2026, 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~~ JUNE 30, 2026, and no later
29 than the time that a deployer deploys a high-risk artificial intelligence
30 system to make, or be a substantial factor in making, a consequential
31 decision concerning a consumer, the deployer shall:

32 (b) On and after ~~February 1, 2026~~ JUNE 30, 2026, a deployer that
33 has deployed a high-risk artificial intelligence system to make, or be a
34 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~~ JUNE 30, 2026, and except
38 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~~ JUNE 30, 2026, and subsequently discovers
43 that the high-risk artificial intelligence system has caused algorithmic
44 discrimination, the deployer, without unreasonable delay, but no later than

1 ninety days after the date of the discovery, shall send to the attorney
2 general, in a form and manner prescribed by the attorney general, a notice
3 disclosing the discovery.

4 (9) On and after ~~February 1, 2026~~ JUNE 30, 2026, the attorney
5 general may require that a deployer, or a third party contracted by the
6 deployer, disclose to the attorney general, no later than ninety days after
7 the request and in a form and manner prescribed by the attorney general,
8 the risk management policy implemented pursuant to subsection (2) of
9 this section, the impact assessment completed pursuant to subsection (3)
10 of this section, or the records maintained pursuant to subsection (3)(f) of
11 this section. The attorney general may evaluate the risk management
12 policy, impact assessment, or records to ensure compliance with this part
13 17, and the risk management policy, impact assessment, and records are
14 not subject to disclosure under the "Colorado Open Records Act", part 2
15 of article 72 of title 24. In a disclosure MADE pursuant to this subsection
16 (9), a deployer may designate the statement or documentation as including
17 proprietary information or a trade secret. To the extent that any
18 information contained in the risk management policy, impact assessment,
19 or records includes information subject to attorney-client privilege or
20 work-product protection, the disclosure does not constitute a waiver of
21 the privilege or protection.

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

24 **6-1-1704. Disclosure of an artificial intelligence system to**
25 **consumer.** (1) On and after ~~February 1, 2026~~ JUNE 30, 2026, and except
26 as provided in subsection (2) of this section, a deployer or other developer
27 that deploys, offers, sells, leases, licenses, gives, or otherwise makes
28 available an artificial intelligence system that is intended to interact with
29 consumers shall ensure the disclosure to each consumer who interacts
30 with the artificial intelligence system that the consumer is interacting with
31 an artificial intelligence system.

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

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