

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Baisley

- 1 Strike the Appropriations Committee Report, dated August 24, 2025.
- 2 Strike the Business, Labor, and Technology Committee Report, dated
3 August 21, 2025.
- 4 Amend printed bill, strike everything below the enacting clause and
5 substitute:

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

8 **PART 17**

9 **DIGITAL-ASSISTED DISCRIMINATION PROHIBITED**

10 **6-1-1701. Short title.** THE SHORT TITLE OF THIS PART 17 IS THE
11 "TECHNOLOGY-NEUTRAL ANTI-DISCRIMINATION CLARIFICATION ACT OF
12 2026".

13 **6-1-1702. Legislative declaration.** (1) THE GENERAL ASSEMBLY
14 FINDS AND DECLARES THAT:

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

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

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

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

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

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

34 **6-1-1703. Digital-assisted discrimination prohibited.** ALL
35 PROHIBITIONS ON DISCRIMINATION CONTAINED IN A STATUTE OF THIS
36 STATE APPLY WITH FULL FORCE AND EFFECT REGARDLESS OF WHETHER
37 THE CHALLENGED CONDUCT IS EXECUTED, FACILITATED, OR SCALED, IN

1 WHOLE OR IN PART, BY MEANS OF A DIGITAL, AUTOMATED, ALGORITHMIC,
2 ARTIFICIAL INTELLIGENCE, MACHINE LEARNING, OR OTHER
3 TECHNOLOGICAL PROCESS.

4 **6-1-1704. Rules of construction.** (1) AS USED IN THIS PART 17,
5 "DIGITAL", "AUTOMATED", "ALGORITHMIC", "ARTIFICIAL INTELLIGENCE",
6 "MACHINE LEARNING", AND "OTHER TECHNOLOGICAL PROCESS" ARE
7 ILLUSTRATIVE AND NONEXHAUSTIVE TERMS AND ENCOMPASS PRESENT
8 AND FUTURE MEANS OF COMPUTATION, COMMUNICATION, AND
9 DECISION-MAKING.

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

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

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

18 **SECTION 2. Act subject to petition - effective date -**
19 **applicability.** (1) This act takes effect January 1, 2026; except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within the ninety-day period after final adjournment of the general
23 assembly, then the act, item, section, or part will not take effect unless
24 approved by the people at the general election to be held in November
25 2026 and, in such case, will take effect on the date of the official
26 declaration of the vote thereon by the governor.

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

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