SB25-322
HOUSE FLOOR AMENDMENT
Second Reading   BY REPRESENTATIVE Titone

1   Amend reengrossed bill, page 3, after line 2 insert:

2   "**SECTION 2.** In Colorado Revised Statutes, 6-1-1702, **amend**
3   (1), (2) introductory portion, (3)(a), (4)(a) introductory portion, (5)
4   introductory portion, and (7) as follows:
5   **6-1-1702. Developer duty to avoid algorithmic discrimination**
6   **- required documentation.** (1) On and after ~~February 1, 2026~~ APRIL 14,
7   2026, a developer of a high-risk artificial intelligence system shall use
8   reasonable care to protect consumers from any known or reasonably
9   foreseeable risks of algorithmic discrimination arising from the intended
10   and contracted uses of the high-risk artificial intelligence system. In any
11   enforcement action brought on or after ~~February 1, 2026~~ APRIL 14, 2026,
12   by the attorney general pursuant to section 6-1-1706, there is a rebuttable
13   presumption that a developer used reasonable care as required under this
14   section if the developer complied with this section and any additional
15   requirements or obligations as set forth in rules ~~promulgated~~ ADOPTED by
16   the attorney general pursuant to section 6-1-1707.
17   (2) On and after ~~February 1, 2026~~ APRIL 14, 2026, and except as
18   provided in subsection (6) of this section, a developer of a high-risk
19   artificial intelligence system shall make available to the deployer or other
20   developer of the high-risk artificial intelligence system:
21   (3) (a) Except as provided in subsection (6) of this section, a
22   developer that offers, sells, leases, licenses, gives, or otherwise makes
23   available to a deployer or other developer a high-risk artificial
24   intelligence system on or after ~~February 1, 2026~~ APRIL 14, 2026, shall
25   make available to the deployer or other developer, to the extent feasible,
26   the documentation and information, through artifacts such as model cards,
27   dataset cards, or other impact assessments, necessary for a deployer, or
28   for a third party contracted by a deployer, to complete an impact
29   assessment pursuant to section 6-1-1703 (3).
30   (4) (a) On and after ~~February 1, 2026~~ APRIL 14, 2026, a developer
31   shall make available, in a manner that is clear and readily available on the
32   developer's website or in a public use case inventory, a statement
33   summarizing:
34   (5) On and after ~~February 1, 2026~~ APRIL 14, 2026, a developer of
35   a high-risk artificial intelligence system shall disclose to the attorney
36   general, in a form and manner prescribed by the attorney general, and to
37   all known deployers or other developers of the high-risk artificial
38   intelligence system, any known or reasonably foreseeable risks of
39   algorithmic discrimination arising from the intended uses of the high-risk
40   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~~ APRIL 14, 2026, 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 pursuant to this subsection (7), a developer may designate
11   the statement or documentation as including proprietary information or
12   a trade secret. To the extent that any information contained in the
13   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 3.** 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~~ APRIL 14, 2026, 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~~ APRIL 14, 2026,
26   by the attorney general pursuant to section 6-1-1706, there is a rebuttable
27   presumption that a deployer of a high-risk artificial intelligence system
28   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~~ APRIL 14, 2026, and except
33   as provided in subsection (6) of this section, a deployer of a high-risk
34   artificial intelligence system shall implement a risk management policy
35   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~~ APRIL 14, 2026, shall complete an impact assessment for the
8 high-risk artificial intelligence system; and
9   (II) On and after ~~February 1, 2026~~ APRIL 14, 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~~ APRIL
19 14, 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~~ APRIL 14, 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~~ APRIL 14, 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~~ APRIL 14, 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~~ APRIL 14, 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~~ APRIL 14, 2026, and subsequently discovers
43 that the high-risk artificial intelligence system has caused algorithmic

1   discrimination, the deployer, without unreasonable delay, but no later than
2   ninety days after the date of the discovery, shall send to the attorney
3   general, in a form and manner prescribed by the attorney general, a notice
4   disclosing the discovery.
5   (9) On and after ~~February 1, 2026~~ APRIL 14, 2026, 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 pursuant to this subsection (9), a
17   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 4.** 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~~ APRIL 14, 2026, and except
27   as provided in subsection (2) of this section, a deployer or other developer
28   that deploys, offers, sells, leases, licenses, gives, or otherwise makes
29   available an artificial intelligence system that is intended to interact with
30   consumers shall ensure the disclosure to each consumer who interacts
31   with the artificial intelligence system that the consumer is interacting with
32   an artificial intelligence system.".

33   Renumber succeeding section accordingly.

34   Page 1, strike lines 102 through 104 and substitute "BY THE ATTORNEY
35   GENERAL.".

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