

SENATE COMMITTEE OF REFERENCE REPORT

March 23, 2021

Chair of Committee

Date

Committee on State, Veterans, & Military Affairs.

After consideration on the merits, the Committee recommends the following:

SB21-132 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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

3 "SECTION 1. In Colorado Revised Statutes, 2-3-1704, **add** (13)
4 as follows:

5 **2-3-1704. Powers and duties of the joint technology committee**
6 **- reporting - repeal.** (13) (a) DURING THE 2021 LEGISLATIVE INTERIM,
7 THE COMMITTEE SHALL STUDY WHETHER AND HOW THE GENERAL
8 ASSEMBLY COULD ADDRESS, THROUGH LEGISLATION, CONSUMER
9 PROTECTION CONCERNS RELATED TO DIGITAL COMMUNICATIONS
10 PLATFORMS THAT:

11 (I) DO BUSINESS IN COLORADO;

12 (II) FACILITATE COMMUNICATIONS BETWEEN USERS, ALLOW USERS
13 TO CREATE AND SHARE CONTENT, AND ARE EITHER SOCIAL MEDIA
14 PLATFORMS SUCH AS FACEBOOK AND TWITTER OR MEDIA-SHARING
15 PLATFORMS SUCH AS YOUTUBE; AND

16 (III) ARE NOT MARKETPLACE FACILITATORS, AS DEFINED IN
17 SECTION 39-26-102 (5.9), OR OTHER SERVICE-ORIENTED DIGITAL
18 COMMUNICATIONS PLATFORMS SUCH AS TRANSPORTATION NETWORK
19 COMPANIES, AS DEFINED IN SECTION 40-10.1-602 (3), OR SHORT-TERM
20 RENTAL PLATFORMS SUCH AS AIRBNB.

21 (b) IN CONDUCTING THE STUDY, THE COMMITTEE:

22 (I) SHALL CONSULT WITH, AND SEEK PRESENTATIONS FROM, THE
23 OFFICE OF INFORMATION TECHNOLOGY AND THE ATTORNEY GENERAL'S

1 OFFICE;

2 (II) MAY CONSULT WITH, AND SEEK PRESENTATIONS FROM, ANY
3 OTHER STATE AGENCIES AND ANY EXPERTS OR INTERESTED PERSONS ON
4 THE MATTER;

5 (III) MAY CONSIDER A DIGITAL COMMUNICATIONS PLATFORM'S
6 EXISTING POLICIES AND PRACTICES REGARDING IF AND HOW THE
7 PLATFORM ADDRESSES ANY ISSUES ARISING FROM A USER'S USE OF THE
8 PLATFORM IF SUCH USE COULD BE VIEWED AS:

9 (A) PROMOTING VIOLENCE;
10 (B) UNDERMINING ELECTION INTEGRITY;
11 (C) DISSEMINATING INTENTIONAL DISINFORMATION; OR
12 (D) DIRECTLY ATTACKING PROTECTED GROUPS;

13 (IV) MAY CONSIDER WHETHER A DIGITAL COMMUNICATIONS
14 PLATFORM'S EXISTING POLICIES AND PRACTICES CHILL FREE SPEECH;

15 (V) MAY CONSIDER WHETHER AND HOW CONSUMER COMPLAINTS
16 ABOUT A DIGITAL COMMUNICATIONS PLATFORM'S POLICIES AND PRACTICES
17 COULD BE ADDRESSED BY THE STATE; AND

18 (VI) MAY CONSIDER DIGITAL COMMUNICATIONS PLATFORMS' USE
19 OF:

20 (A) FACIAL RECOGNITION SOFTWARE OR OTHER TRACKING
21 TECHNOLOGY;
22 (B) COLLECTION AND DISSEMINATION OF USERS' PERSONAL DATA
23 FOR LOCATION-BASED ADVERTISING AND OTHER MARKETING PURPOSES;
24 AND
25 (C) DESIGN PRACTICES THAT INCREASE DATA COLLECTION
26 WITHOUT USERS' CONSENT.

27 (c) ON OR BEFORE THE FIRST DAY OF THE REGULAR LEGISLATIVE
28 SESSION COMMENCING ON OR AFTER JANUARY 1, 2022, THE COMMITTEE
29 SHALL SUBMIT A WRITTEN REPORT ON ITS FINDINGS AND
30 RECOMMENDATIONS REGARDING THE STUDY TO THE MEMBERS OF THE
31 HOUSE OF REPRESENTATIVES AND THE SENATE. IF, AS PART OF ITS REPORT,
32 THE COMMITTEE RECOMMENDS LEGISLATION, ANY SUCH LEGISLATION
33 INTRODUCED IN THE REGULAR LEGISLATIVE SESSION COMMENCING ON OR
34 AFTER JANUARY 1, 2022, IS EXEMPT FROM THE FIVE-BILL LIMITATION
35 SPECIFIED IN RULE 24 OF THE JOINT RULES OF THE SENATE AND THE HOUSE
36 OF REPRESENTATIVES.

37 (d) THIS SUBSECTION (13) IS REPEALED, EFFECTIVE SEPTEMBER 1,
38 2022.

39 **SECTION 2. Act subject to petition - effective date.** This act
40 takes effect at 12:01 a.m. on the day following the expiration of the
41 ninety-day period after final adjournment of the general assembly; except

1 that, if a referendum petition is filed pursuant to section 1 (3) of article V
2 of the state constitution against this act or an item, section, or part of this
3 act within such period, then the act, item, section, or part will not take
4 effect unless approved by the people at the general election to be held in
5 November 2022 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor."

7 Page 1, strike lines 101 through 104 and substitute "**CONCERNING A**
8 **STUDY OF CONSUMER PROTECTION REGULATION OF DIGITAL**
9 **COMMUNICATIONS PLATFORMS.**".

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