

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 28, 2024
Date

Committee on Business, Labor, & Technology.

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

SB24-158 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

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

3 "SECTION 1. In Colorado Revised Statutes, **add** part 16 to
4 article 1 of title 6 as follows:

5 PART 16
6 SOCIAL MEDIA COMPANIES

7 **6-1-1601. Definitions.** AS USED IN THIS PART 16, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

9 (1) "ACTIONED" MEANS A SOCIAL MEDIA COMPANY, DUE TO A
10 SUSPECTED OR CONFIRMED VIOLATION OF ITS PUBLISHED POLICIES, HAS
11 REMOVED, DEMONETIZED, DEPRIORITIZED, BANNED, OR OTHERWISE TAKEN
12 A SIMILAR MEASURE AGAINST A USER OR RELEVANT ITEM OF CONTENT.

13 (2) "ALGORITHMIC PERSONALIZATION" MEANS A COMPUTATIONAL
14 PROCESS, INCLUDING ONE DERIVED FROM ALGORITHMIC
15 DECISION-MAKING, MACHINE LEARNING, STATISTICAL ANALYSIS, OR OTHER
16 DATA PROCESSING OR ARTIFICIAL INTELLIGENCE TECHNIQUE, USED TO
17 DETERMINE THE SELECTION, ORDER, RELATIVE PRIORITIZATION, OR
18 RELATIVE PROMINENCE OF CONTENT FROM A SET OF INFORMATION THAT
19 IS PROVIDED TO A USER ON A SOCIAL MEDIA PLATFORM, INCLUDING THE
20 RANKING OF SEARCH RESULTS, THE PROVISION OF CONTENT
21 RECOMMENDATIONS, THE DISPLAY OF SOCIAL MEDIA POSTS, OR ANY OTHER
22 METHOD OF AUTOMATED CONTENT SELECTION.

23 (3) "CONTENT" MEANS ANY STATEMENTS, COMMENTS, MEDIA, OR
24 INFORMATION THAT IS CREATED, POSTED, SHARED, OR OTHERWISE
25 INTERACTED WITH BY USERS ON A SOCIAL MEDIA PLATFORM. "CONTENT"
26 DOES NOT INCLUDE MEDIA PLACED ON AN INTERNET-BASED SERVICE OR
27 APPLICATION EXCLUSIVELY FOR THE PURPOSE OF CLOUD STORAGE,

1 TRANSMITTING FILES, OR FILE COLLABORATION.
2 (4) "DARK PATTERN" MEANS A USER INTERFACE DESIGNED OR
3 MANIPULATED WITH THE SUBSTANTIAL EFFECT OF SUBVERTING OR
4 IMPAIRING USER AUTONOMY, DECISION-MAKING, OR CHOICE.
5 (5) "EDUCATIONAL ENTITY" MEANS A PUBLIC SCHOOL, A CHARTER
6 SCHOOL, AN INSTITUTE CHARTER SCHOOL, A BOARD OF COOPERATIVE
7 SERVICES, THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND, A
8 PRIVATE SCHOOL, A DENOMINATIONAL SCHOOL, A PAROCHIAL SCHOOL, A
9 COMMUNITY COLLEGE, A STATE COLLEGE, A STATE UNIVERSITY, OR A
10 NONPROFIT PRIVATE POSTSECONDARY EDUCATIONAL INSTITUTION.
11 (6) "EPHEMERAL CONTENT" MEANS CONTENT THAT IS
12 TEMPORARILY MADE AVAILABLE TO USERS OF A SOCIAL MEDIA PLATFORM.
13 (7) "FIREARM" MEANS:
14 (a) A FIREARM, AS DEFINED IN SECTION 18-1-901 (3)(h);
15 (b) AN UNFINISHED OR THREE-DIMENSIONALLY PRINTED FRAME OR
16 RECEIVER OF A FIREARM, AS DEFINED IN SECTION 18-12-101 (1)(c.5); OR
17 (c) A MACHINE GUN CONVERSION DEVICE, AS DEFINED IN SECTION
18 18-12-101 (1)(g.2).
19 (8) (a) "ILLICIT SUBSTANCE" MEANS:
20 (I) A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102
21 (5);
22 (II) ANY HEMP PRODUCT, AS DEFINED IN SECTION 25-5-427 (2)(d),
23 THAT IS NOT A TINCTURE OR COSMETIC AND HAS MORE THAN ONE AND
24 ONE-FOURTH MILLIGRAMS OF THC, AS DEFINED IN SECTION 44-10-209
25 (2)(d), PER SERVING OR HAS A RATIO OF CANNABIDIOL TO THC OF LESS
26 THAN TWENTY TO ONE; AND
27 (III) ANY PRODUCT THAT CONTAINS HEMP THAT IS INTENDED FOR
28 HUMAN CONSUMPTION AND IS NOT A COSMETIC, A DIETARY SUPPLEMENT,
29 A FOOD, A FOOD ADDITIVE, OR AN HERB.
30 (b) NOTWITHSTANDING SUBSECTION (8)(a) OF THIS SECTION,
31 "ILLICIT SUBSTANCE" DOES NOT INCLUDE A PRODUCT THAT MAY BE
32 PRODUCED AND SOLD IN COLORADO PURSUANT TO AND IN COMPLIANCE
33 WITH SECTION 25-7-427, ARTICLES 10 AND 50 OF TITLE 44, AND RULES
34 PROMULGATED PURSUANT TO SUCH PROVISIONS.
35 (9) "INFINITE OR ENDLESS SCROLL" MEANS THE CONTINUOUS
36 DISPLAY OR SUGGESTION OF NEW CONTENT TO A USER OF A SOCIAL MEDIA
37 PLATFORM.
38 (10) "JUVENILE" MEANS AN INDIVIDUAL UNDER EIGHTEEN YEARS
39 OF AGE.
40 (11) (a) "PERSONAL DATA" MEANS INFORMATION THAT IS LINKED
41 OR REASONABLY LINKABLE TO AN IDENTIFIED OR IDENTIFIABLE
42 INDIVIDUAL.
43 (b) "PERSONAL DATA" DOES NOT MEAN DE-IDENTIFIED DATA OR

1 PUBLICLY AVAILABLE INFORMATION. AS USED IN THIS SUBSECTION (11)(b),
2 "PUBLICLY AVAILABLE INFORMATION" MEANS INFORMATION THAT IS
3 LAWFULLY MADE AVAILABLE FROM FEDERAL, STATE, OR LOCAL
4 GOVERNMENT RECORDS AND INFORMATION THAT A SOCIAL MEDIA
5 COMPANY HAS A REASONABLE BASIS TO BELIEVE AN INDIVIDUAL HAS
6 LAWFULLY MADE AVAILABLE TO THE GENERAL PUBLIC.

7 (12) "PERSONALIZED RECOMMENDATION SYSTEM" MEANS A FULLY
8 OR PARTIALLY AUTOMATED SYSTEM USED TO SUGGEST, PROMOTE, BLOCK,
9 OR RANK CONTENT, BASED ON THE PERSONAL DATA OF USERS.

10 (13) (a) "PUBLISHED POLICIES" OR "POLICIES" MEANS POLICIES
11 ADOPTED AND PUBLISHED BY A SOCIAL MEDIA COMPANY OR SOCIAL MEDIA
12 PLATFORM THAT SPECIFY, AT LEAST, THE USER BEHAVIORS AND ACTIVITIES
13 THAT ARE PERMITTED ON THE SOCIAL MEDIA PLATFORM OWNED OR
14 OPERATED BY THE SOCIAL MEDIA COMPANY AND THE USER BEHAVIORS
15 AND ACTIVITIES THAT MAY SUBJECT A USER OR AN ITEM OF CONTENT TO
16 BEING ACTIONED.

17 (b) "PUBLISHED POLICIES" OR "POLICIES" INCLUDES TERMS OF
18 SERVICE AND COMMUNITY GUIDELINES.

19 (14) "SEX TRAFFICKING OF A JUVENILE" MEANS SELLING,
20 RECRUITING, HARBORING, TRANSPORTING, TRANSFERRING, ISOLATING,
21 ENTICING, PROVIDING, RECEIVING, OBTAINING BY ANY MEANS,
22 MAINTAINING, OR MAKING AVAILABLE A JUVENILE FOR THE PURPOSE OF
23 COMMERCIAL SEXUAL ACTIVITY.

24 (15) "SEXUALLY EXPLOITATIVE MATERIAL" HAS THE MEANING SET
25 FORTH IN SECTION 18-6-403 (2)(j).

26 (16) "SOCIAL MEDIA COMPANY" OR "COMPANY" MEANS A PERSON
27 THAT OWNS OR OPERATES ONE OR MORE SOCIAL MEDIA PLATFORMS.

28 (17) (a) "SOCIAL MEDIA PLATFORM" OR "PLATFORM" MEANS AN
29 INTERNET-BASED SERVICE OR APPLICATION THAT HAS USERS IN COLORADO
30 AND MEETS BOTH OF THE FOLLOWING CRITERIA:

31 (I) A SUBSTANTIAL FUNCTION OF THE SERVICE OR APPLICATION IS
32 TO ALLOW USERS TO INTERACT SOCIALLY WITH EACH OTHER WITHIN THE
33 SERVICE OR APPLICATION; AND

34 (II) THE SERVICE OR APPLICATION ALLOWS A USER TO:

35 (A) BECOME A REGISTERED USER, ESTABLISH AN ACCOUNT, OR
36 CONSTRUCT A PUBLIC OR SEMI-PUBLIC PROFILE FOR PURPOSES OF SIGNING
37 INTO AND USING THE SERVICE OR APPLICATION; AND

38 (B) CREATE OR POST CONTENT THAT IS VIEWABLE BY OTHER
39 USERS.

40 (b) "SOCIAL MEDIA PLATFORM" OR "PLATFORM" DOES NOT
41 INCLUDE AN INTERNET-BASED SERVICE OR APPLICATION WHERE THE
42 PREDOMINANT OR EXCLUSIVE FUNCTION OF THE SERVICE OR APPLICATION
43 IS:

- 1 (I) PROVIDING ELECTRONIC MAIL;
- 2 (II) FACILITATING COMMUNICATION WITHIN A BUSINESS OR AN
3 ENTERPRISE AMONG EMPLOYEES OR AFFILIATES OF THE BUSINESS OR
4 ENTERPRISE SO LONG AS ACCESS TO THE SERVICE OR APPLICATION IS
5 RESTRICTED TO EMPLOYEES OR AFFILIATES OF THE BUSINESS OR
6 ENTERPRISE;
- 7 (III) SELLING ENTERPRISE SOFTWARE TO BUSINESSES,
8 GOVERNMENTS, OR NONPROFIT ORGANIZATIONS;
- 9 (IV) PROVIDING CLOUD-BASED ELECTRONIC STORAGE, INCLUDING
10 CLOUD-BASED STORAGE THAT ALLOWS COLLABORATIVE EDITING BY
11 INVITED USERS;
- 12 (V) FACILITATING TELECONFERENCING AND VIDEO CONFERENCING
13 FEATURES THAT ARE LIMITED TO CERTAIN PARTICIPANTS IN THE
14 TELECONFERENCE OR VIDEO CONFERENCE AND ARE NOT POSTED PUBLICLY
15 OR FOR BROAD DISTRIBUTION TO OTHER USERS;
- 16 (VI) FACILITATING CROWD-SOURCED CONTENT FOR REFERENCE
17 GUIDES, SUCH AS ENCYCLOPEDIAS, EDUCATIONAL MATERIALS, AND
18 DICTIONARIES;
- 19 (VII) FACILITATING ONLINE SHOPPING OR E-COMMERCE IF THE
20 RELATED INTERACTIONS BETWEEN USERS OR ACCOUNT HOLDERS IS
21 LIMITED TO:
- 22 (A) THE ABILITY TO POST AND VIEW COMMENTS AS PART OF
23 RATINGS AND REVIEWS OF PRODUCTS;
- 24 (B) THE ABILITY TO DISPLAY LISTS OR COLLECTIONS OF GOODS FOR
25 SALE OR WISH LISTS; AND
- 26 (C) OTHER FUNCTIONS THAT ARE FOCUSED ON ONLINE SHOPPING
27 OR E-COMMERCE RATHER THAN OTHER INTERACTIONS BETWEEN USERS OR
28 ACCOUNT HOLDERS;
- 29 (VIII) PROVIDING A STREAMING SERVICE THAT STREAMS ONLY
30 LICENSED, AND NOT USER-GENERATED, MEDIA IN A CONTINUOUS FLOW
31 FROM THE SERVICE, WEBSITE, OR APPLICATION TO THE END USER AND DOES
32 NOT REQUIRE A USER OR ACCOUNT HOLDER TO OBTAIN A LICENSE FOR THE
33 MEDIA BY AGREEMENT TO A SOCIAL MEDIA PLATFORM'S TERMS OF
34 SERVICE;
- 35 (IX) PROVIDING NEWS, SPORTS, ENTERTAINMENT, OR OTHER
36 CONTENT THAT IS PRESELECTED BY THE PROVIDER AND NOT
37 USER-GENERATED;
- 38 (X) PROVIDING AN ONLINE SERVICE, WEBSITE, OR APPLICATION
39 THAT IS USED BY OR UNDER THE DIRECTION OF AN EDUCATIONAL ENTITY,
40 INCLUDING A LEARNING MANAGEMENT SYSTEM, A STUDENT ENGAGEMENT
41 PROGRAM, OR A SUBJECT OR SKILL-SPECIFIC PROGRAM, WHERE THE
42 CONTENT IS PREDOMINANTLY CREATED OR POSTED BY THE PROVIDER OF
43 THE ONLINE SERVICE, WEBSITE, OR APPLICATION AND THE ABILITY TO

1 CHAT, COMMENT, OR INTERACT WITH OTHER USERS IS DIRECTLY RELATED
2 TO THE PROVIDER'S CONTENT;

3 (XI) PROVIDING OR OBTAINING TECHNICAL SUPPORT FOR A
4 PLATFORM, PRODUCT, OR SERVICE;

5 (XII) PROVIDING CAREER DEVELOPMENT OPPORTUNITIES,
6 INCLUDING PROFESSIONAL NETWORKING, JOB SKILLS, LEARNING
7 CERTIFICATIONS, AND JOB POSTING AND APPLICATION SERVICES;

8 (XIII) FACILITATING ACADEMIC OR SCHOLARLY RESEARCH; OR

9 (XIV) REPORTING OR DISSEMINATING NEWS INFORMATION FOR A
10 MASS MEDIUM, AS DEFINED IN SECTION 13-90-119.

11 (c) "SOCIAL MEDIA PLATFORM" OR "PLATFORM" DOES NOT
12 INCLUDE AN INTERNET-BASED SERVICE OR APPLICATION WHERE:

13 (I) THE CONTENT THAT IS POSTED OR CREATED IS PREDOMINANTLY
14 POSTED OR CREATED BY THE PROVIDER OF THE INTERNET-BASED SERVICE
15 OR APPLICATION AND NOT USER-GENERATED; AND

16 (II) THE ABILITY TO CHAT, COMMENT, OR INTERACT WITH OTHER
17 USERS IS DIRECTLY RELATED TO THE PROVIDER'S CONTENT.

18 **6-1-1602. Social media companies - published policies -**
19 **required disclosures.** (1) ON OR BEFORE JULY 1, 2025, A SOCIAL MEDIA
20 COMPANY SHALL POST PUBLISHED POLICIES FOR EACH SOCIAL MEDIA
21 PLATFORM OWNED OR OPERATED BY THE SOCIAL MEDIA COMPANY. THE
22 PUBLISHED POLICIES MUST BE POSTED IN EACH SOCIAL MEDIA PLATFORM
23 IN A CLEAR AND CONSPICUOUS MANNER REASONABLY DESIGNED TO
24 INFORM ALL USERS OF THE SOCIAL MEDIA PLATFORM OF THE EXISTENCE
25 AND CONTENTS OF THE PUBLISHED POLICIES. THEREAFTER, A SOCIAL
26 MEDIA COMPANY SHALL POST ANY MATERIAL UPDATES TO THE POLICIES
27 WITHIN FOURTEEN DAYS AFTER THE IMPLEMENTATION OF THE UPDATED
28 POLICIES.

29 (2) THE PUBLISHED POLICIES POSTED PURSUANT TO SUBSECTION
30 (1) OF THIS SECTION MUST INCLUDE:

31 (a) CONTACT INFORMATION, OR A DESCRIPTION OF THE PROCESS,
32 THAT ALLOWS A USER TO ASK THE SOCIAL MEDIA COMPANY QUESTIONS
33 ABOUT, OR REPORT VIOLATIONS OF, THE PUBLISHED POLICIES;

34 (b) A DESCRIPTION OF THE PROCESS THAT A USER MUST FOLLOW TO
35 FLAG CONTENT, GROUPS, OR OTHER USERS THAT THE USER BELIEVES
36 VIOLATE THE PUBLISHED POLICIES;

37 (c) A PROCESS TO WHICH THE SOCIAL MEDIA COMPANY COMMITS
38 FOR THE PURPOSE OF RESPONDING TO AND RESOLVING USER QUESTIONS,
39 REPORTS, AND FLAGS AS DESCRIBED IN SUBSECTIONS (2)(a) AND (2)(b) OF
40 THIS SECTION. THIS PROCESS MUST INCLUDE PROCEDURES TO MAKE USERS
41 AWARE WHEN THE SOCIAL MEDIA COMPANY:

42 (I) REVIEWS A USER'S REPORT OR FLAG; AND

43 (II) RESPONDS TO A USER'S REPORT OR FLAG, INCLUDING WHETHER

1 ACTION WAS TAKEN IN RESPONSE.

2 (d) A STATEMENT THAT THE USE OF THE SOCIAL MEDIA PLATFORM
3 FOR THE SALE OR ADVERTISEMENT OF ANY ILLICIT SUBSTANCE; FOR THE
4 SALE OF ANY FIREARM IN VIOLATION OF STATE OR FEDERAL LAW; FOR SEX
5 TRAFFICKING OF A JUVENILE; OR FOR THE POSSESSION, DISPLAY,
6 EXCHANGE, DISTRIBUTION, SALE, OR CREATION OF, OR THE INDUCEMENT
7 TO CREATE, SEXUALLY EXPLOITATIVE MATERIAL IS PROHIBITED; EXCEPT
8 THAT A SOCIAL MEDIA PLATFORM MAY ALLOW A USER TO SELL OR
9 ADVERTISE MEDICAL MARIJUANA OR RETAIL MARIJUANA TO USERS WHO
10 ARE AT LEAST TWENTY-ONE YEARS OF AGE SO LONG AS THE SALE OR
11 ADVERTISING COMPLIES WITH ANY RULES PROMULGATED PURSUANT TO
12 SECTION 44-10-203 (3)(a);

13 (e) A DESCRIPTION OF THE SOCIAL MEDIA COMPANY'S PROCESS FOR
14 ENFORCING ITS PUBLISHED POLICIES AND THE POTENTIAL CONSEQUENCES
15 OF VIOLATING THE PUBLISHED POLICIES, WHICH DESCRIPTION INCLUDES:

16 (I) ACTIONS THE SOCIAL MEDIA COMPANY MAY TAKE AGAINST AN
17 ITEM OF CONTENT, A GROUP, OR A USER, INCLUDING ACTIONS DESCRIBED
18 IN SECTION 6-1-1601 (1); AND

19 (II) DETAILS CONCERNING:

20 (A) WHAT TYPES OF ACTIVITY ON THE SOCIAL MEDIA PLATFORM
21 VIOLATE A PUBLISHED POLICY;

22 (B) WHAT ACTIONS THE SOCIAL MEDIA COMPANY MAY TAKE IN
23 RESPONSE TO EACH TYPE OF ACTIVITY THAT VIOLATES A PUBLISHED
24 POLICY, INCLUDING WHETHER AND HOW THOSE ACTIONS MAY VARY WHEN
25 MULTIPLE VIOLATIONS OF A POLICY OCCUR OR WHEN AN ACTIVITY
26 VIOLATES MULTIPLE POLICIES; AND

27 (C) HOW MANY VIOLATIONS OF A PUBLISHED POLICY ARE
28 REQUIRED TO RESULT IN A SPECIFIC ACTION;

29 (f) A STATEMENT THAT VIOLATIONS OF THE PUBLISHED POLICIES
30 THAT ALSO VIOLATE STATE OR FEDERAL LAW MAY BE REPORTED TO LAW
31 ENFORCEMENT FOR INVESTIGATION AND POTENTIAL PROSECUTION,
32 INCLUDING A DESCRIPTION OF WHEN AND HOW A VIOLATION INVOLVING
33 CONTENT CONCERNING AN ILLICIT SUBSTANCE, THE SALE OF A FIREARM IN
34 VIOLATION OF STATE OR FEDERAL LAW, SEX TRAFFICKING OF A JUVENILE,
35 OR THE POSSESSION, DISPLAY, EXCHANGE, DISTRIBUTION, SALE, OR
36 CREATION OF, OR THE INDUCEMENT TO CREATE, SEXUALLY EXPLOITATIVE
37 MATERIAL WILL BE REPORTED TO LAW ENFORCEMENT AND IN WHAT
38 FORMAT THIS INFORMATION WOULD BE PROVIDED;

39 (g) A DESCRIPTION OF THE SOCIAL MEDIA COMPANY'S POLICIES
40 AND PRACTICES WITH RESPECT TO PERSONAL DATA AND SAFEGUARDS FOR
41 JUVENILES;

42 (h) INFORMATION ABOUT HOW TO ACCESS THE SAFEGUARDS AND
43 PARENTAL TOOLS REQUIRED UNDER SECTIONS 6-1-1605 AND 6-1-1606,

1 INCLUDING INFORMATION FOR JUVENILES OR THEIR PARENTS ABOUT
2 OPTIONS TO OPT OUT OF OR CONTROL PERSONALIZED RECOMMENDATION
3 SYSTEMS AND OTHER PLATFORM FEATURES;

4 (i) NOTICE ABOUT WHETHER THE SOCIAL MEDIA PLATFORM USES
5 OR MAKES AVAILABLE TO JUVENILES A PRODUCT, SERVICE, OR DESIGN
6 FEATURE, INCLUDING ANY PERSONALIZED RECOMMENDATION SYSTEM,
7 THAT PRESENTS A HEIGHTENED RISK OF HARM TO JUVENILES; AND

8 (j) IF THE SOCIAL MEDIA PLATFORM OPERATES A PERSONALIZED
9 RECOMMENDATION SYSTEM, A DESCRIPTION OF HOW THE PERSONALIZED
10 RECOMMENDATION SYSTEM IS USED TO PROVIDE INFORMATION TO
11 JUVENILES, INCLUDING HOW SUCH SYSTEMS USE THE PERSONAL DATA OF
12 JUVENILES AND ALGORITHMIC PERSONALIZATION.

13 (3) A SOCIAL MEDIA COMPANY SHALL MAKE ITS PUBLISHED
14 POLICIES AVAILABLE, AT A MINIMUM, IN ENGLISH AND SPANISH.

15 **6-1-1603. Social media companies - report required -**
16 **mandatory content - searchable public repository.** (1) ON AN ANNUAL
17 BASIS IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION, A SOCIAL
18 MEDIA COMPANY SHALL SUBMIT TO THE ATTORNEY GENERAL, IN A USABLE
19 FORMAT, A REPORT THAT INCLUDES, FOR EACH SOCIAL MEDIA PLATFORM
20 OWNED OR OPERATED BY THE SOCIAL MEDIA COMPANY:

21 (a) THE CURRENT VERSION OF THE PUBLISHED POLICIES OF THE
22 SOCIAL MEDIA PLATFORM;

23 (b) IF A SOCIAL MEDIA COMPANY HAS FILED ITS FIRST REPORT, A
24 COMPLETE AND DETAILED DESCRIPTION OF ANY CHANGES TO THE
25 PUBLISHED POLICIES SINCE THE PREVIOUS REPORT;

26 (c) A STATEMENT OF WHETHER THE CURRENT VERSION OF THE
27 PUBLISHED POLICIES CONTAINS DEFINITIONS OR PROVISIONS RELATING TO
28 EACH OF THE FOLLOWING CATEGORIES OF CONTENT AND, IF SO, THE
29 DEFINITIONS OF THOSE CATEGORIES, A DESCRIPTION OF THOSE PROVISIONS,
30 OR BOTH:

31 (I) ILLICIT SUBSTANCES;

32 (II) SALES OF FIREARMS IN VIOLATION OF STATE OR FEDERAL LAW;

33 (III) SEX TRAFFICKING OF A JUVENILE; AND

34 (IV) POSSESSION, DISPLAY, EXCHANGE, DISTRIBUTION, SALE, OR
35 CREATION OF, OR THE INDUCEMENT TO CREATE, SEXUALLY EXPLOITATIVE
36 MATERIAL;

37 (d) A DETAILED DESCRIPTION OF CONTENT MODERATION
38 PRACTICES FOR THE CATEGORIES OF CONTENT DESCRIBED IN SUBSECTION
39 (1)(c) OF THIS SECTION USED BY THE SOCIAL MEDIA COMPANY FOR EACH
40 SOCIAL MEDIA PLATFORM, INCLUDING:

41 (I) UNDER WHAT CIRCUMSTANCES CONTENT MODERATION
42 SYSTEMS INVOLVE AUTOMATED REVIEW EXCLUSIVELY, HUMAN REVIEW
43 EXCLUSIVELY, OR ANY OTHER TYPE OR COMBINATION OF CONTENT

1 MODERATION PRACTICES;

2 (II) HOW CONTENT MODERATION SYSTEMS ARE USED TO ENFORCE
3 PUBLISHED POLICIES OF THE SOCIAL MEDIA PLATFORM, INCLUDING WHEN
4 AND HOW PUBLISHED POLICIES ARE ENFORCED USING AUTOMATED REVIEW,
5 HUMAN REVIEW, OR ANY OTHER TYPE OR COMBINATION OF CONTENT
6 MODERATION PRACTICES;

7 (III) HOW THE SOCIAL MEDIA COMPANY RESPONDS TO USER
8 REPORTS OF CONTENT THAT VIOLATES STATE OR FEDERAL LAW OR THE
9 SOCIAL MEDIA COMPANY'S PUBLISHED POLICIES;

10 (IV) HOW THE SOCIAL MEDIA COMPANY REMOVES INDIVIDUAL
11 PIECES OF CONTENT, USERS, OR GROUPS THAT VIOLATE STATE OR FEDERAL
12 LAW OR THE PUBLISHED POLICIES OR TAKES OTHER ACTION AGAINST A
13 USER OR GROUP OF USERS WHO VIOLATE THE PUBLISHED POLICIES; AND

14 (V) THE AVERAGE NUMBER OF DAYS A SOCIAL MEDIA COMPANY
15 TAKES TO MAKE DETERMINATIONS AND REMOVE USERS PURSUANT TO THE
16 PROCEDURES SET FORTH IN SECTION 6-1-1608, DISAGGREGATED BY EACH
17 CATEGORY DESCRIBED IN SUBSECTION (1)(c) OF THIS SECTION;

18 (e) (I) FOR THE PRECEDING CALENDAR YEAR, DATA FOR USERS
19 BASED IN THE UNITED STATES, WITH A SPECIFIC BREAKDOWN OF THE DATA
20 FOR COLORADO-BASED USERS FOR EACH CATEGORY DESCRIBED IN
21 SUBSECTION (1)(c) OF THIS SECTION, INCLUDING:

22 (A) THE TOTAL NUMBER OF ITEMS OF CONTENT FLAGGED BY THE
23 SOCIAL MEDIA COMPANY, USERS, OR OTHER ENTITIES, DISAGGREGATED BY
24 EACH CATEGORY DESCRIBED IN SUBSECTION (1)(c) OF THIS SECTION;

25 (B) THE TOTAL NUMBER OF ACTIONED ITEMS OF CONTENT,
26 DISAGGREGATED BY EACH CATEGORY DESCRIBED IN SUBSECTION (1)(c) OF
27 THIS SECTION;

28 (C) THE PERCENTAGE OF ALL FLAGGED ITEMS AND THE
29 PERCENTAGE OF ALL ACTIONED ITEMS OF CONTENT WITHIN, AND
30 DISAGGREGATED BY, EACH CATEGORY DESCRIBED IN SUBSECTION (1)(c)
31 OF THIS SECTION;

32 (D) THE NUMBER OF TIMES EACH ACTIONED ITEM OF CONTENT IN
33 EACH CATEGORY DESCRIBED IN SUBSECTION (1)(c) OF THIS SECTION WAS
34 VIEWED BY USERS BEFORE IT WAS ACTIONED;

35 (E) THE NUMBER OF TIMES EACH ACTIONED ITEM OF CONTENT IN
36 EACH CATEGORY DESCRIBED IN SUBSECTION (1)(c) OF THIS SECTION WAS
37 SHARED;

38 (F) THE TOTAL NUMBER OF TIMES USERS APPEALED SOCIAL MEDIA
39 COMPANY ACTIONS TAKEN ON THAT SOCIAL MEDIA PLATFORM RELATED TO
40 EACH CATEGORY DESCRIBED IN SUBSECTION (1)(c) OF THIS SECTION AND
41 THE TOTAL NUMBER OF REVERSALS OF SOCIAL MEDIA COMPANY ACTIONS
42 ON APPEAL, DISAGGREGATED BY EACH TYPE OF ACTION; AND

43 (G) THE TOTAL NUMBER OF USERS' ACCOUNTS THAT WERE

1 ACTIONED BY THE SOCIAL MEDIA COMPANY DUE TO A USER'S VIOLATION
2 OF THE PUBLISHED POLICIES RELATED TO EACH CATEGORY DESCRIBED IN
3 SUBSECTION (1)(c) OF THIS SECTION AND A BREAKDOWN BY PERCENTAGES
4 OF ALL ACTIONS TAKEN AGAINST USERS FOR CONTENT OR ACTIVITY
5 RELATING TO EACH CATEGORY DESCRIBED IN SUBSECTION (1)(c) OF THIS
6 SECTION.

7 (II) ALL INFORMATION REQUIRED BY SUBSECTION (1)(e)(I) OF THIS
8 SECTION MUST BE DISAGGREGATED INTO THE FOLLOWING CATEGORIES:

9 (A) THE CATEGORY OF CONTENT, INCLUDING ANY RELEVANT
10 CATEGORIES OR SUBCATEGORIES DESCRIBED IN SUBSECTION (1)(c) OF THIS
11 SECTION;

12 (B) THE TYPE OF CONTENT, INCLUDING CATEGORIES FOR POSTS,
13 COMMENTS, MESSAGES, PROFILES OF USERS, OR GROUPS OF USERS;

14 (C) THE TYPE OF MEDIA CATEGORY OF THE CONTENT, INCLUDING
15 CATEGORIES FOR TEXT, IMAGES, AND VIDEOS;

16 (D) HOW THE CONTENT WAS FLAGGED, INCLUDING WHETHER THE
17 CONTENT WAS FLAGGED BY USERS, COMPANY EMPLOYEES, COMPANY
18 CONTRACTORS, OR AUTOMATED SYSTEMS; AND

19 (E) HOW THE CONTENT WAS ACTIONED, INCLUDING WHETHER THE
20 CONTENT WAS ACTIONED BY COMPANY EMPLOYEES, COMPANY
21 CONTRACTORS, OR AUTOMATED SYSTEMS.

22 (f) FOR THE PRECEDING TWELVE MONTHS, DATA CONCERNING HOW
23 JUVENILES IN COLORADO USED THE SOCIAL MEDIA PLATFORM, INCLUDING
24 THE FOLLOWING FOR USERS IN COLORADO:

25 (I) THE TOTAL NUMBER OF JUVENILES IN COLORADO WHO USED
26 THE SOCIAL MEDIA PLATFORM;

27 (II) THE TOTAL NUMBER OF INDIVIDUALS WHO CREATED OR
28 ATTEMPTED TO CREATE A USER ACCOUNT THAT INCLUDED A DATE OF
29 BIRTH INDICATING THAT THE INDIVIDUAL IS AT LEAST EIGHTEEN YEARS OF
30 AGE BUT WHO APPEARED, ACCORDING TO THE SOCIAL MEDIA PLATFORM'S
31 AGE VERIFICATION PROCESS, TO BE JUVENILES;

32 (III) THE TOTAL NUMBER OF TIMES JUVENILE USERS CREATED,
33 VIEWED, SHARED, SEARCHED FOR, LIKED, FOLLOWED, COMMENTED ON,
34 MESSAGED, REVIEWED, TAGGED, OR OTHERWISE INTERACTED WITH
35 CONTENT THAT VIOLATES THE SOCIAL MEDIA PLATFORM'S PUBLISHED
36 POLICIES RELATED TO EACH CATEGORY LISTED IN SUBSECTION (1)(c) OF
37 THIS SECTION, DISAGGREGATED BY EACH FORM OF INTERACTION AND EACH
38 CATEGORY; AND

39 (IV) THE TOTAL NUMBER OF ITEMS OF ACTIONED CONTENT
40 RELATED TO EACH CATEGORY DESCRIBED IN SUBSECTION (1)(c) OF THIS
41 SECTION THAT WERE CREATED, VIEWED, SHARED, SEARCHED FOR, LIKED,
42 FOLLOWED, COMMENTED ON, MESSAGED, REVIEWED, TAGGED, OR
43 OTHERWISE INTERACTED WITH BY JUVENILE USERS, DISAGGREGATED BY

1 EACH FORM OF INTERACTION;

2 (g) A DESCRIPTION OF THE SOCIAL MEDIA PLATFORM'S AGE
3 VERIFICATION PRACTICES, HOW THE AGE VERIFICATION PRACTICES ARE
4 ENFORCED, HOW THE SOCIAL MEDIA PLATFORM RESPONDS TO USER
5 REPORTS OF VIOLATIONS, AND WHAT ACTION IS TAKEN WHEN A USER IS
6 FOUND TO HAVE VIOLATED THE SOCIAL MEDIA PLATFORM'S AGE POLICIES,
7 INCLUDING:

8 (I) THE TOTAL NUMBER OF REPORTS THE SOCIAL MEDIA PLATFORM
9 RECEIVED FROM ANY SOURCE ABOUT USERS WHO DID NOT PROVIDE THEIR
10 TRUE AGES TO THE SOCIAL MEDIA PLATFORM OR WHO OTHERWISE
11 VIOLATED THE SOCIAL MEDIA PLATFORM'S PUBLISHED POLICIES
12 CONCERNING AGE;

13 (II) THE TOTAL NUMBER OF USERS THE SOCIAL MEDIA PLATFORM
14 IDENTIFIED WHO DID NOT PROVIDE THEIR TRUE AGES TO THE SOCIAL MEDIA
15 PLATFORM OR WHO OTHERWISE VIOLATED THE SOCIAL MEDIA PLATFORM'S
16 PUBLISHED AGE POLICIES; AND

17 (III) THE SOCIAL MEDIA PLATFORM'S RESPONSE TO USERS
18 IDENTIFIED AS NOT PROVIDING THEIR TRUE AGES, OR OTHERWISE
19 VIOLATING THE SOCIAL MEDIA PLATFORM'S PUBLISHED POLICIES
20 REGARDING AGE, INCLUDING THE TOTAL NUMBER OF USER ACCOUNTS
21 THAT WERE ACTIONED BY THE SOCIAL MEDIA PLATFORM, AND A
22 BREAKDOWN BY PERCENTAGES OF THE ACTIONS TAKEN; AND

23 (h) DATA CONCERNING A SOCIAL MEDIA PLATFORM'S APPLICATION
24 OF ITS PUBLISHED POLICIES, INCLUDING:

25 (I) THE NUMBER OF TIMES IN THE PRECEDING CALENDAR YEAR
26 THAT THE SOCIAL MEDIA COMPANY REFERRED TO LAW ENFORCEMENT
27 AGENCIES IN COLORADO A VIOLATION OF STATE OR FEDERAL LAW
28 RELATED TO A CATEGORY DESCRIBED IN SUBSECTION (1)(c) OF THIS
29 SECTION, DISAGGREGATED BY EACH CATEGORY;

30 (II) THE PERCENTAGE OF REQUESTS USING LEGAL PROCESS FOR
31 INFORMATION FROM THE SOCIAL MEDIA COMPANY BY LAW ENFORCEMENT
32 AGENCIES IN COLORADO REGARDING A USER, A GROUP, OR CONTENT
33 CONCERNING AN ILLICIT SUBSTANCE, THE SALE OF A FIREARM IN
34 VIOLATION OF STATE OR FEDERAL LAW, SEX TRAFFICKING OF A JUVENILE,
35 OR THE POSSESSION, DISPLAY, EXCHANGE, DISTRIBUTION, SALE, OR
36 CREATION OF, OR THE INDUCEMENT TO CREATE, SEXUALLY EXPLOITATIVE
37 MATERIAL WHEN SUCH INFORMATION IS IDENTIFIABLE FROM THE REQUEST
38 OR CONTENT; IN WHICH CASES THE SOCIAL MEDIA COMPANY RESPONDED
39 BY PROVIDING DATA TO THE REQUESTING LAW ENFORCEMENT AGENCY;
40 THE PERCENTAGE OF SUCH REQUESTS THAT WENT UNANSWERED BY THE
41 SOCIAL MEDIA COMPANY; AND THE AVERAGE RESPONSE TIMES AND
42 RESOLUTION TIMES OF EACH REQUEST;

43 (III) THE NUMBER OF INDIVIDUALS WHO ARE EMPLOYED FULL-TIME

1 AT THE SOCIAL MEDIA COMPANY AND WHO RESPOND TO REQUESTS FOR
2 INFORMATION FROM LAW ENFORCEMENT AS PART OF THEIR EMPLOYMENT
3 DUTIES; AND

4 (IV) THE LANGUAGES IN WHICH THE SOCIAL MEDIA COMPANY
5 MAKES PUBLISHED POLICIES AVAILABLE.

6 (2) IN CONNECTION WITH THE SUBMISSION OF THE REPORT
7 DESCRIBED IN SUBSECTION (1) OF THIS SECTION, A SOCIAL MEDIA
8 COMPANY SHALL CERTIFY THAT ALL REASONABLE EFFORTS HAVE BEEN
9 MADE TO PROVIDE COMPLETE, TRUE, AND ACCURATE INFORMATION IN
10 FULFILLMENT OF THE REQUIREMENTS OF THIS SECTION. THE FIRST REPORT
11 MUST BE SUBMITTED NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER
12 THE EFFECTIVE DATE OF THIS PART 16. THEREAFTER, REPORTS MUST BE
13 SUBMITTED NO LATER THAN FEBRUARY 1 OF EACH YEAR.

14 (3) A SOCIAL MEDIA COMPANY SHALL SUBMIT EACH REPORT
15 DESCRIBED IN THIS SECTION IN TWO VERSIONS. THE FIRST VERSION MUST
16 CONTAIN ALL THE INFORMATION DESCRIBED IN THIS SECTION AND MAY BE
17 MADE AVAILABLE TO THE PUBLIC AT THE ATTORNEY GENERAL'S SOLE
18 DISCRETION. THE SECOND VERSION MUST CONTAIN THE INFORMATION
19 DESCRIBED IN SUBSECTIONS (1)(a), (1)(b), (1)(c), (1)(e), AND (1)(f) OF
20 THIS SECTION, AND THE ATTORNEY GENERAL SHALL MAKE THIS VERSION
21 AVAILABLE TO THE PUBLIC IN A SEARCHABLE REPOSITORY ON THE
22 ATTORNEY GENERAL'S WEBSITE. THE ATTORNEY GENERAL SHALL RENDER
23 THE REPORT IN A FORMAT THAT MAKES THE INFORMATION ACCESSIBLE TO
24 THE PUBLIC.

25 **6-1-1604. Social media companies - age verification**
26 **requirements - use and disposal of information - domestic**
27 **information processors.** (1) A SOCIAL MEDIA COMPANY SHALL USE A
28 COMMERCIALY REASONABLE PROCESS TO VERIFY THE AGE OF EACH
29 INDIVIDUAL SEEKING TO CREATE AN ACCOUNT ON A SOCIAL MEDIA
30 PLATFORM THAT THE SOCIAL MEDIA COMPANY OWNS OR OPERATES AND OF
31 EACH USER WHO ALREADY HAS AN ACCOUNT ON A SOCIAL MEDIA
32 PLATFORM THAT THE SOCIAL MEDIA COMPANY OWNS OR OPERATES IN
33 ORDER TO DETERMINE IF THE INDIVIDUAL SEEKING TO CREATE AN
34 ACCOUNT OR USER WHO ALREADY HAS AN ACCOUNT IS A JUVENILE AND
35 SHOULD BE PROVIDED WITH THE PROTECTIONS AVAILABLE TO JUVENILES,
36 INCLUDING THE PROTECTIONS DESCRIBED IN SECTIONS 6-1-1605, 6-1-1606,
37 AND 6-1-1607.

38 (2) A SOCIAL MEDIA COMPANY SHALL TREAT A USER AS A JUVENILE
39 IF THE USER'S DEVICE COMMUNICATES OR SIGNALS THAT THE USER IS A
40 JUVENILE, INCLUDING THROUGH A BROWSER PLUG-IN, A PRIVACY SETTING,
41 A DEVICE SETTING, OR OTHER MECHANISM.

42 (3) A SOCIAL MEDIA COMPANY SHALL ALLOW EACH USER OF A
43 SOCIAL MEDIA PLATFORM THAT THE SOCIAL MEDIA COMPANY OWNS OR

1 OPERATES TO SELECT AN OPTION TO APPLY TO THE USER THE PROTECTIONS
2 AVAILABLE TO JUVENILES, INCLUDING THE PROTECTIONS DESCRIBED IN
3 SECTIONS 6-1-1605, 6-1-1606, AND 6-1-1607.

4 (4) AT THE TIME A SOCIAL MEDIA COMPANY DETERMINES THAT A
5 NEW OR EXISTING USER OF A SOCIAL MEDIA PLATFORM THAT THE SOCIAL
6 MEDIA COMPANY OWNS OR OPERATES IS A JUVENILE, THE SOCIAL MEDIA
7 COMPANY SHALL PROVIDE CLEAR, CONSPICUOUS, AND
8 EASY-TO-UNDERSTAND:

9 (a) NOTICE OF THE POLICIES AND PRACTICES OF THE SOCIAL MEDIA
10 PLATFORM WITH RESPECT TO THE PERSONAL DATA OF, AND PROTECTIONS
11 FOR, JUVENILES;

12 (b) INFORMATION ABOUT HOW TO ACCESS THE PROTECTIONS AND
13 PARENTAL TOOLS REQUIRED UNDER SECTIONS 6-1-1605 AND 6-1-1606;
14 AND

15 (c) NOTICE ABOUT WHETHER THE SOCIAL MEDIA PLATFORM USES
16 OR MAKES AVAILABLE TO JUVENILES A PRODUCT, SERVICE, OR DESIGN
17 FEATURE, INCLUDING ANY PERSONALIZED RECOMMENDATION SYSTEM,
18 THAT PRESENTS A HEIGHTENED RISK OF HARM TO JUVENILES.

19 (5) WITH REGARD TO ANY INFORMATION CONCERNING A USER
20 OBTAINED BY A SOCIAL MEDIA COMPANY OR ITS AGENT IN ORDER TO
21 COMPLY WITH THE REQUIREMENTS OF THIS SECTION, A SOCIAL MEDIA
22 COMPANY OR ITS AGENT SHALL:

23 (a) RETAIN SUCH INFORMATION ONLY FOR THE PURPOSE OF
24 COMPLIANCE WITH THIS SECTION AND FOR NO OTHER PURPOSE; AND

25 (b) SECURELY DISPOSE OF THE INFORMATION AFTER AGE
26 VERIFICATION IS COMPLETE.

27 (6) ANY AGENT OF A SOCIAL MEDIA COMPANY THAT PROCESSES
28 AGE VERIFICATION INFORMATION AS REQUIRED BY THIS SECTION SHALL
29 HAVE ITS PRINCIPAL PLACE OF BUSINESS IN THE UNITED STATES.

30 **6-1-1605. Social media platforms - parental tools and settings**
31 **required - notice required.** (1) A SOCIAL MEDIA PLATFORM SHALL
32 PROVIDE READILY ACCESSIBLE AND EASY-TO-USE TOOLS AND SETTINGS
33 FOR PARENTS AND GUARDIANS TO SUPPORT A JUVENILE WITH RESPECT TO
34 THE JUVENILE'S USE OF THE SOCIAL MEDIA PLATFORM. THE TOOLS AND
35 SETTINGS MUST INCLUDE THE ABILITY TO:

36 (a) VIEW AND MANAGE A JUVENILE'S PRIVACY AND ACCOUNT
37 SETTINGS;

38 (b) RESTRICT PURCHASES AND FINANCIAL TRANSACTIONS BY THE
39 JUVENILE;

40 (c) VIEW METRICS OF TOTAL TIME SPENT ON THE SOCIAL MEDIA
41 PLATFORM;

42 (d) RESTRICT TIME SPENT ON THE SOCIAL MEDIA PLATFORM BY THE
43 JUVENILE, INCLUDING THE ABILITY TO IMPLEMENT MAXIMUM DAILY USAGE

1 LIMITATIONS AND USAGE LIMITATIONS DURING CERTAIN HOURS;
2 (e) LIMIT AND OPT OUT OF:
3 (I) PERSONALIZED RECOMMENDATION SYSTEMS, WHILE STILL
4 ALLOWING DISPLAY OF CONTENT IN A CHRONOLOGICAL OR OTHER
5 NONPERSONALIZED FORMAT;
6 (II) INFINITE OR ENDLESS SCROLL FEATURES, WHILE STILL
7 ALLOWING DISPLAY OF CONTENT IN A CHRONOLOGICAL OR OTHER
8 NONPERSONALIZED FORMAT;
9 (III) EPHEMERAL CONTENT FEEDS;
10 (IV) PRIVATE MESSAGING AND PRIVATE CONTENT FEATURES;
11 (V) NOTIFICATION AND ALERT FEATURES;
12 (VI) REWARD FEATURES OF ANY KIND, INCLUDING REWARDS THE
13 SOCIAL MEDIA PLATFORM GIVES TO USERS FOR TIME SPENT ON THE
14 PLATFORM;
15 (VII) APPEARANCE-ALTERING FILTERS;
16 (VIII) AUTOMATIC PLAYING OF MEDIA; AND
17 (IX) GEOLOCATION FEATURES;
18 (f) MANAGE TYPES OR CATEGORIES OF RECOMMENDATIONS FROM
19 PERSONALIZED RECOMMENDATION SYSTEMS AND EPHEMERAL CONTENT
20 FEEDS;
21 (g) REQUEST AND RECEIVE NOTIFICATIONS FROM THE SOCIAL
22 MEDIA PLATFORM ABOUT INTERACTIONS BETWEEN THE JUVENILE'S
23 ACCOUNT AND ACCOUNTS ASSOCIATED WITH ADULT USERS;
24 (h) REQUEST AND RECEIVE NOTIFICATIONS FROM THE SOCIAL
25 MEDIA PLATFORM ABOUT THE PRESENCE OF SEXUALLY EXPLOITATIVE
26 MATERIAL IN THE JUVENILE'S ACCOUNT AND INTERACTIONS BETWEEN THE
27 JUVENILE'S ACCOUNT AND SEXUALLY EXPLOITATIVE MATERIAL;
28 (i) EASILY REPORT PREDATORY ACTIVITY AND SEXUALLY
29 EXPLOITATIVE MATERIAL TO THE SOCIAL MEDIA PLATFORM; AND
30 (j) DELETE THE JUVENILE'S ACCOUNT AND ANY PERSONAL DATA
31 COLLECTED FROM OR SHARED BY THE JUVENILE ON THE SOCIAL MEDIA
32 PLATFORM.
33 (2) A SOCIAL MEDIA PLATFORM SHALL PROVIDE CLEAR AND
34 CONSPICUOUS NOTICE TO A USER WHO THE SOCIAL MEDIA PLATFORM
35 KNOWS IS A JUVENILE REGARDING WHEN TOOLS DESCRIBED IN THIS
36 SECTION ARE IN EFFECT AND WHAT SETTINGS OR CONTROLS HAVE BEEN
37 APPLIED.
38 **6-1-1606. Social media platforms - protections and warnings**
39 **for juveniles.** (1) A SOCIAL MEDIA PLATFORM SHALL PROVIDE A USER
40 WHO THE SOCIAL MEDIA PLATFORM KNOWS IS A JUVENILE WITH READILY
41 ACCESSIBLE AND EASY-TO-USE PROTECTIONS THAT INCLUDE THE ABILITY
42 TO:
43 (a) LIMIT THE AMOUNT OF TIME THE JUVENILE SPENDS ON THE

1 SOCIAL MEDIA PLATFORM;

2 (b) LIMIT THE ABILITY OF OTHER INDIVIDUALS TO COMMUNICATE
3 WITH THE JUVENILE;

4 (c) PREVENT OTHER USERS, WHETHER REGISTERED OR NOT, FROM
5 VIEWING THE JUVENILE'S PERSONAL DATA COLLECTED BY OR SHARED ON
6 THE SOCIAL MEDIA PLATFORM, INCLUDING PREVENTING PUBLIC ACCESS TO
7 THE JUVENILE'S PERSONAL DATA AND ANY CONTENT SHARED BY THE
8 JUVENILE;

9 (d) LIMIT AND OPT OUT OF:

10 (I) PERSONALIZED RECOMMENDATION SYSTEMS, WHILE STILL
11 ALLOWING DISPLAY OF CONTENT IN A CHRONOLOGICAL OR OTHER
12 NONPERSONALIZED FORMAT;

13 (II) INFINITE OR ENDLESS SCROLL FEATURES, WHILE STILL
14 ALLOWING DISPLAY OF CONTENT IN A CHRONOLOGICAL OR OTHER
15 NONPERSONALIZED FORMAT;

16 (III) EPHEMERAL CONTENT FEEDS;

17 (IV) PRIVATE MESSAGING AND PRIVATE CONTENT FEATURES;

18 (V) NOTIFICATION AND ALERT FEATURES;

19 (VI) REWARD FEATURES OF ANY KIND, INCLUDING REWARDS THE
20 SOCIAL MEDIA PLATFORM GIVES TO USERS FOR TIME SPENT ON THE
21 PLATFORM;

22 (VII) APPEARANCE-ALTERING FILTERS;

23 (VIII) AUTOMATIC PLAYING OF MEDIA; AND

24 (IX) GEOLOCATION FEATURES;

25 (e) MANAGE TYPES OR CATEGORIES OF RECOMMENDATIONS FROM
26 PERSONALIZED RECOMMENDATION SYSTEMS AND EPHEMERAL CONTENT
27 FEEDS;

28 (f) RESTRICT THE SHARING OF THE GEOLOCATION OF THE JUVENILE
29 TO OTHER USERS ON THE SOCIAL MEDIA PLATFORM AND PROVIDE NOTICE
30 OF THE TRACKING OF THE JUVENILE'S GEOLOCATION; AND

31 (g) DELETE THE JUVENILE'S ACCOUNT AND ANY PERSONAL DATA
32 COLLECTED FROM OR SHARED BY THE JUVENILE ON THE SOCIAL MEDIA
33 PLATFORM.

34 (2) A SOCIAL MEDIA PLATFORM SHALL ENSURE THAT, IN THE CASE
35 OF A USER WHO THE SOCIAL MEDIA PLATFORM KNOWS IS A JUVENILE, THE
36 DEFAULT SETTING FOR ANY SAFEGUARD DESCRIBED IN THIS SECTION IS THE
37 OPTION AVAILABLE ON THE PLATFORM THAT PROVIDES THE MOST
38 PROTECTIVE LEVEL OF CONTROL OVER PRIVACY AND SAFETY FOR THAT
39 USER.

40 (3) A SOCIAL MEDIA PLATFORM SHALL PROVIDE A USER WHO THE
41 SOCIAL MEDIA PLATFORM KNOWS IS A JUVENILE WITH CLEAR AND
42 CONSPICUOUS WARNINGS WHEN:

43 (a) CONTENT SHARED BY THE JUVENILE ON THE SOCIAL MEDIA

- 1 PLATFORM MAY CONTAIN GEOLOCATION INFORMATION;
- 2 (b) THE JUVENILE'S DATA MAY BE TRACKED OR USED FOR THE
3 PURPOSE OF ALGORITHMIC PERSONALIZATION, PERSONALIZED
4 RECOMMENDATION SYSTEMS, OR TARGETED ADVERTISING;
- 5 (c) THE JUVENILE'S DATA MAY BE GIVEN OR SOLD TO THE SOCIAL
6 MEDIA PLATFORM'S ADVERTISING CLIENTS;
- 7 (d) THE JUVENILE'S ACCOUNT PROFILE IS RECOMMENDED OR
8 DISPLAYED TO ADULT USERS;
- 9 (e) THE JUVENILE'S ACCOUNT PROFILE IS RECOMMENDED OR
10 DISPLAYED TO USERS WHO ARE NOT ON THE JUVENILE'S POPULATED LIST
11 OF CONNECTED USERS ON THE SOCIAL MEDIA PLATFORM; AND
- 12 (f) THE JUVENILE SHARES OR RECEIVES PRIVATE CONTENT FROM
13 USERS WHO ARE NOT ON THE JUVENILE'S POPULATED LIST OF CONNECTED
14 USERS ON THE SOCIAL MEDIA PLATFORM.

15 **6-1-1607. Social media platforms - use of dark patterns**
16 **prohibited.** A SOCIAL MEDIA PLATFORM SHALL NOT USE DARK PATTERNS
17 TO LEAD OR ENCOURAGE JUVENILES TO PROVIDE PERSONAL INFORMATION,
18 TO DISABLE SAFEGUARDS OR PARENTAL CONTROLS REQUIRED UNDER THIS
19 PART 16, OR TO FORGO PRIVACY PROTECTIONS.

20 **6-1-1608. Social media companies - removal of users for**
21 **prohibited activity.** (1) EXCEPT AS DESCRIBED IN SUBSECTION (2) OF
22 THIS SECTION, UPON THE DETECTION BY ANY COMPONENT OF A SOCIAL
23 MEDIA PLATFORM'S CONTENT MODERATION SYSTEMS, OR UPON THE
24 NOTIFICATION TO A SOCIAL MEDIA PLATFORM BY A USER, A PARENT OR
25 GUARDIAN OF A JUVENILE USER, A VISITOR, OR A LAW ENFORCEMENT
26 AGENT, THAT A USER OF A SOCIAL MEDIA PLATFORM SELLS OR ADVERTISES
27 AN ILLICIT SUBSTANCE OR ENGAGES IN THE SALE OF A FIREARM IN
28 VIOLATION OF STATE OR FEDERAL LAW; THE SEX TRAFFICKING OF A
29 JUVENILE; OR THE POSSESSION, DISPLAY, EXCHANGE, DISTRIBUTION, SALE,
30 OR CREATION, OR INDUCEMENT TO CREATE, SEXUALLY EXPLOITATIVE
31 MATERIAL, THE SOCIAL MEDIA COMPANY THAT OWNS OR OPERATES THE
32 SOCIAL MEDIA PLATFORM SHALL:

33 (a) DETERMINE AS SOON AS FEASIBLY POSSIBLE AND WITHOUT
34 UNDUE DELAY, TAKING INTO ACCOUNT THE LEVEL OF RISK PRESENTED,
35 WHETHER THE USER VIOLATED STATE OR FEDERAL LAW OR THE SOCIAL
36 MEDIA PLATFORM'S PUBLISHED POLICIES; AND

37 (b) REMOVE, WITHIN TWENTY-FOUR HOURS AFTER THE
38 DETERMINATION DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION IS
39 MADE, ANY USER DETERMINED TO HAVE ENGAGED IN ANY SUCH
40 VIOLATION.

41 (2) A SOCIAL MEDIA PLATFORM MAY ALLOW A USER TO SELL OR
42 ADVERTISE MEDICAL MARIJUANA OR RETAIL MARIJUANA TO USERS WHO
43 ARE AT LEAST TWENTY-ONE YEARS OF AGE SO LONG AS THE SALE OR

1 ADVERTISING COMPLIES WITH ANY RULES PROMULGATED PURSUANT TO
2 SECTION 44-10-203 (3)(a).

3 **6-1-1609. Social media companies - cooperation with law**
4 **enforcement agencies - data retention - response timelines.** (1) A
5 SOCIAL MEDIA COMPANY SHALL RETAIN FOR AT LEAST ONE YEAR ANY
6 DATA AND METADATA CONCERNING USERS' IDENTITIES AND ACTIVITIES ON
7 THE SOCIAL MEDIA PLATFORM.

8 (2) A SOCIAL MEDIA COMPANY SHALL INITIALLY RESPOND TO ANY
9 INQUIRY OR LEGAL PROCESS FROM A LAW ENFORCEMENT AGENCY WITHIN
10 THREE DAYS TO CONFIRM RECEIPT AND SHALL FULFILL THE LAW
11 ENFORCEMENT AGENCY'S REQUEST WITHIN THIRTY DAYS AFTER RECEIVING
12 THE INQUIRY. A SOCIAL MEDIA COMPANY SHALL PRESERVE THE DATA AND
13 METADATA NEEDED TO RESPOND TO AN INQUIRY FROM A LAW
14 ENFORCEMENT AGENCY.

15 (3) IF A COURT ORDER OR CERTIFICATION ISSUED PURSUANT TO 18
16 U.S.C. SEC. 2705, AS AMENDED, HAS NOT BEEN PROVIDED TO A SOCIAL
17 MEDIA COMPANY, THE SOCIAL MEDIA COMPANY SHALL NOT ALERT A USER
18 TO THE FACT THAT A LAW ENFORCEMENT AGENCY IS INVESTIGATING THE
19 USER'S ACTIVITY OR ACCOUNT WITHOUT FIRST NOTIFYING THE
20 INVESTIGATING LAW ENFORCEMENT AGENCY THAT THE SOCIAL MEDIA
21 COMPANY WILL ALERT THE USER IF THE SOCIAL MEDIA COMPANY DOES NOT
22 RECEIVE THE COURT ORDER OR CERTIFICATION. A SOCIAL MEDIA COMPANY
23 SHALL NOT ALERT THE USER FOR AT LEAST NINETY DAYS AFTER THE DATE
24 OF THIS NOTIFICATION, DURING WHICH TIME THE LAW ENFORCEMENT
25 AGENCY MAY OBTAIN SUCH A COURT ORDER OR CERTIFICATION AND
26 PROVIDE IT TO THE SOCIAL MEDIA COMPANY.

27 (4) ANY INFORMATION THAT A SOCIAL MEDIA COMPANY PROVIDES
28 TO A LAW ENFORCEMENT AGENCY AS DESCRIBED IN THIS PART 16 SHALL
29 BE PROVIDED IN AN EASILY USABLE FORMAT.

30 **6-1-1610. Social media companies - use of algorithms.** THE USE
31 OF A DESIGN, ALGORITHM, OR FEATURE TO PROMOTE OR ENCOURAGE
32 ENGAGEMENT OR USE BY A JUVENILE ON A SOCIAL MEDIA PLATFORM IS
33 CONSIDERED "PROCESSING THAT PRESENTS A HEIGHTENED RISK OF HARM
34 TO A CONSUMER", AS DESCRIBED IN SECTION 6-1-1309, AND IS SUBJECT TO
35 THE REQUIREMENTS OF SECTION 6-1-1309.

36 **6-1-1611. Right to cure - repeal.** (1) PRIOR TO INITIATING ANY
37 ENFORCEMENT ACTION PURSUANT TO SECTION 6-1-1612, THE ATTORNEY
38 GENERAL OR DISTRICT ATTORNEY SHALL ISSUE A NOTICE OF VIOLATION TO
39 A SOCIAL MEDIA COMPANY ALLEGED TO HAVE VIOLATED THIS PART 16 IF
40 A CURE IS DEEMED POSSIBLE. IF THE SOCIAL MEDIA COMPANY FAILS TO
41 CURE THE VIOLATION WITHIN SIXTY DAYS AFTER THE RECEIPT OF THE
42 NOTICE OF VIOLATION, AN ACTION MAY BE BROUGHT PURSUANT TO PART
43 1 OF THIS ARTICLE 1.

1 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2026.

2 **6-1-1612. Social media companies - violations - unfair or**
3 **deceptive trade practice.** A PERSON THAT KNOWINGLY OR RECKLESSLY
4 VIOLATES THIS PART 16 OR AIDS OR ABETS A VIOLATION OF THIS PART 16
5 COMMITS A DECEPTIVE TRADE PRACTICE, AS DESCRIBED IN SECTION
6 6-1-105 (1)(eeee).

7 **6-1-1613. Duties and obligations not exclusive - remedies not**
8 **exclusive.** (1) THE DUTIES AND OBLIGATIONS IMPOSED BY THIS PART 16
9 ARE IN ADDITION TO ANY OTHER DUTIES OR OBLIGATIONS IMPOSED UNDER
10 LOCAL, STATE, OR FEDERAL LAW, AND THIS PART 16 DOES NOT RELIEVE
11 ANY PARTY FROM ANY DUTIES OR OBLIGATIONS IMPOSED UNDER LAW.

12 (2) THE REMEDIES OR PENALTIES PROVIDED BY THIS PART 16 ARE
13 IN ADDITION TO EACH OTHER AND TO ANY OTHER REMEDIES OR PENALTIES
14 AVAILABLE UNDER LOCAL, STATE, OR FEDERAL LAW.

15 **6-1-1614. Severability.** IF ANY PROVISION OF THIS PART 16 OR THE
16 APPLICATION OF THIS PART 16 TO ANY PERSON OR CIRCUMSTANCE IS HELD
17 INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR
18 APPLICATIONS OF THIS PART 16 THAT CAN BE GIVEN EFFECT WITHOUT THE
19 INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF
20 THIS PART 16 ARE DECLARED TO BE SEVERABLE.

21 **6-1-1615. Rules - guidance for age verification process.**
22 (1) THE ATTORNEY GENERAL MAY PROMULGATE RULES FOR THE PURPOSE
23 OF CARRYING OUT THIS PART 16.

24 (2) THE ATTORNEY GENERAL MAY PROVIDE GUIDANCE AND
25 CREATE STANDARDS TO HELP A SOCIAL MEDIA PLATFORM IMPLEMENT A
26 COMMERCIALY REASONABLE AGE VERIFICATION PROCESS.

27 **SECTION 2.** In Colorado Revised Statutes, 6-1-105, **add**
28 (1)(eeee) as follows:

29 **6-1-105. Unfair or deceptive trade practices.** (1) A person
30 engages in a deceptive trade practice when, in the course of the person's
31 business, vocation, or occupation, the person:

32 (eeee) KNOWINGLY OR RECKLESSLY VIOLATES OR AIDS OR ABETS
33 THE COMMISSION OF A VIOLATION OF PART 16 OF THIS ARTICLE 1.

34 **SECTION 3. Act subject to petition - effective date.** This act
35 takes effect July 1, 2025; except that, if a referendum petition is filed
36 pursuant to section 1 (3) of article V of the state constitution against this
37 act or an item, section, or part of this act within the ninety-day period
38 after final adjournment of the general assembly, then the act, item,
39 section, or part will not take effect unless approved by the people at the
40 general election to be held in November 2024 and, in such case, will take
41 effect July 1, 2025, or on the date of the official declaration of the vote
42 thereon by the governor, whichever is later."

** ** ** ** **