

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 24-0226.01 Richard Sweetman x4333

SENATE BILL 24-158

SENATE SPONSORSHIP

Hansen and Michaelson Jenet,

HOUSE SPONSORSHIP

Lukens,

Senate Committees

Business, Labor, & Technology
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING SOCIAL MEDIA COMPANIES, AND, IN CONNECTION**
102 **THEREWITH, ESTABLISHING REQUIREMENTS FOR THE**
103 **OPERATION OF SOCIAL MEDIA PLATFORMS BY SOCIAL MEDIA**
104 **COMPANIES, AUTHORIZING THE ATTORNEY GENERAL TO**
105 **ENFORCE THE NEW REQUIREMENTS UNDER THE "COLORADO**
106 **CONSUMER PROTECTION ACT", AND MAKING AN**
107 **APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
Amended 2nd Reading
April 16, 2024

The bill requires that on or before July 1, 2025, a social media company must post published policies for each of its social media platforms. Thereafter, a social media company must post any updates to the policies within 14 days after the implementation of the updated policies. The published policies must include:

- Contact information that allows a user to ask the social media company questions about the published policies;
- A description of the process that a user must follow to flag content, groups, or other users that the user believes violate the published policies;
- A process to which the social media company commits for the purpose of responding to and resolving user questions and flags;
- A statement that the use of the social media platform for the promotion, sale, or advertisement of any illicit substance; for the sale of any firearm in violation of state or federal law; for sex trafficking of a juvenile; or for the possession, display, exchange, distribution, sale, or creation of, or the inducement to create, sexually exploitative material is prohibited;
- A description of the social media company's process for enforcing its published policies and the potential consequences of violating the published policies; and
- A statement that violations of the published policies that also violate state or federal law will be reported to law enforcement for investigation and potential prosecution.

A social media company must annually submit to the attorney general a report that includes, for each social media platform owned or operated by the social media company:

- The current version of the published policies of the social media platform;
- If the social media company has filed its first report, a complete and detailed description of any changes to the published policies since the previous report;
- A statement of whether the current version of the published policies contains definitions and provisions relating to illicit substances, the sale of firearms in violation of state or federal law, sex trafficking of a juvenile, or the possession, display, exchange, distribution, sale, or creation of, or the inducement to create, sexually exploitative material and, if so, the definitions of those categories and a description of those provisions;
- A detailed description of content moderation practices used by the social media company;

- Data describing actioned items of content and related actions taken by the social media company;
- Data concerning how juveniles in Colorado use the social media platform;
- A detailed description of the social media platform's age verification practices, how they are enforced, and how the social media platform responds to user reports of violations; and
- Data concerning a social media platform's application of its published policies.

The bill also requires a social media company to:

- Use a commercially reasonable process to verify each user's age;
- Allow each user of its social media platforms to select an option to apply the protections available to juveniles;
- Retain any information obtained for age verification purposes only for the purpose of compliance and for no other purpose and to dispose of such information securely after age verification is complete. Additionally, any agent of a social media company that processes age verification information must have its principal place of business in the United States.
- Provide readily accessible and easy-to-use tools and settings for parents and guardians to support an individual that a social media platform knows or reasonably should know is a juvenile with respect to the individual's use of the social media platform. A social media platform must provide similar tools to an individual that the social media platform knows or reasonably should know is a juvenile.
- Provide an individual that the platform knows or reasonably should know is a juvenile with clear and conspicuous warnings of certain threats and events regarding content that the individual shares or accesses on a social media platform;
- Immediately remove any user of a social media platform who promotes, sells, or advertises an illicit substance or engages in the sale of a firearm in violation of state or federal law, the sex trafficking of a juvenile, or the possession, display, exchange, distribution, sale, or creation of, or the inducement to create, sexually exploitative material; keep the user removed until there is human review of this activity; and permanently remove the user if human review confirms the user engaged in such an action;
- Retain for at least one year any data and metadata concerning users' identities and activities on the social

- media platform;
- Initially respond to any inquiry from a law enforcement agency within 3 days after receiving the inquiry to confirm receipt and to fulfill the law enforcement request within 30 days after receiving the inquiry. A social media company shall preserve the data needed to respond to an inquiry from a law enforcement agency.

The bill prohibits a social media company from:

- Alerting a user to the fact that a law enforcement agency is investigating the user's activity and account; or
- Using dark patterns to lead or encourage juveniles to provide personal information beyond what is reasonably expected, to disable safeguards or parental controls, to forgo privacy protections, or to take any action that the social media platform knows is not in the best interest of juveniles reasonably likely to access the social media platform.

A violation of the bill's provisions is a deceptive trade practice and punishable pursuant to the "Colorado Consumer Protection Act".

1 *Be it enacted by the General Assembly of the State of Colorado:*

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

4 **PART 16**

5 **SOCIAL MEDIA COMPANIES**

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

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

12 **(2) "ALGORITHMIC PERSONALIZATION" MEANS A COMPUTATIONAL**
13 **PROCESS, INCLUDING ONE DERIVED FROM ALGORITHMIC**
14 **DECISION-MAKING, MACHINE LEARNING, STATISTICAL ANALYSIS, OR OTHER**

1 DATA PROCESSING OR ARTIFICIAL INTELLIGENCE TECHNIQUE, USED TO
2 DETERMINE THE SELECTION, ORDER, RELATIVE PRIORITIZATION, OR
3 RELATIVE PROMINENCE OF CONTENT FROM A SET OF INFORMATION THAT
4 IS PROVIDED TO A USER ON A SOCIAL MEDIA PLATFORM, INCLUDING THE
5 RANKING OF SEARCH RESULTS, THE PROVISION OF CONTENT
6 RECOMMENDATIONS, THE DISPLAY OF SOCIAL MEDIA POSTS, OR ANY OTHER
7 METHOD OF AUTOMATED CONTENT SELECTION.

8 (3) "CONTENT" MEANS ANY STATEMENTS, COMMENTS, MEDIA, OR
9 INFORMATION THAT IS CREATED, POSTED, SHARED, OR OTHERWISE
10 INTERACTED WITH BY USERS ON A SOCIAL MEDIA PLATFORM. "CONTENT"
11 DOES NOT INCLUDE MEDIA PLACED ON AN INTERNET-BASED SERVICE OR
12 APPLICATION EXCLUSIVELY FOR THE PURPOSE OF CLOUD STORAGE,
13 TRANSMITTING FILES, OR FILE COLLABORATION.

14 (4) "DARK PATTERN" MEANS A USER INTERFACE DESIGNED OR
15 MANIPULATED WITH THE SUBSTANTIAL EFFECT OF SUBVERTING OR
16 IMPAIRING USER AUTONOMY, DECISION-MAKING, OR CHOICE.

17 (5) "EDUCATIONAL ENTITY" MEANS A PUBLIC SCHOOL, A CHARTER
18 SCHOOL, AN INSTITUTE CHARTER SCHOOL, A BOARD OF COOPERATIVE
19 SERVICES, THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND, A
20 PRIVATE SCHOOL, A DENOMINATIONAL SCHOOL, A PAROCHIAL SCHOOL, A
21 COMMUNITY COLLEGE, A STATE COLLEGE, A STATE UNIVERSITY, OR A
22 NONPROFIT PRIVATE POSTSECONDARY EDUCATIONAL INSTITUTION.

23 (6) "EPHEMERAL CONTENT" MEANS CONTENT THAT IS
24 TEMPORARILY MADE AVAILABLE TO USERS OF A SOCIAL MEDIA PLATFORM.

25 (7) "FIREARM" MEANS:

26 (a) A FIREARM, AS DEFINED IN SECTION 18-1-901 (3)(h);

27 (b) AN UNFINISHED OR THREE-DIMENSIONALLY PRINTED FRAME OR

1 RECEIVER OF A FIREARM, AS DEFINED IN SECTION 18-12-101 (1)(c.5); OR

2 (c) A MACHINE GUN CONVERSION DEVICE, AS DEFINED IN SECTION
3 18-12-101 (1)(g.2).

4 (8) (a) "ILLICIT SUBSTANCE" MEANS:

5 (I) A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102
6 (5);

7 (II) ANY HEMP PRODUCT, AS DEFINED IN SECTION 25-5-427 (2)(d),
8 THAT IS NOT A TINCTURE OR COSMETIC AND HAS MORE THAN ONE AND
9 ONE-FOURTH MILLIGRAMS OF THC, AS DEFINED IN SECTION 44-10-209
10 (2)(d), PER SERVING OR HAS A RATIO OF CANNABIDIOL TO THC OF LESS
11 THAN TWENTY TO ONE; AND

12 (III) ANY PRODUCT THAT CONTAINS HEMP THAT IS INTENDED FOR
13 HUMAN CONSUMPTION AND IS NOT A COSMETIC, A DIETARY SUPPLEMENT,
14 A FOOD, A FOOD ADDITIVE, OR AN HERB.

15 (b) NOTWITHSTANDING SUBSECTION (8)(a) OF THIS SECTION,
16 "ILLICIT SUBSTANCE" DOES NOT INCLUDE A PRODUCT THAT MAY BE
17 PRODUCED AND SOLD IN COLORADO PURSUANT TO AND IN COMPLIANCE
18 WITH SECTION 25-7-427, ARTICLES 10 AND 50 OF TITLE 44, AND RULES
19 PROMULGATED PURSUANT TO SUCH PROVISIONS.

20 (9) "INFINITE OR ENDLESS SCROLL" MEANS THE CONTINUOUS
21 DISPLAY OR SUGGESTION OF NEW CONTENT TO A USER OF A SOCIAL MEDIA
22 PLATFORM.

23 (10) "JUVENILE" MEANS AN INDIVIDUAL UNDER EIGHTEEN YEARS
24 OF AGE.

25 (11) (a) "PERSONAL DATA" MEANS INFORMATION THAT IS LINKED
26 OR REASONABLY LINKABLE TO AN IDENTIFIED OR IDENTIFIABLE
27 INDIVIDUAL.

1 (b) "PERSONAL DATA" DOES NOT MEAN DE-IDENTIFIED DATA OR
2 PUBLICLY AVAILABLE INFORMATION. AS USED IN THIS SUBSECTION (11)(b),
3 "PUBLICLY AVAILABLE INFORMATION" MEANS INFORMATION THAT IS
4 LAWFULLY MADE AVAILABLE FROM FEDERAL, STATE, OR LOCAL
5 GOVERNMENT RECORDS AND INFORMATION THAT A SOCIAL MEDIA
6 COMPANY HAS A REASONABLE BASIS TO BELIEVE AN INDIVIDUAL HAS
7 LAWFULLY MADE AVAILABLE TO THE GENERAL PUBLIC.

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

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

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

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

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

27 (16) "SOCIAL MEDIA COMPANY" OR "COMPANY" MEANS A PERSON

1 THAT OWNS OR OPERATES ONE OR MORE SOCIAL MEDIA PLATFORMS.

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

5 (I) A SUBSTANTIAL FUNCTION OF THE SERVICE OR APPLICATION IS
6 TO ALLOW USERS TO INTERACT SOCIALLY WITH EACH OTHER WITHIN THE
7 SERVICE OR APPLICATION; AND

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

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

12 (B) CREATE OR POST CONTENT THAT IS VIEWABLE BY OTHER
13 USERS.

14 (b) "SOCIAL MEDIA PLATFORM" OR "PLATFORM" DOES NOT
15 INCLUDE AN INTERNET-BASED SERVICE OR APPLICATION WHERE THE
16 PREDOMINANT OR EXCLUSIVE FUNCTION OF THE SERVICE OR APPLICATION
17 IS:

18 (I) PROVIDING ELECTRONIC MAIL;

19 (II) FACILITATING COMMUNICATION WITHIN A BUSINESS OR AN
20 ENTERPRISE AMONG EMPLOYEES OR AFFILIATES OF THE BUSINESS OR
21 ENTERPRISE SO LONG AS ACCESS TO THE SERVICE OR APPLICATION IS
22 RESTRICTED TO EMPLOYEES OR AFFILIATES OF THE BUSINESS OR
23 ENTERPRISE;

24 (III) SELLING ENTERPRISE SOFTWARE TO BUSINESSES,
25 GOVERNMENTS, OR NONPROFIT ORGANIZATIONS;

26 (IV) PROVIDING CLOUD-BASED ELECTRONIC STORAGE, INCLUDING
27 CLOUD-BASED STORAGE THAT ALLOWS COLLABORATIVE EDITING BY

1 INVITED USERS;

2 (V) FACILITATING TELECONFERENCING AND VIDEO CONFERENCING

3 FEATURES THAT ARE LIMITED TO CERTAIN PARTICIPANTS IN THE

4 TELECONFERENCE OR VIDEO CONFERENCE AND ARE NOT POSTED PUBLICLY

5 OR FOR BROAD DISTRIBUTION TO OTHER USERS;

6 (VI) FACILITATING CROWD-SOURCED CONTENT FOR REFERENCE

7 GUIDES, SUCH AS ENCYCLOPEDIAS, EDUCATIONAL MATERIALS, AND

8 DICTIONARIES;

9 (VII) FACILITATING ONLINE SHOPPING OR E-COMMERCE IF THE

10 RELATED INTERACTIONS BETWEEN USERS OR ACCOUNT HOLDERS IS

11 LIMITED TO:

12 (A) THE ABILITY TO POST AND VIEW COMMENTS AS PART OF

13 RATINGS AND REVIEWS OF PRODUCTS;

14 (B) THE ABILITY TO DISPLAY LISTS OR COLLECTIONS OF GOODS FOR

15 SALE OR WISH LISTS; AND

16 (C) OTHER FUNCTIONS THAT ARE FOCUSED ON ONLINE SHOPPING

17 OR E-COMMERCE RATHER THAN OTHER INTERACTIONS BETWEEN USERS OR

18 ACCOUNT HOLDERS;

19 (VIII) PROVIDING A STREAMING SERVICE THAT STREAMS ONLY

20 LICENSED, AND NOT USER-GENERATED, MEDIA IN A CONTINUOUS FLOW

21 FROM THE SERVICE, WEBSITE, OR APPLICATION TO THE END USER AND DOES

22 NOT REQUIRE A USER OR ACCOUNT HOLDER TO OBTAIN A LICENSE FOR THE

23 MEDIA BY AGREEMENT TO A SOCIAL MEDIA PLATFORM'S TERMS OF

24 SERVICE;

25 (IX) PROVIDING NEWS, SPORTS, ENTERTAINMENT, OR OTHER

26 CONTENT THAT IS PRESELECTED BY THE PROVIDER AND NOT

27 USER-GENERATED;

1 (X) PROVIDING AN ONLINE SERVICE, WEBSITE, OR APPLICATION
2 THAT IS USED BY OR UNDER THE DIRECTION OF AN EDUCATIONAL ENTITY,
3 INCLUDING A LEARNING MANAGEMENT SYSTEM, A STUDENT ENGAGEMENT
4 PROGRAM, OR A SUBJECT OR SKILL-SPECIFIC PROGRAM, WHERE THE
5 CONTENT IS PREDOMINANTLY CREATED OR POSTED BY THE PROVIDER OF
6 THE ONLINE SERVICE, WEBSITE, OR APPLICATION AND THE ABILITY TO
7 CHAT, COMMENT, OR INTERACT WITH OTHER USERS IS DIRECTLY RELATED
8 TO THE PROVIDER'S CONTENT;

9 (XI) PROVIDING OR OBTAINING TECHNICAL SUPPORT FOR A
10 PLATFORM, PRODUCT, OR SERVICE;

11 (XII) PROVIDING CAREER DEVELOPMENT OPPORTUNITIES,
12 INCLUDING PROFESSIONAL NETWORKING, JOB SKILLS, LEARNING
13 CERTIFICATIONS, AND JOB POSTING AND APPLICATION SERVICES;

14 (XIII) FACILITATING ACADEMIC OR SCHOLARLY RESEARCH; OR

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

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

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

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

24 **6-1-1602. Social media companies - published policies -**
25 **required disclosures.** (1) ON OR BEFORE JULY 1, 2025, A SOCIAL MEDIA
26 COMPANY SHALL POST PUBLISHED POLICIES FOR EACH SOCIAL MEDIA
27 PLATFORM OWNED OR OPERATED BY THE SOCIAL MEDIA COMPANY. THE

1 PUBLISHED POLICIES MUST BE POSTED IN EACH SOCIAL MEDIA PLATFORM
2 IN A CLEAR AND CONSPICUOUS MANNER REASONABLY DESIGNED TO
3 INFORM ALL USERS OF THE SOCIAL MEDIA PLATFORM OF THE EXISTENCE
4 AND CONTENTS OF THE PUBLISHED POLICIES. THEREAFTER, A SOCIAL
5 MEDIA COMPANY SHALL POST ANY MATERIAL UPDATES TO THE POLICIES
6 WITHIN FOURTEEN DAYS AFTER THE IMPLEMENTATION OF THE UPDATED
7 POLICIES.

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

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

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

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

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

22 (II) RESPONDS TO A USER'S REPORT OR FLAG, INCLUDING WHETHER
23 ACTION WAS TAKEN IN RESPONSE.

24 (d) A STATEMENT THAT THE USE OF THE SOCIAL MEDIA PLATFORM
25 FOR THE SALE OR ADVERTISEMENT OF ANY ILLICIT SUBSTANCE; FOR THE
26 SALE OF ANY FIREARM IN VIOLATION OF STATE OR FEDERAL LAW; FOR SEX
27 TRAFFICKING OF A JUVENILE; OR FOR THE POSSESSION, DISPLAY,

1 EXCHANGE, DISTRIBUTION, SALE, OR CREATION OF, OR THE INDUCEMENT
2 TO CREATE, SEXUALLY EXPLOITATIVE MATERIAL IS PROHIBITED; EXCEPT
3 THAT A SOCIAL MEDIA PLATFORM MAY ALLOW A USER TO SELL OR
4 ADVERTISE MEDICAL MARIJUANA OR RETAIL MARIJUANA TO USERS WHO
5 ARE AT LEAST TWENTY-ONE YEARS OF AGE SO LONG AS THE SALE OR
6 ADVERTISING COMPLIES WITH ANY RULES PROMULGATED PURSUANT TO
7 SECTION 44-10-203 (3)(a);

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

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

14 (II) DETAILS CONCERNING:

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

17 (B) WHAT ACTIONS THE SOCIAL MEDIA COMPANY MAY TAKE IN
18 RESPONSE TO EACH TYPE OF ACTIVITY THAT VIOLATES A PUBLISHED
19 POLICY, INCLUDING WHETHER AND HOW THOSE ACTIONS MAY VARY WHEN
20 MULTIPLE VIOLATIONS OF A POLICY OCCUR OR WHEN AN ACTIVITY
21 VIOLATES MULTIPLE POLICIES; AND

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

24 (f) A STATEMENT THAT VIOLATIONS OF THE PUBLISHED POLICIES
25 THAT ALSO VIOLATE STATE OR FEDERAL LAW MAY BE REPORTED TO LAW
26 ENFORCEMENT FOR INVESTIGATION AND POTENTIAL PROSECUTION,
27 INCLUDING A DESCRIPTION OF WHEN AND HOW A VIOLATION INVOLVING

1 CONTENT CONCERNING AN ILLICIT SUBSTANCE, THE SALE OF A FIREARM IN
2 VIOLATION OF STATE OR FEDERAL LAW, SEX TRAFFICKING OF A JUVENILE,
3 OR THE POSSESSION, DISPLAY, EXCHANGE, DISTRIBUTION, SALE, OR
4 CREATION OF, OR THE INDUCEMENT TO CREATE, SEXUALLY EXPLOITATIVE
5 MATERIAL WILL BE REPORTED TO LAW ENFORCEMENT AND IN WHAT
6 FORMAT THIS INFORMATION WOULD BE PROVIDED;

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

10 (h) INFORMATION ABOUT HOW TO ACCESS THE SAFEGUARDS AND
11 PARENTAL TOOLS REQUIRED UNDER SECTIONS 6-1-1605 AND 6-1-1606,
12 INCLUDING INFORMATION FOR JUVENILES OR THEIR PARENTS ABOUT
13 OPTIONS TO OPT OUT OF OR CONTROL PERSONALIZED RECOMMENDATION
14 SYSTEMS AND OTHER PLATFORM FEATURES;

15 (i) 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; AND

19 (j) IF THE SOCIAL MEDIA PLATFORM OPERATES A PERSONALIZED
20 RECOMMENDATION SYSTEM, A DESCRIPTION OF HOW THE PERSONALIZED
21 RECOMMENDATION SYSTEM IS USED TO PROVIDE INFORMATION TO
22 JUVENILES, INCLUDING HOW SUCH SYSTEMS USE THE PERSONAL DATA OF
23 JUVENILES AND ALGORITHMIC PERSONALIZATION.

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

26 **6-1-1603. Social media companies - report required -**
27 **mandatory content - searchable public repository. (1) ON AN ANNUAL**

1 BASIS IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION, A SOCIAL
2 MEDIA COMPANY SHALL SUBMIT TO THE ATTORNEY GENERAL, IN A USABLE
3 FORMAT, A REPORT THAT INCLUDES, FOR EACH SOCIAL MEDIA PLATFORM
4 OWNED OR OPERATED BY THE SOCIAL MEDIA COMPANY:

5 (a) THE CURRENT VERSION OF THE PUBLISHED POLICIES OF THE
6 SOCIAL MEDIA PLATFORM;

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

10 (c) A STATEMENT OF WHETHER THE CURRENT VERSION OF THE
11 PUBLISHED POLICIES CONTAINS DEFINITIONS OR PROVISIONS RELATING TO
12 EACH OF THE FOLLOWING CATEGORIES OF CONTENT AND, IF SO, THE
13 DEFINITIONS OF THOSE CATEGORIES, A DESCRIPTION OF THOSE PROVISIONS,
14 OR BOTH:

- 15 (I) ILLICIT SUBSTANCES;
- 16 (II) SALES OF FIREARMS IN VIOLATION OF STATE OR FEDERAL LAW;
- 17 (III) SEX TRAFFICKING OF A JUVENILE; AND
- 18 (IV) POSSESSION, DISPLAY, EXCHANGE, DISTRIBUTION, SALE, OR
19 CREATION OF, OR THE INDUCEMENT TO CREATE, SEXUALLY EXPLOITATIVE
20 MATERIAL;

21 (d) A DETAILED DESCRIPTION OF CONTENT MODERATION
22 PRACTICES FOR THE CATEGORIES OF CONTENT DESCRIBED IN SUBSECTION
23 (1)(c) OF THIS SECTION USED BY THE SOCIAL MEDIA COMPANY FOR EACH
24 SOCIAL MEDIA PLATFORM, INCLUDING:

25 (I) UNDER WHAT CIRCUMSTANCES CONTENT MODERATION
26 SYSTEMS INVOLVE AUTOMATED REVIEW EXCLUSIVELY, HUMAN REVIEW
27 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;

1 (C) THE PERCENTAGE OF ALL FLAGGED ITEMS AND THE
2 PERCENTAGE OF ALL ACTIONED ITEMS OF CONTENT WITHIN, AND
3 DISAGGREGATED BY, EACH CATEGORY DESCRIBED IN SUBSECTION (1)(c)
4 OF THIS SECTION;

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

8 (E) THE NUMBER OF TIMES EACH ACTIONED ITEM OF CONTENT IN
9 EACH CATEGORY DESCRIBED IN SUBSECTION (1)(c) OF THIS SECTION WAS
10 SHARED;

11 (F) THE TOTAL NUMBER OF TIMES USERS APPEALED SOCIAL MEDIA
12 COMPANY ACTIONS TAKEN ON THAT SOCIAL MEDIA PLATFORM RELATED TO
13 EACH CATEGORY DESCRIBED IN SUBSECTION (1)(c) OF THIS SECTION AND
14 THE TOTAL NUMBER OF REVERSALS OF SOCIAL MEDIA COMPANY ACTIONS
15 ON APPEAL, DISAGGREGATED BY EACH TYPE OF ACTION; AND

16 (G) THE TOTAL NUMBER OF USERS' ACCOUNTS THAT WERE
17 ACTIONED BY THE SOCIAL MEDIA COMPANY DUE TO A USER'S VIOLATION
18 OF THE PUBLISHED POLICIES RELATED TO EACH CATEGORY DESCRIBED IN
19 SUBSECTION (1)(c) OF THIS SECTION AND A BREAKDOWN BY PERCENTAGES
20 OF ALL ACTIONS TAKEN AGAINST USERS FOR CONTENT OR ACTIVITY
21 RELATING TO EACH CATEGORY DESCRIBED IN SUBSECTION (1)(c) OF THIS
22 SECTION.

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

25 (A) THE CATEGORY OF CONTENT, INCLUDING ANY RELEVANT
26 CATEGORIES OR SUBCATEGORIES DESCRIBED IN SUBSECTION (1)(c) OF THIS
27 SECTION;

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

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

5 (D) HOW THE CONTENT WAS FLAGGED, INCLUDING WHETHER THE
6 CONTENT WAS FLAGGED BY USERS, COMPANY EMPLOYEES, COMPANY
7 CONTRACTORS, OR AUTOMATED SYSTEMS; AND

8 (E) HOW THE CONTENT WAS ACTIONED, INCLUDING WHETHER THE
9 CONTENT WAS ACTIONED BY COMPANY EMPLOYEES, COMPANY
10 CONTRACTORS, OR AUTOMATED SYSTEMS.

11 (f) FOR THE PRECEDING TWELVE MONTHS, DATA CONCERNING HOW
12 JUVENILES IN COLORADO USED THE SOCIAL MEDIA PLATFORM, INCLUDING
13 THE FOLLOWING FOR USERS IN COLORADO:

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

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

21 (III) THE TOTAL NUMBER OF TIMES JUVENILE USERS CREATED,
22 VIEWED, SHARED, SEARCHED FOR, LIKED, FOLLOWED, COMMENTED ON,
23 MESSAGED, REVIEWED, TAGGED, OR OTHERWISE INTERACTED WITH
24 CONTENT THAT VIOLATES THE SOCIAL MEDIA PLATFORM'S PUBLISHED
25 POLICIES RELATED TO EACH CATEGORY LISTED IN SUBSECTION (1)(c) OF
26 THIS SECTION, DISAGGREGATED BY EACH FORM OF INTERACTION AND EACH
27 CATEGORY; AND

1 (IV) THE TOTAL NUMBER OF ITEMS OF ACTIONED CONTENT
2 RELATED TO EACH CATEGORY DESCRIBED IN SUBSECTION (1)(c) OF THIS
3 SECTION THAT WERE CREATED, VIEWED, SHARED, SEARCHED FOR, LIKED,
4 FOLLOWED, COMMENTED ON, MESSAGED, REVIEWED, TAGGED, OR
5 OTHERWISE INTERACTED WITH BY JUVENILE USERS, DISAGGREGATED BY
6 EACH FORM OF INTERACTION;

7 (g) A DESCRIPTION OF THE SOCIAL MEDIA PLATFORM'S AGE
8 VERIFICATION PRACTICES, HOW THE AGE VERIFICATION PRACTICES ARE
9 ENFORCED, HOW THE SOCIAL MEDIA PLATFORM RESPONDS TO USER
10 REPORTS OF VIOLATIONS, AND WHAT ACTION IS TAKEN WHEN A USER IS
11 FOUND TO HAVE VIOLATED THE SOCIAL MEDIA PLATFORM'S AGE POLICIES,
12 INCLUDING:

13 (I) THE TOTAL NUMBER OF REPORTS THE SOCIAL MEDIA PLATFORM
14 RECEIVED FROM ANY SOURCE ABOUT USERS WHO DID NOT PROVIDE THEIR
15 TRUE AGES TO THE SOCIAL MEDIA PLATFORM OR WHO OTHERWISE
16 VIOLATED THE SOCIAL MEDIA PLATFORM'S PUBLISHED POLICIES
17 CONCERNING AGE;

18 (II) THE TOTAL NUMBER OF USERS THE SOCIAL MEDIA PLATFORM
19 IDENTIFIED WHO DID NOT PROVIDE THEIR TRUE AGES TO THE SOCIAL MEDIA
20 PLATFORM OR WHO OTHERWISE VIOLATED THE SOCIAL MEDIA PLATFORM'S
21 PUBLISHED AGE POLICIES; AND

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

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

3 (I) THE NUMBER OF TIMES IN THE PRECEDING CALENDAR YEAR
4 THAT THE SOCIAL MEDIA COMPANY REFERRED TO LAW ENFORCEMENT
5 AGENCIES IN COLORADO A VIOLATION OF STATE OR FEDERAL LAW
6 RELATED TO A CATEGORY DESCRIBED IN SUBSECTION (1)(c) OF THIS
7 SECTION, DISAGGREGATED BY EACH CATEGORY;

8 (II) THE PERCENTAGE OF REQUESTS USING LEGAL PROCESS FOR
9 INFORMATION FROM THE SOCIAL MEDIA COMPANY BY LAW ENFORCEMENT
10 AGENCIES IN COLORADO REGARDING A USER, A GROUP, OR CONTENT
11 CONCERNING AN ILLICIT SUBSTANCE, THE SALE OF A FIREARM IN
12 VIOLATION OF STATE OR FEDERAL LAW, SEX TRAFFICKING OF A JUVENILE,
13 OR THE POSSESSION, DISPLAY, EXCHANGE, DISTRIBUTION, SALE, OR
14 CREATION OF, OR THE INDUCEMENT TO CREATE, SEXUALLY EXPLOITATIVE
15 MATERIAL WHEN SUCH INFORMATION IS IDENTIFIABLE FROM THE REQUEST
16 OR CONTENT; IN WHICH CASES THE SOCIAL MEDIA COMPANY RESPONDED
17 BY PROVIDING DATA TO THE REQUESTING LAW ENFORCEMENT AGENCY;
18 THE PERCENTAGE OF SUCH REQUESTS THAT WENT UNANSWERED BY THE
19 SOCIAL MEDIA COMPANY; AND THE AVERAGE RESPONSE TIMES AND
20 RESOLUTION TIMES OF EACH REQUEST;

21 (III) THE NUMBER OF INDIVIDUALS WHO ARE EMPLOYED FULL-TIME
22 AT THE SOCIAL MEDIA COMPANY AND WHO RESPOND TO REQUESTS FOR
23 INFORMATION FROM LAW ENFORCEMENT AS PART OF THEIR EMPLOYMENT
24 DUTIES; AND

25 (IV) THE LANGUAGES IN WHICH THE SOCIAL MEDIA COMPANY
26 MAKES PUBLISHED POLICIES AVAILABLE.

27 (2) IN CONNECTION WITH THE SUBMISSION OF THE REPORT

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

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

19 **6-1-1604. Social media companies - age verification**
20 **requirements - use and disposal of information - domestic**
21 **information processors.** (1) A SOCIAL MEDIA COMPANY SHALL USE A
22 COMMERCIALY REASONABLE PROCESS TO VERIFY THE AGE OF EACH
23 INDIVIDUAL SEEKING TO CREATE AN ACCOUNT ON A SOCIAL MEDIA
24 PLATFORM THAT THE SOCIAL MEDIA COMPANY OWNS OR OPERATES AND OF
25 EACH USER WHO ALREADY HAS AN ACCOUNT ON A SOCIAL MEDIA
26 PLATFORM THAT THE SOCIAL MEDIA COMPANY OWNS OR OPERATES IN
27 ORDER TO DETERMINE IF THE INDIVIDUAL SEEKING TO CREATE AN

1 ACCOUNT OR USER WHO ALREADY HAS AN ACCOUNT IS A JUVENILE AND
2 SHOULD BE PROVIDED WITH THE PROTECTIONS AVAILABLE TO JUVENILES,
3 INCLUDING THE PROTECTIONS DESCRIBED IN SECTIONS 6-1-1605, 6-1-1606,
4 AND 6-1-1607.

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

9 (3) A SOCIAL MEDIA COMPANY SHALL ALLOW EACH USER OF A
10 SOCIAL MEDIA PLATFORM THAT THE SOCIAL MEDIA COMPANY OWNS OR
11 OPERATES TO SELECT AN OPTION TO APPLY TO THE USER THE PROTECTIONS
12 AVAILABLE TO JUVENILES, INCLUDING THE PROTECTIONS DESCRIBED IN
13 SECTIONS 6-1-1605, 6-1-1606, AND 6-1-1607.

14 (4) AT THE TIME A SOCIAL MEDIA COMPANY DETERMINES THAT A
15 NEW OR EXISTING USER OF A SOCIAL MEDIA PLATFORM THAT THE SOCIAL
16 MEDIA COMPANY OWNS OR OPERATES IS A JUVENILE, THE SOCIAL MEDIA
17 COMPANY SHALL PROVIDE CLEAR, CONSPICUOUS, AND
18 EASY-TO-UNDERSTAND:

19 (a) NOTICE OF THE POLICIES AND PRACTICES OF THE SOCIAL MEDIA
20 PLATFORM WITH RESPECT TO THE PERSONAL DATA OF, AND PROTECTIONS
21 FOR, JUVENILES;

22 (b) INFORMATION ABOUT HOW TO ACCESS THE PROTECTIONS AND
23 PARENTAL TOOLS REQUIRED UNDER SECTIONS 6-1-1605 AND 6-1-1606;
24 AND

25 (c) NOTICE ABOUT WHETHER THE SOCIAL MEDIA PLATFORM USES
26 OR MAKES AVAILABLE TO JUVENILES A PRODUCT, SERVICE, OR DESIGN
27 FEATURE, INCLUDING ANY PERSONALIZED RECOMMENDATION SYSTEM,

1 THAT PRESENTS A HEIGHTENED RISK OF HARM TO JUVENILES.

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

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

8 (b) SECURELY DISPOSE OF THE INFORMATION AFTER AGE
9 VERIFICATION IS COMPLETE.

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

13 **6-1-1605. Social media platforms - parental tools and settings**
14 **required - notice required.** (1) A SOCIAL MEDIA PLATFORM SHALL
15 PROVIDE READILY ACCESSIBLE AND EASY-TO-USE TOOLS AND SETTINGS
16 FOR PARENTS AND GUARDIANS TO SUPPORT A JUVENILE WITH RESPECT TO
17 THE JUVENILE'S USE OF THE SOCIAL MEDIA PLATFORM. THE TOOLS AND
18 SETTINGS MUST INCLUDE THE ABILITY TO:

19 (a) VIEW AND MANAGE A JUVENILE'S PRIVACY AND ACCOUNT
20 SETTINGS;

21 (b) RESTRICT PURCHASES AND FINANCIAL TRANSACTIONS BY THE
22 JUVENILE;

23 (c) VIEW METRICS OF TOTAL TIME SPENT ON THE SOCIAL MEDIA
24 PLATFORM;

25 (d) RESTRICT TIME SPENT ON THE SOCIAL MEDIA PLATFORM BY THE
26 JUVENILE, INCLUDING THE ABILITY TO IMPLEMENT MAXIMUM DAILY USAGE
27 LIMITATIONS AND USAGE LIMITATIONS DURING CERTAIN HOURS;

- 1 (e) LIMIT AND OPT OUT OF:
- 2 (I) PERSONALIZED RECOMMENDATION SYSTEMS, WHILE STILL
3 ALLOWING DISPLAY OF CONTENT IN A CHRONOLOGICAL OR OTHER
4 NONPERSONALIZED FORMAT;
- 5 (II) INFINITE OR ENDLESS SCROLL FEATURES, WHILE STILL
6 ALLOWING DISPLAY OF CONTENT IN A CHRONOLOGICAL OR OTHER
7 NONPERSONALIZED FORMAT;
- 8 (III) EPHEMERAL CONTENT FEEDS;
- 9 (IV) PRIVATE MESSAGING AND PRIVATE CONTENT FEATURES;
- 10 (V) NOTIFICATION AND ALERT FEATURES;
- 11 (VI) REWARD FEATURES OF ANY KIND, INCLUDING REWARDS THE
12 SOCIAL MEDIA PLATFORM GIVES TO USERS FOR TIME SPENT ON THE
13 PLATFORM;
- 14 (VII) APPEARANCE-ALTERING FILTERS;
- 15 (VIII) AUTOMATIC PLAYING OF MEDIA; AND
- 16 (IX) GEOLOCATION FEATURES;
- 17 (f) MANAGE TYPES OR CATEGORIES OF RECOMMENDATIONS FROM
18 PERSONALIZED RECOMMENDATION SYSTEMS AND EPHEMERAL CONTENT
19 FEEDS;
- 20 (g) REQUEST AND RECEIVE NOTIFICATIONS FROM THE SOCIAL
21 MEDIA PLATFORM ABOUT INTERACTIONS BETWEEN THE JUVENILE'S
22 ACCOUNT AND ACCOUNTS ASSOCIATED WITH ADULT USERS;
- 23 (h) REQUEST AND RECEIVE NOTIFICATIONS FROM THE SOCIAL
24 MEDIA PLATFORM ABOUT THE PRESENCE OF SEXUALLY EXPLOITATIVE
25 MATERIAL IN THE JUVENILE'S ACCOUNT AND INTERACTIONS BETWEEN THE
26 JUVENILE'S ACCOUNT AND SEXUALLY EXPLOITATIVE MATERIAL;
- 27 (i) EASILY REPORT PREDATORY ACTIVITY AND SEXUALLY

1 EXPLOITATIVE MATERIAL TO THE SOCIAL MEDIA PLATFORM; AND

2 (j) DELETE THE JUVENILE'S ACCOUNT AND ANY PERSONAL DATA
3 COLLECTED FROM OR SHARED BY THE JUVENILE ON THE SOCIAL MEDIA
4 PLATFORM.

5 (2) A SOCIAL MEDIA PLATFORM SHALL PROVIDE CLEAR AND
6 CONSPICUOUS NOTICE TO A USER WHO THE SOCIAL MEDIA PLATFORM
7 KNOWS IS A JUVENILE REGARDING WHEN TOOLS DESCRIBED IN THIS
8 SECTION ARE IN EFFECT AND WHAT SETTINGS OR CONTROLS HAVE BEEN
9 APPLIED.

10 **6-1-1606. Social media platforms - protections and warnings**

11 **for juveniles.** (1) A SOCIAL MEDIA PLATFORM SHALL PROVIDE A USER
12 WHO THE SOCIAL MEDIA PLATFORM KNOWS IS A JUVENILE WITH READILY
13 ACCESSIBLE AND EASY-TO-USE PROTECTIONS THAT INCLUDE THE ABILITY
14 TO:

15 (a) LIMIT THE AMOUNT OF TIME THE JUVENILE SPENDS ON THE
16 SOCIAL MEDIA PLATFORM;

17 (b) LIMIT THE ABILITY OF OTHER INDIVIDUALS TO COMMUNICATE
18 WITH THE JUVENILE;

19 (c) PREVENT OTHER USERS, WHETHER REGISTERED OR NOT, FROM
20 VIEWING THE JUVENILE'S PERSONAL DATA COLLECTED BY OR SHARED ON
21 THE SOCIAL MEDIA PLATFORM, INCLUDING PREVENTING PUBLIC ACCESS TO
22 THE JUVENILE'S PERSONAL DATA AND ANY CONTENT SHARED BY THE
23 JUVENILE;

24 (d) LIMIT AND OPT OUT OF:

25 (I) PERSONALIZED RECOMMENDATION SYSTEMS, WHILE STILL
26 ALLOWING DISPLAY OF CONTENT IN A CHRONOLOGICAL OR OTHER
27 NONPERSONALIZED FORMAT;

1 (II) INFINITE OR ENDLESS SCROLL FEATURES, WHILE STILL
2 ALLOWING DISPLAY OF CONTENT IN A CHRONOLOGICAL OR OTHER
3 NONPERSONALIZED FORMAT;

4 (III) EPHEMERAL CONTENT FEEDS;

5 (IV) PRIVATE MESSAGING AND PRIVATE CONTENT FEATURES;

6 (V) NOTIFICATION AND ALERT FEATURES;

7 (VI) REWARD FEATURES OF ANY KIND, INCLUDING REWARDS THE
8 SOCIAL MEDIA PLATFORM GIVES TO USERS FOR TIME SPENT ON THE
9 PLATFORM;

10 (VII) APPEARANCE-ALTERING FILTERS;

11 (VIII) AUTOMATIC PLAYING OF MEDIA; AND

12 (IX) GEOLOCATION FEATURES;

13 (e) MANAGE TYPES OR CATEGORIES OF RECOMMENDATIONS FROM
14 PERSONALIZED RECOMMENDATION SYSTEMS AND EPHEMERAL CONTENT
15 FEEDS;

16 (f) RESTRICT THE SHARING OF THE GEOLOCATION OF THE JUVENILE
17 TO OTHER USERS ON THE SOCIAL MEDIA PLATFORM AND PROVIDE NOTICE
18 OF THE TRACKING OF THE JUVENILE'S GEOLOCATION; AND

19 (g) DELETE THE JUVENILE'S ACCOUNT AND ANY PERSONAL DATA
20 COLLECTED FROM OR SHARED BY THE JUVENILE ON THE SOCIAL MEDIA
21 PLATFORM.

22 (2) A SOCIAL MEDIA PLATFORM SHALL ENSURE THAT, IN THE CASE
23 OF A USER WHO THE SOCIAL MEDIA PLATFORM KNOWS IS A JUVENILE, THE
24 DEFAULT SETTING FOR ANY SAFEGUARD DESCRIBED IN THIS SECTION IS THE
25 OPTION AVAILABLE ON THE PLATFORM THAT PROVIDES THE MOST
26 PROTECTIVE LEVEL OF CONTROL OVER PRIVACY AND SAFETY FOR THAT
27 USER.

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

4 (a) CONTENT SHARED BY THE JUVENILE ON THE SOCIAL MEDIA
5 PLATFORM MAY CONTAIN GEOLOCATION INFORMATION;

6 (b) THE JUVENILE'S DATA MAY BE TRACKED OR USED FOR THE
7 PURPOSE OF ALGORITHMIC PERSONALIZATION, PERSONALIZED
8 RECOMMENDATION SYSTEMS, OR TARGETED ADVERTISING;

9 (c) THE JUVENILE'S DATA MAY BE GIVEN OR SOLD TO THE SOCIAL
10 MEDIA PLATFORM'S ADVERTISING CLIENTS;

11 (d) THE JUVENILE'S ACCOUNT PROFILE IS RECOMMENDED OR
12 DISPLAYED TO ADULT USERS;

13 (e) THE JUVENILE'S ACCOUNT PROFILE IS RECOMMENDED OR
14 DISPLAYED TO USERS WHO ARE NOT ON THE JUVENILE'S POPULATED LIST
15 OF CONNECTED USERS ON THE SOCIAL MEDIA PLATFORM; AND

16 (f) THE JUVENILE SHARES OR RECEIVES PRIVATE CONTENT FROM
17 USERS WHO ARE NOT ON THE JUVENILE'S POPULATED LIST OF CONNECTED
18 USERS ON THE SOCIAL MEDIA PLATFORM.

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

24 **6-1-1608. Social media companies - removal of users for**
25 **prohibited activity.** (1) EXCEPT AS DESCRIBED IN SUBSECTION (2) OF
26 THIS SECTION, UPON THE DETECTION BY ANY COMPONENT OF A SOCIAL
27 MEDIA PLATFORM'S CONTENT MODERATION SYSTEMS, OR UPON THE

1 NOTIFICATION TO A SOCIAL MEDIA PLATFORM BY A USER, A PARENT OR
2 GUARDIAN OF A JUVENILE USER, A VISITOR, OR A LAW ENFORCEMENT
3 AGENT, THAT A USER OF A SOCIAL MEDIA PLATFORM SELLS OR ADVERTISES
4 AN ILLICIT SUBSTANCE OR ENGAGES IN THE SALE OF A FIREARM IN
5 VIOLATION OF STATE OR FEDERAL LAW; THE SEX TRAFFICKING OF A
6 JUVENILE; OR THE POSSESSION, DISPLAY, EXCHANGE, DISTRIBUTION, SALE,
7 OR CREATION, OR INDUCEMENT TO CREATE, SEXUALLY EXPLOITATIVE
8 MATERIAL, THE SOCIAL MEDIA COMPANY THAT OWNS OR OPERATES THE
9 SOCIAL MEDIA PLATFORM SHALL:

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

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

18 (2) A SOCIAL MEDIA PLATFORM MAY ALLOW A USER TO SELL OR
19 ADVERTISE MEDICAL MARIJUANA OR RETAIL MARIJUANA TO USERS WHO
20 ARE AT LEAST TWENTY-ONE YEARS OF AGE SO LONG AS THE SALE OR
21 ADVERTISING COMPLIES WITH ANY RULES PROMULGATED PURSUANT TO
22 SECTION 44-10-203 (3)(a).

23 **6-1-1609. Social media companies - cooperation with law**
24 **enforcement agencies - data retention - response timelines. (1) A**
25 **SOCIAL MEDIA COMPANY SHALL RETAIN FOR AT LEAST ONE YEAR ANY**
26 **DATA AND METADATA CONCERNING USERS' IDENTITIES AND ACTIVITIES ON**
27 **THE SOCIAL MEDIA PLATFORM.**

1 (2) A SOCIAL MEDIA COMPANY SHALL INITIALLY RESPOND TO ANY
2 INQUIRY OR LEGAL PROCESS FROM A LAW ENFORCEMENT AGENCY WITHIN
3 THREE DAYS TO CONFIRM RECEIPT AND SHALL FULFILL THE LAW
4 ENFORCEMENT AGENCY'S REQUEST WITHIN THIRTY DAYS AFTER RECEIVING
5 THE INQUIRY. A SOCIAL MEDIA COMPANY SHALL PRESERVE THE DATA AND
6 METADATA NEEDED TO RESPOND TO AN INQUIRY FROM A LAW
7 ENFORCEMENT AGENCY.

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

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

23 **6-1-1610. Social media companies - use of algorithms.** THE USE
24 OF A DESIGN, ALGORITHM, OR FEATURE TO PROMOTE OR ENCOURAGE
25 ENGAGEMENT OR USE BY A JUVENILE ON A SOCIAL MEDIA PLATFORM IS
26 CONSIDERED "PROCESSING THAT PRESENTS A HEIGHTENED RISK OF HARM
27 TO A CONSUMER", AS DESCRIBED IN SECTION 6-1-1309, AND IS SUBJECT TO

1 THE REQUIREMENTS OF SECTION 6-1-1309.

2 **6-1-1611. Right to cure - repeal.** (1) PRIOR TO INITIATING ANY
3 ENFORCEMENT ACTION PURSUANT TO SECTION 6-1-1612, THE ATTORNEY
4 GENERAL OR DISTRICT ATTORNEY SHALL ISSUE A NOTICE OF VIOLATION TO
5 A SOCIAL MEDIA COMPANY ALLEGED TO HAVE VIOLATED THIS PART 16 IF
6 A CURE IS DEEMED POSSIBLE. IF THE SOCIAL MEDIA COMPANY FAILS TO
7 CURE THE VIOLATION WITHIN SIXTY DAYS AFTER THE RECEIPT OF THE
8 NOTICE OF VIOLATION, AN ACTION MAY BE BROUGHT PURSUANT TO PART
9 1 OF THIS ARTICLE 1.

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

11 **6-1-1612. Social media companies - violations - unfair or**
12 **deceptive trade practice.** A PERSON THAT KNOWINGLY OR RECKLESSLY
13 VIOLATES THIS PART 16 OR AIDS OR ABETS A VIOLATION OF THIS PART 16
14 COMMITS A DECEPTIVE TRADE PRACTICE, AS DESCRIBED IN SECTION
15 6-1-105 (1)(eee).

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

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

24 **6-1-1614. Severability.** IF ANY PROVISION OF THIS PART 16 OR THE
25 APPLICATION OF THIS PART 16 TO ANY PERSON OR CIRCUMSTANCE IS HELD
26 INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR
27 APPLICATIONS OF THIS PART 16 THAT CAN BE GIVEN EFFECT WITHOUT THE

1 INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF
2 THIS PART 16 ARE DECLARED TO BE SEVERABLE.

3 **6-1-1615. Rules - guidance for age verification process.**

4 (1) THE ATTORNEY GENERAL MAY PROMULGATE RULES FOR THE PURPOSE
5 OF CARRYING OUT THIS PART 16.

6 (2) THE ATTORNEY GENERAL MAY PROVIDE GUIDANCE AND
7 CREATE STANDARDS TO HELP A SOCIAL MEDIA PLATFORM IMPLEMENT A
8 COMMERCIALLY REASONABLE AGE VERIFICATION PROCESS.

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

11 **6-1-105. Unfair or deceptive trade practices.** (1) A person
12 engages in a deceptive trade practice when, in the course of the person's
13 business, vocation, or occupation, the person:

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

16 **SECTION 3. Appropriation.** For the 2024-25 state fiscal year,
17 \$95,609 is appropriated to the department of law for use by consumer
18 protection. This appropriation is from the general fund and is based on an
19 assumption that the department will require an additional 0.8 FTE. To
20 implement this act, the department may use this appropriation for
21 consumer protection and antitrust.

22 **SECTION 4. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly; except
25 that, if a referendum petition is filed pursuant to section 1 (3) of article V
26 of the state constitution against this act or an item, section, or part of this
27 act within such period, then the act, item, section, or part will not take

1 effect unless approved by the people at the general election to be held in
2 November 2024 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.