

CHAPTER 467

GOVERNMENT - STATE

HOUSE BILL 24-1468

BY REPRESENTATIVE(S) Titone, Parenti, Lindsay, Rutinel, Snyder;
also SENATOR(S) Hansen and Zenzinger, Bridges, Cutter, Liston, Michaelson Jenet, Pelton B., Priola, Rodriguez.

AN ACT**CONCERNING THE CREATION OF THE ARTIFICIAL INTELLIGENCE IMPACT TASK FORCE.**

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

SECTION 1. In Colorado Revised Statutes, 2-3-1701, **amend** (1) and (12) as follows:

2-3-1701. Definitions. As used in this part 17, unless the context otherwise requires:

(1) "Artificial intelligence" OR "ARTIFICIAL INTELLIGENCE SYSTEM" means ~~systems that can:~~

~~(a) Perceive an environment through data acquisition, process and interpret the derived information, and take actions or imitate intelligent behavior to achieve a specified goal; and~~

~~(b) Learn from past behavior and results and adapt their behavior accordingly~~
ANY MACHINE-BASED SYSTEM THAT, FOR ANY EXPLICIT OR IMPLICIT OBJECTIVE, INFERS, FROM THE INPUTS THE SYSTEM RECEIVES, HOW TO GENERATE OUTPUTS, INCLUDING CONTENT, DECISIONS, PREDICTIONS, OR RECOMMENDATIONS, THAT CAN INFLUENCE PHYSICAL OR VIRTUAL ENVIRONMENTS.

(12) "Task force" means the ~~task force for the consideration of facial recognition services~~ ARTIFICIAL INTELLIGENCE IMPACT TASK FORCE created in section 2-3-1707.

SECTION 2. In Colorado Revised Statutes, **repeal and reenact, with amendments,** 2-3-1707 as follows:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

2-3-1707. Artificial intelligence impact task force - creation - membership - duties - compensation - staff support - report - definitions - repeal.

(1) **Definitions.** AS USED IN THIS SECTION, UNLESS CONTEXT OTHERWISE REQUIRES:

(a) "ALGORITHMIC DISCRIMINATION" MEANS ANY CONDITION IN WHICH THE USE OF AN AUTOMATED DECISION SYSTEM OR ARTIFICIAL INTELLIGENCE SYSTEM RESULTS IN AN UNLAWFUL DIFFERENTIAL TREATMENT OR IMPACT THAT DISFAVORS AN INDIVIDUAL OR A GROUP OF INDIVIDUALS ON THE BASIS OF THEIR ACTUAL OR PERCEIVED AGE, COLOR, DISABILITY, ETHNICITY, GENETIC INFORMATION, LIMITED PROFICIENCY IN THE ENGLISH LANGUAGE, NATIONAL ORIGIN, RACE, RELIGION, REPRODUCTIVE HEALTH, SEX, VETERAN STATUS, OR OTHER CLASSIFICATION PROTECTED UNDER THE LAWS OF THIS STATE OR UNDER FEDERAL LAW.

(b) "AUTOMATED DECISION SYSTEM" MEANS ANY SYSTEM THAT IS USED TO MAKE OR ASSIST IN DECISIONS THAT IMPACT THE LIVES OF CONSUMERS AND THAT IS BASED IN WHOLE OR IN SIGNIFICANT PART ON ARTIFICIAL INTELLIGENCE, MACHINE LEARNING, COMPUTERIZED ALGORITHMS, AUTOMATED STATISTICAL OR PROBABILISTIC MODELING, OR SIMILAR TECHNIQUES.

(c) "BIOMETRIC TECHNOLOGY" MEANS A TECHNOLOGY THAT USES, COLLECTS, OR ANALYZES DATA GENERATED BY THE TECHNOLOGICAL PROCESSING, MEASUREMENT, OR ANALYSIS OF AN INDIVIDUAL'S BIOLOGICAL, PHYSICAL, OR BEHAVIORAL CHARACTERISTICS, WHICH DATA CAN BE PROCESSED FOR THE PURPOSE OF UNIQUELY IDENTIFYING AN INDIVIDUAL.

(d) "CONSUMER" MEANS AN INDIVIDUAL WHO IS A COLORADO RESIDENT.

(e) "DEPLOY" MEANS TO USE AN ARTIFICIAL INTELLIGENCE SYSTEM OR AUTOMATED DECISION SYSTEM.

(f) "DEPLOYER" MEANS A PERSON DOING BUSINESS IN THIS STATE THAT DEPLOYS AN ARTIFICIAL INTELLIGENCE SYSTEM OR AUTOMATED DECISION SYSTEM.

(g) "DEVELOPER" MEANS A PERSON DOING BUSINESS IN THIS STATE THAT DEVELOPS OR INTENTIONALLY AND SUBSTANTIALLY MODIFIES AN ARTIFICIAL INTELLIGENCE SYSTEM OR AUTOMATED DECISION SYSTEM.

(2) **Creation - membership.** (a) THERE IS CREATED THE ARTIFICIAL INTELLIGENCE IMPACT TASK FORCE FOR THE PURPOSES OF CONSIDERING ISSUES AND PROPOSING RECOMMENDATIONS REGARDING PROTECTIONS FOR CONSUMERS AND WORKERS FROM ARTIFICIAL INTELLIGENCE SYSTEMS AND AUTOMATED DECISION SYSTEMS.

(b) THE TASK FORCE CONSISTS OF THE FOLLOWING MEMBERS:

(1) ONE MEMBER WHO REPRESENTS AN ORGANIZATION THAT ADVOCATES ON

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BEHALF OF INDIVIDUALS WHO HAVE HISTORICALLY EXPERIENCED ALGORITHMIC DISCRIMINATION BY ARTIFICIAL INTELLIGENCE SYSTEMS OR AUTOMATED DECISION SYSTEMS, TO BE APPOINTED BY THE GOVERNOR;

(II) ONE MEMBER WHO IS RECOMMENDED BY CONSENSUS FROM A COALITION OF STATEWIDE LABOR ORGANIZATIONS ACTIVELY INVOLVED IN REPRESENTING THE WORKFORCE IMPACTED BY ARTIFICIAL INTELLIGENCE SYSTEMS OR AUTOMATED DECISION SYSTEMS, TO BE APPOINTED BY THE PRESIDENT OF THE SENATE;

(III) ONE MEMBER WHO REPRESENTS A STATEWIDE CIVIL LIBERTIES ORGANIZATION, TO BE APPOINTED BY THE PRESIDENT OF THE SENATE;

(IV) ONE MEMBER WHO REPRESENTS AN ORGANIZATION THAT ADVOCATES ON BEHALF OF INDIVIDUALS WITH DISABILITIES, TO BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

(V) ONE MEMBER WHO REPRESENTS A NATIONAL NONPROFIT, NONPARTISAN ORGANIZATION THAT FOCUSES ON TECHNOLOGY, POLICY, AND CIVIL RIGHTS, TO BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

(VI) THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S DESIGNEE;

(VII) ONE MEMBER WHO IS A STATE REPRESENTATIVE, TO BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

(VIII) ONE MEMBER WHO IS A STATE REPRESENTATIVE, TO BE APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES;

(IX) ONE MEMBER WHO IS A STATE SENATOR, TO BE APPOINTED BY THE PRESIDENT OF THE SENATE;

(X) ONE MEMBER WHO IS A STATE SENATOR, TO BE APPOINTED BY THE MINORITY LEADER OF THE SENATE;

(XI) ONE MEMBER WHO REPRESENTS A STATEWIDE ORGANIZATION OF BUSINESS PROFESSIONALS, TO BE APPOINTED BY THE GOVERNOR;

(XII) ONE MEMBER WHO REPRESENTS A NONPROFIT ORGANIZATION THAT IS FOCUSED ON PRIVACY AND THAT HAS A MEMBERSHIP CONSISTING OF DEVELOPERS AND DEPLOYERS, TO BE APPOINTED BY THE PRESIDENT OF THE SENATE;

(XIII) ONE MEMBER WHO REPRESENTS A DEPLOYER, TO BE APPOINTED BY THE PRESIDENT OF THE SENATE;

(XIV) ONE MEMBER WHO REPRESENTS A DEVELOPER, TO BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

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(XV) ONE MEMBER WHO REPRESENTS AN INDUSTRY ASSOCIATION THAT REPRESENTS DEVELOPERS OR DEPLOYERS, TO BE APPOINTED BY THE MINORITY LEADER OF THE SENATE;

(XVI) ONE MEMBER WHO IS A REPRESENTATIVE FROM ACADEMIA OR A NATIONAL NONPROFIT, NONPARTISAN ORGANIZATION THAT FOCUSES ON LEGAL CONSIDERATIONS RELEVANT TO ARTIFICIAL INTELLIGENCE SYSTEMS OR AUTOMATED DECISION SYSTEMS, TO BE APPOINTED BY THE PRESIDENT OF THE SENATE;

(XVII) ONE MEMBER WHO HAS EXPERTISE IN THE QUANTITATIVE EVALUATION OF ARTIFICIAL INTELLIGENCE OR AUTOMATED DECISION SYSTEMS FOR DISPARATE PERFORMANCE, MISUSE, OR BIAS, TO BE APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES;

(XVIII) ONE MEMBER WHO IS A REPRESENTATIVE FROM ACADEMIA OR A NATIONAL NONPROFIT, NONPARTISAN ORGANIZATION WITH KNOWLEDGE OF THE HISTORICAL DEVELOPMENT AND IMPLEMENTATION OF LEGISLATION, REGULATION, OR CODES OF CONDUCT REQUIRING DISCLOSURE, SAFETY PLANNING, THE DEVELOPMENT OF PROFESSIONAL STANDARDS, OR MONITORING RELATED TO ARTIFICIAL INTELLIGENCE SYSTEMS OR AUTOMATED DECISION SYSTEMS, TO BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

(XIX) THE CHIEF INFORMATION OFFICER OF THE OFFICE OF INFORMATION TECHNOLOGY, WHO IS APPOINTED BY THE GOVERNOR PURSUANT TO SECTION 24-37.5-103 (1), OR THE CHIEF INFORMATION OFFICER'S DESIGNEE;

(XX) ONE MEMBER WHO REPRESENTS AN ORGANIZATION THAT ADVOCATES FOR CONSUMERS AND THE FIRST AMENDMENT, TO BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

(XXI) ONE MEMBER WHO REPRESENTS AN ORGANIZATION THAT ADVOCATES FOR SCHOOLS, SCHOOL DISTRICTS, TEACHERS, STUDENTS, AND THE EDUCATION COMMUNITY, TO BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

(XXII) ONE MEMBER WHO IS A REPRESENTATIVE FROM AN ORGANIZATION THAT ADVOCATES FOR LAW ENFORCEMENT AGENCIES, TO BE APPOINTED BY THE PRESIDENT OF THE SENATE;

(XXIII) ONE MEMBER WHO IS A REPRESENTATIVE FROM AN ORGANIZATION THAT REPRESENTS SMALL BUSINESS DEPLOYERS AND SMALL BUSINESS DEVELOPERS, TO BE APPOINTED BY THE GOVERNOR;

(XXIV) ONE MEMBER WHO IS A TECHNOLOGY EXPERT FROM AN ORGANIZATION THAT REPRESENTS HEALTH-CARE, BIOSCIENCE, OR MEDICAL PRACTITIONERS, TO BE APPOINTED BY THE GOVERNOR;

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(XXV) ONE MEMBER WHO IS A TECHNOLOGY EXPERT FROM THE SECURITY TECHNOLOGY INDUSTRY, TO BE APPOINTED BY THE GOVERNOR; AND

(XXVI) ONE MEMBER WHO IS AN EXPERT IN FINANCE AND FINANCIAL TECHNOLOGY, TO BE APPOINTED BY THE GOVERNOR.

(c) (I) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, THE MINORITY LEADER OF THE SENATE, AND THE GOVERNOR SHALL MAKE EACH OF THE INITIAL APPOINTMENTS DESCRIBED IN SUBSECTION (2)(b) OF THIS SECTION BEFORE AUGUST 1, 2024.

(II) BEFORE AUGUST 1, 2024, THE PRESIDENT OF THE SENATE SHALL APPOINT THE CHAIR OF THE TASK FORCE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT THE VICE-CHAIR OF THE TASK FORCE. THEREAFTER, THE CHAIR OF THE TASK FORCE SHALL BE APPOINTED ANNUALLY ON OR BEFORE JULY 1, WITH THE SPEAKER OF THE HOUSE OF REPRESENTATIVES APPOINTING THE CHAIR IN ODD-NUMBERED YEARS AND THE PRESIDENT OF THE SENATE APPOINTING THE CHAIR IN EVEN-NUMBERED YEARS.

(d) ANY VACANCY THAT OCCURS AMONG THE APPOINTED MEMBERS OF THE TASK FORCE SHALL BE FILLED BY THE APPROPRIATE APPOINTMENT AUTHORITY AS SOON AS PRACTICABLE IN ACCORDANCE WITH THE LIMITATIONS SPECIFIED IN SUBSECTION (2)(b) OF THIS SECTION.

(e) IN MAKING THE APPOINTMENTS TO THE TASK FORCE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, THE MINORITY LEADER OF THE SENATE, AND THE GOVERNOR SHALL STRIVE TO ENSURE THAT THE MEMBERSHIP OF THE TASK FORCE:

(I) REFLECTS THE ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE STATE;

(II) INCLUDES REPRESENTATION FROM ALL AREAS OF THE STATE, INCLUDING INDIVIDUALS WHO DO NOT RESIDE IN THE FRONT RANGE REGION OF THE STATE;

(III) TO THE EXTENT PRACTICABLE, INCLUDES INDIVIDUALS WITH DISABILITIES; AND

(IV) INCLUDES REPRESENTATION FROM COMMUNITIES THAT HAVE HISTORICALLY EXPERIENCED ALGORITHMIC DISCRIMINATION BY ARTIFICIAL INTELLIGENCE SYSTEMS AND AUTOMATED DECISION SYSTEMS.

(f) AN EMPLOYER OF ANY TASK FORCE MEMBER SHALL NOT DISCRIMINATE, TAKE ADVERSE ACTION, OR RETALIATE AGAINST ANY WORKER BASED ON THE WORKER SERVING ON THE TASK FORCE, INCLUDING IF THE WORKER RAISES A REASONABLE

CONCERN ABOUT WORKPLACE VIOLATIONS OF HEALTH OR SAFETY RULES OR OTHER SIGNIFICANT WORKPLACE THREATS TO HEALTH OR SAFETY TO THE EMPLOYER, THE EMPLOYER'S AGENT, OTHER WORKERS, A GOVERNMENT AGENCY, OR THE PUBLIC, IF THE EMPLOYER CONTROLS THE WORKPLACE CONDITIONS THAT GIVE RISE TO THE VIOLATION OF OR THREAT TO WORKPLACE HEALTH OR SAFETY.

(3) Issues of study. THE TASK FORCE SHALL CONSIDER ISSUES AND PROPOSE POLICY RECOMMENDATIONS TO THE COMMITTEE RELATED TO:

(a) THE DEFINITION OF KEY TERMS, INCLUDING "ARTIFICIAL INTELLIGENCE SYSTEM" AND "AUTOMATED DECISION SYSTEM" AND TYPES OF ARTIFICIAL INTELLIGENCE SYSTEMS AND AUTOMATED DECISION SYSTEMS THAT ANY STATE LEGISLATION OR POLICY SHOULD COVER;

(b) ESTABLISHING NOTICE, EXPLANATION, AND OTHER TRANSPARENCY AND DISCLOSURE REQUIREMENTS FOR COMPANIES THAT DEVELOP OR DEPLOY ARTIFICIAL INTELLIGENCE SYSTEMS AND AUTOMATED DECISION SYSTEMS THAT IMPACT THE LIVES OF CONSUMERS AND WORKERS;

(c) DEVELOPING RECOMMENDATIONS FOR HOW TO PROTECT DISPROPORTIONATELY IMPACTED COMMUNITIES AND WORKERS FROM ALGORITHMIC DISCRIMINATION;

(d) CREATING A CODE OF CONDUCT OR ESTABLISHING BEST PRACTICES FOR EVALUATING THE ETHICAL AND EQUITABLE IMPACT OF USING ARTIFICIAL INTELLIGENCE SYSTEMS AND AUTOMATED DECISION SYSTEMS, INCLUDING SPECIFIC DECISION-MAKING FRAMEWORKS, BENCHMARKS, SAFETY STANDARDS, AND METRICS;

(e) DEVELOPING CLEAR QUANTITATIVE BENCHMARKS AND METRICS BY WHICH TO MEASURE OR ASSESS ALGORITHMIC DISCRIMINATION;

(f) DEVELOPING RECOMMENDATIONS FOR HOW GOVERNMENT AGENCIES, DEVELOPERS, DEPLOYERS, AND THIRD-PARTY AUDITORS CAN MONITOR FOR ALGORITHMIC DISCRIMINATION AND VERIFY CLAIMS MADE BY DEVELOPERS AND DEPLOYERS ABOUT ARTIFICIAL INTELLIGENCE SYSTEMS AND AUTOMATED DECISION SYSTEMS;

(g) DEVELOPING BEST PRACTICES FOR GATHERING, DOCUMENTING, REPORTING, AND SHARING DATA AND INFORMATION NECESSARY FOR ASSESSING ALGORITHMIC DISCRIMINATION AND VERIFYING THE CLAIMS OF DEVELOPERS AND DEPLOYERS;

(h) DEVELOPING RECOMMENDATIONS FOR HOW THE STATE CAN SECURE THE KNOWLEDGE AND SKILL NECESSARY TO EFFECTIVELY GOVERN ARTIFICIAL INTELLIGENCE SYSTEMS AND AUTOMATED DECISION SYSTEMS THROUGH EXPERT CONSULTATION, HIRING, AND ANY OTHER MECHANISMS DEEMED APPROPRIATE BY THE TASK FORCE;

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(i) DEVELOPING RECOMMENDATIONS FOR SECURING MORE AND BETTER COMMITMENTS FROM DEVELOPERS AND DEPLOYERS OF ARTIFICIAL INTELLIGENCE SYSTEMS AND AUTOMATED DECISION SYSTEMS TO ADDRESS ALGORITHMIC DISCRIMINATION; AND

(j) DEVELOPING RECOMMENDATIONS RELATED TO THE USE OF FACIAL RECOGNITION SERVICES AND BIOMETRIC TECHNOLOGY.

(4) Additional duties of the task force. (a) (I) THE MEMBER WHO IS APPOINTED AS CHAIR OF THE TASK FORCE PURSUANT TO SUBSECTION (2)(c)(II) OF THIS SECTION SHALL CALL THE FIRST MEETING OF THE TASK FORCE.

(II) THE TASK FORCE SHALL HOLD ITS FIRST MEETING ON OR BEFORE SEPTEMBER 1, 2024.

(b) (I) THE TASK FORCE SHALL MEET AT LEAST FIVE TIMES, WHICH MEETINGS MAY BE ONLINE OR IN PERSON, AND SHALL ALLOW FOR VIRTUAL PARTICIPATION AT ANY IN-PERSON MEETINGS.

(II) THE TASK FORCE SHALL POST MEETING SUMMARIES OF ITS MEETINGS, ANY DRAFT POLICY RECOMMENDATIONS, AND THE FINAL REPORT ON THE COMMITTEE'S PUBLIC WEBSITE.

(c) ON OR BEFORE FEBRUARY 1, 2025, THE TASK FORCE SHALL SUBMIT A REPORT TO THE COMMITTEE AND THE GOVERNOR'S OFFICE THAT SUMMARIZES THE TASK FORCE'S FINDINGS AND POLICY RECOMMENDATIONS RELATED TO THE ISSUES OF STUDY DESCRIBED IN SUBSECTION (3) OF THIS SECTION.

(d) THE TASK FORCE MAY SOLICIT AND SEEK INPUT AND PARTICIPATION FROM RELEVANT COMMUNITIES AND STAKEHOLDERS IN CONDUCTING THE TASK FORCE'S MEETINGS AND COMPILING THE FINAL REPORT OF THE TASK FORCE.

(e) THE TASK FORCE SHALL CONTINUE TO MEET AS NECESSARY AFTER IT SUBMITS THE REPORT REQUIRED BY SUBSECTION (4)(c) OF THIS SECTION, AS DETERMINED BY THE TASK FORCE, UNTIL THE TASK FORCE IS SCHEDULED FOR REVIEW PURSUANT TO SUBSECTION (6) OF THIS SECTION.

(4) Compensation. NONLEGISLATIVE MEMBERS OF THE TASK FORCE AND NONLEGISLATIVE MEMBERS OF ANY SUBCOMMITTEES OF THE TASK FORCE SERVE WITHOUT COMPENSATION. COMPENSATION OF LEGISLATIVE MEMBERS IS PAID FROM APPROPRIATIONS TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH SECTION 2-2-307.

(5) Staff support. THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL MAY SUPPLY STAFF ASSISTANCE TO THE TASK FORCE AS THE DIRECTOR OF RESEARCH DEEMS APPROPRIATE, SUBJECT TO AVAILABLE APPROPRIATIONS. THE TASK FORCE

MAY ALSO ACCEPT GIFTS, GRANTS, AND DONATIONS FOR STAFF SUPPORT FROM THE PRIVATE SECTOR, WHICH GIFTS, GRANTS, AND DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE LEGISLATIVE DEPARTMENT CASH FUND CREATED IN SECTION 2-2-1601 (1)(a).

(6) Repeal. THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2027. PRIOR TO THE REPEAL, THE TASK FORCE IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

SECTION 3. In Colorado Revised Statutes, 2-3-1203, **amend** (18.5)(a)(III) as follows:

2-3-1203. Sunset review of advisory committees - legislative declaration - definition - repeal. (18.5) (a) The following statutory authorizations for the designated advisory committees will repeal on September 1, 2027:

(III) ~~The task force for the consideration of facial recognition services~~ ARTIFICIAL INTELLIGENCE IMPACT TASK FORCE created in section 2-3-1707.

SECTION 4. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: June 6, 2024