

SB26-090

## SENATE FLOOR AMENDMENT

Third Reading

BY SENATOR Snyder

1 Amend engrossed bill, page 2, strike lines 2 and 3 and substitute:

2 "SECTION 1. In Colorado Revised Statutes, 6-1-1502, **add** (1.4)  
3 as follows:".

4 Page 2, strike lines 8 through 19 and substitute:

5 "SECTION 2. In Colorado Revised Statutes, 6-1-1503, **amend**  
6 (5)(m), (5)(o), and (5)(p); and **add** (5)(q) and (11) as follows:

7 **6-1-1503. Manufacturer obligations regarding services -**  
8 **exemptions - information technology equipment - critical**  
9 **infrastructure determination by attorney general - rules.**

10 (5) With respect to digital electronic equipment, this part 15 does  
11 not apply to:

12 (m) Video game consoles; ~~or~~

13 (o) Devices, components, or systems designed to perform or  
14 facilitate quantum information processing, including, solely to the extent  
15 necessary for such processing, storing, computing, communicating,  
16 measuring, or sensing quantum information, through manipulation,  
17 measurement, sensing, or utilization of quantum phenomena, limited to  
18 instances where the phenomena are integral to the device's primary  
19 function, including quantum superposition, quantum entanglement,  
20 quantum interference, quantum tunneling, or quantum transduction; ~~or~~

21 (p) Quantum sensing devices that exploit quantum phenomena,  
22 limited to instances where the phenomena are integral to the device's  
23 primary function, such as quantum coherence, quantum entanglement,  
24 quantized energy states that do not include the semiconductor band gap  
25 phenomenon, quantum squeezing, quantum superposition, quantum  
26 interference, quantum transduction, or quantum tunneling, to detect,  
27 measure, or monitor physical quantities, environmental parameters, or  
28 external stimuli; OR

29 (q) INFORMATION TECHNOLOGY EQUIPMENT THAT IS INTENDED TO  
30 BE USED IN CRITICAL INFRASTRUCTURE IN ACCORDANCE WITH SUBSECTION  
31 (11) OF THIS SECTION.

32 (11) (a) THE ATTORNEY GENERAL MAY ADOPT RULES TO REVIEW  
33 EXEMPTIONS FROM THIS PART 15 FOR INFORMATION TECHNOLOGY  
34 EQUIPMENT THAT IS INTENDED TO BE USED IN CRITICAL INFRASTRUCTURE.

35 (b) IN REVIEWING AN EXEMPTION FROM THIS PART 15 PURSUANT  
36 TO SUBSECTION (5)(q) OF THIS SECTION, THE ATTORNEY GENERAL SHALL  
37 CONSIDER THE FOLLOWING CRITERIA:

38 (I) WHETHER THE INFORMATION TECHNOLOGY EQUIPMENT IS

1 INTENDED TO BE USED IN A MANNER THAT WOULD QUALIFY THE  
2 EQUIPMENT AS CRITICAL INFRASTRUCTURE, AS DEFINED IN 42 U.S.C. SEC.  
3 5195c (e); AND

4 (II) WHETHER THE INFORMATION TECHNOLOGY EQUIPMENT IS  
5 SOLD TO ITS INTENDED CUSTOMERS UNDER A BUSINESS-TO-BUSINESS OR  
6 BUSINESS-TO-GOVERNMENT CONTRACT AND NOT CUSTOMARILY SOLD IN  
7 A RETAIL SETTING.

8 (c) THERE IS A PRESUMPTION THAT THE INFORMATION  
9 TECHNOLOGY EQUIPMENT IS EXEMPT DURING THE PENDENCY OF THE  
10 ATTORNEY GENERAL'S REVIEW.

11 (d) A DETERMINATION MADE BY THE ATTORNEY GENERAL IN  
12 ACCORDANCE WITH THIS SUBSECTION (11) MAY BE APPEALED BY THE  
13 MANUFACTURER OF THE INFORMATION TECHNOLOGY EQUIPMENT IN A  
14 DISTRICT COURT OF COMPETENT JURISDICTION IN ACCORDANCE WITH  
15 SECTION 24-4-106.".

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