

SB26-051 be amended as follows:

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

3 **"SECTION 1. Legislative declaration.** (1) The general
4 assembly finds and declares that:

5 (a) The state of Colorado has established a comprehensive
6 framework for consumer data privacy through the enactment of the
7 "Colorado Privacy Act", part 13 of article 1 of title 6, Colorado Revised
8 Statutes, which recognizes that the personal data of minors requires
9 heightened protections;

10 (b) Under the "Colorado Privacy Act", controllers that process the
11 personal data of minors are subject to additional obligations, including
12 heightened duties related to data processing, targeted advertising, and
13 profiling;

14 (c) In practice, many applications and online services lack reliable
15 information about whether a user is a minor, which limits their ability to
16 comply with these legal obligations and to implement appropriate
17 safeguards;

18 (d) As a result, minors may be exposed to harmful design features
19 or the collection and use of personal data in ways that are inconsistent
20 with the protections contemplated by Colorado law; and

21 (e) A mechanism that allows a computing device to provide a
22 minimal age-category signal to applications can enable compliance with
23 these obligations while minimizing the collection and retention of
24 personal data.

25 (2) Therefore, with this act, the general assembly intends to
26 establish a framework for age attestation that enables age-appropriate
27 protections while preserving user choice and appropriate parental
28 involvement and avoiding the need for invasive identity verification
29 methods.

30 **SECTION 2.** In Colorado Revised Statutes, **add** article 30 to title
31 6 as follows:

32 **ARTICLE 30**

33 **Age Attestation for Online Users**

34 **6-30-101. Definitions.**

35 AS USED IN THIS ARTICLE 30, UNLESS THE CONTEXT OTHERWISE
36 REQUIRES:

37 (1) "ACCOUNT" MEANS A USER ACCOUNT THAT CONNECTS AN
38 OPERATING SYSTEM TO A COVERED APPLICATION STORE.

39 (2) (a) "ACCOUNT HOLDER" MEANS AN INDIVIDUAL IN THE STATE

1 WHO IS AT LEAST EIGHTEEN YEARS OLD, OR THE PARENT OR LEGAL
2 GUARDIAN OF A USER WHO IS A MINOR, AND WHO ESTABLISHES AN
3 ACCOUNT ON A DEVICE.

4 (b) "ACCOUNT HOLDER" DOES NOT INCLUDE A PARENT OF AN
5 EMANCIPATED MINOR WHO IS A USER OF A DEVICE.

6 (3) "AGE-BRACKET DATA" MEANS NONPERSONALLY IDENTIFIABLE
7 DATA DERIVED FROM A USER'S BIRTH DATE OR AGE FOR THE PURPOSE OF
8 SHARING WITH COVERED APPLICATIONS, WHICH DATA INDICATES THE
9 USER'S AGE RANGE, INCLUDING, AT A MINIMUM, DATA THAT INDICATES
10 WHETHER A USER IS:

11 (a) UNDER THIRTEEN YEARS OLD;
12 (b) THIRTEEN YEARS OLD OR OLDER BUT UNDER SIXTEEN YEARS
13 OLD;
14 (c) SIXTEEN YEARS OLD OR OLDER BUT UNDER EIGHTEEN YEARS
15 OLD; OR
16 (d) EIGHTEEN YEARS OLD OR OLDER.

17 (4) "AGE SIGNAL" MEANS AGE-BRACKET DATA SENT THROUGH A
18 REAL-TIME SECURE APPLICATION PROGRAMMING INTERFACE FROM AN
19 OPERATING SYSTEM OR COVERED APPLICATION STORE TO A COVERED
20 APPLICATION.

21 (5) (a) "COVERED APPLICATION" MEANS A CONSUMER SOFTWARE
22 APPLICATION THAT IS ACCESSED THROUGH A COVERED APPLICATION STORE
23 AND THAT MAY BE RUN OR DIRECTED BY A USER ON A DEVICE.

24 (b) "COVERED APPLICATION" DOES NOT INCLUDE:
25 (I) A SOFTWARE APPLICATION THAT DOES NOT PROCESS USERS'
26 PERSONAL DATA; OR
27 (II) AN APPLICATION FROM A FREE, PUBLICLY AVAILABLE CODE
28 REPOSITORY.

29 (6) (a) "COVERED APPLICATION STORE" MEANS A PUBLICLY
30 AVAILABLE INTERNET WEBSITE, SOFTWARE APPLICATION, ONLINE SERVICE,
31 OR PLATFORM THAT DISTRIBUTES AND FACILITATES, ON A COMMERCIAL
32 BASIS, THE DOWNLOAD OF APPLICATIONS FROM THIRD-PARTY DEVELOPERS
33 TO USERS OF DEVICES.

34 (b) "COVERED APPLICATION STORE" DOES NOT INCLUDE:
35 (I) A CODE REPOSITORY PROVIDER;
36 (II) A CONTAINERIZED SOFTWARE DISTRIBUTION; OR
37 (III) AN ONLINE SERVICE OR PLATFORM THAT DISTRIBUTES ANY OF
38 THE FOLLOWING APPLICATIONS IF THE APPLICATION RUNS EXCLUSIVELY
39 WITHIN A SEPARATE HOST APPLICATION:
40 (A) AN EXTENSION;
41 (B) A PLUG-IN;
42 (C) AN ADD-ON; OR
43 (D) ANY OTHER SOFTWARE APPLICATION.

44 (7) "DEVELOPER" MEANS A PERSON THAT WRITES, CREATES,
45 MAINTAINS, OR CONTROLS A COVERED APPLICATION.

1 (8) "DEVICE" MEANS A COMPUTER, MOBILE DEVICE, OR SIMILAR
2 GENERAL-PURPOSE COMPUTING DEVICE THAT IS INTENDED FOR USE BY A
3 CONSUMER.

4 (9) "MINOR" MEANS AN INDIVIDUAL WHO IS UNDER EIGHTEEN
5 YEARS OLD.

6 (10) "OPERATING SYSTEM PROVIDER" MEANS A PERSON THAT
7 DEVELOPS, LICENSES, OR CONTROLS THE OPERATING SYSTEM SOFTWARE
8 ON A DEVICE.

9 (11) "PERSONAL DATA" HAS THE MEANING SET FORTH IN SECTION
10 6-1-1303 (17).

11 (12) "PROCESS" HAS THE MEANING SET FORTH IN SECTION
12 6-1-1303 (18).

13 (13) "USER" MEANS THE PRIMARY USER OF A DEVICE.

14 **6-30-102. Requirements for operating system providers and**
15 **developers.**

16 (1) ON AND AFTER JULY 1, 2028, AN OPERATING SYSTEM PROVIDER
17 THAT OPERATES A COVERED APPLICATION STORE OR MAKES A COVERED
18 APPLICATION STORE AVAILABLE PRE-INSTALLED ON AN OPERATING
19 SYSTEM SHALL PROVIDE AN ACCESSIBLE INTERFACE AT ACCOUNT SETUP
20 THAT REQUIRES AN ACCOUNT HOLDER TO INDICATE THE BIRTH DATE, AGE,
21 OR AGE BRACKET OF THE USER OF THAT DEVICE FOR THE PURPOSE OF
22 PROVIDING AN AGE SIGNAL TO COVERED APPLICATIONS AVAILABLE IN THE
23 OPERATING SYSTEM PROVIDER'S COVERED APPLICATION STORE.
24 OPERATING SYSTEM PROVIDERS MAY MINIMIZE THE USE OF PERSONAL
25 DATA BY ALLOWING AN ACCOUNT HOLDER TO SELECT AN AGE BRACKET
26 FOR A USER WHO IS EIGHTEEN YEARS OLD OR OLDER WITHOUT PROVIDING
27 A BIRTH DATE OR AGE.

28 (2) ON AND AFTER JULY 1, 2028, AN OPERATING SYSTEM PROVIDER
29 OR A COVERED APPLICATION STORE SHALL:

30 (a) PROVIDE DEVELOPERS WITH A REASONABLY CONSISTENT,
31 REAL-TIME APPLICATION PROGRAMMING INTERFACE TO REQUEST AND
32 RECEIVE AN AGE SIGNAL; AND

33 (b) SEND ONLY THE MINIMUM AMOUNT OF INFORMATION
34 NECESSARY TO COMPLY WITH THIS ARTICLE 30. AN OPERATING SYSTEM
35 PROVIDER OR COVERED APPLICATION STORE SHALL NOT SHARE AN AGE
36 SIGNAL WITH A THIRD PARTY FOR A PURPOSE NOT REQUIRED BY THIS
37 ARTICLE 30.

38 (3) (a) A COVERED APPLICATION MUST USE THE APPLICATION
39 PROGRAMMING INTERFACE PROVIDED BY THE OPERATING SYSTEM
40 PROVIDER OR COVERED APPLICATION STORE TO:

41 (I) REQUEST AN AGE SIGNAL WITH RESPECT TO A PARTICULAR USER
42 WHEN THE APPLICATION IS INITIALLY LAUNCHED; AND

43 (II) UPDATE THE USER'S AGE BRACKET DATA AS NEEDED.

44 (b) (I) A COVERED APPLICATION THAT RECEIVES AN AGE SIGNAL
45 IS DEEMED TO HAVE KNOWLEDGE OF THE AGE RANGE OF THE USER TO

1 WHOM THE SIGNAL PERTAINS ACROSS ALL PLATFORMS AND POINTS OF
2 ACCESS OF THE COVERED APPLICATION.

3 (II) A DEVELOPER SHALL NOT WILLFULLY DISREGARD CLEAR AND
4 CONVINCING INFORMATION THAT INDICATES THAT A USER'S AGE IS
5 DIFFERENT THAN THE AGE-BRACKET DATA INDICATED BY AN AGE SIGNAL
6 PROVIDED BY AN OPERATING SYSTEM PROVIDER OR BY A COVERED
7 APPLICATION STORE.

8 (III) IF A DEVELOPER HAS CLEAR AND CONVINCING INFORMATION
9 THAT A USER'S AGE IS DIFFERENT THAN THE AGE INDICATED BY AN AGE
10 SIGNAL RECEIVED PURSUANT TO THIS ARTICLE 30, THE DEVELOPER SHALL
11 USE THAT INFORMATION AS THE PRIMARY INDICATOR OF THE USER'S AGE.

12 (IV) EXCEPT AS PROVIDED IN SUBSECTIONS (3)(d)(II) AND
13 (3)(d)(III) OF THIS SECTION, A DEVELOPER SHALL TREAT AN AGE SIGNAL
14 RECEIVED PURSUANT TO THIS ARTICLE 30 AS THE PRIMARY INDICATOR OF
15 A USER'S AGE RANGE.

16 (V) NOTHING IN THIS SECTION REQUIRES A DEVELOPER TO ACQUIRE
17 AGE-RELATED DATA OTHER THAN AN AGE SIGNAL.

18 (c) A DEVELOPER SHALL ENSURE THAT A COVERED APPLICATION
19 THAT RECEIVES AN AGE SIGNAL PURSUANT TO THIS ARTICLE 30 USES THE
20 AGE SIGNAL ONLY TO COMPLY WITH APPLICABLE LAW.

21 (d) A DEVELOPER SHALL ENSURE THAT A COVERED APPLICATION
22 THAT RECEIVES AN AGE SIGNAL PURSUANT TO THIS ARTICLE 30 DOES NOT:

23 (I) REQUEST MORE INFORMATION CONCERNING THE USER FROM AN
24 OPERATING SYSTEM PROVIDER OR A COVERED APPLICATION STORE THAN
25 THE MINIMUM AMOUNT OF INFORMATION NECESSARY TO COMPLY WITH
26 THIS ARTICLE 30; OR

27 (II) COMMUNICATE THE AGE SIGNAL TO A THIRD PARTY FOR A
28 PURPOSE NOT REQUIRED BY THIS ARTICLE 30.

29 **6-30-103. Applicability to existing devices.**

30 (1) WITH RESPECT TO A DEVICE FOR WHICH ACCOUNT SETUP WAS
31 COMPLETED BEFORE JULY 1, 2028, AN OPERATING SYSTEM PROVIDER
32 SHALL PROVIDE, BEFORE JANUARY 1, 2029, AN ACCESSIBLE INTERFACE
33 THAT ALLOWS AN ACCOUNT HOLDER TO INDICATE THE BIRTH DATE OR AGE
34 OF THE USER OF THAT DEVICE FOR THE PURPOSE OF PROVIDING AN AGE
35 SIGNAL REGARDING THE USER'S AGE-BRACKET DATA TO COVERED
36 APPLICATIONS AVAILABLE IN A COVERED APPLICATION STORE.

37 (2) IF A COVERED APPLICATION LAST UPDATED ON OR AFTER JULY
38 1, 2027, WAS DOWNLOADED TO A DEVICE BEFORE JULY 1, 2028, AND THE
39 COVERED APPLICATION HAS NOT REQUESTED AN AGE SIGNAL WITH
40 RESPECT TO THE USER OF THE DEVICE ON WHICH THE COVERED
41 APPLICATION WAS DOWNLOADED, THE COVERED APPLICATION MUST
42 REQUEST AN AGE SIGNAL FROM THE COVERED APPLICATION STORE FROM
43 WHICH THE COVERED APPLICATION WAS DOWNLOADED WITH RESPECT TO
44 THAT USER BEFORE JANUARY 1, 2029.

45 **6-30-104. Enforcement - penalties.**

1 (1) A PERSON THAT VIOLATES THIS ARTICLE 30 SHALL PAY A CIVIL
2 PENALTY OF NO MORE THAN TWO THOUSAND FIVE HUNDRED DOLLARS FOR
3 EACH MINOR HARMED BY EACH NEGLIGENT VIOLATION OR NO MORE THAN
4 SEVEN THOUSAND FIVE HUNDRED DOLLARS FOR EACH MINOR HARMED BY
5 EACH INTENTIONAL VIOLATION. THE ATTORNEY GENERAL SHALL ASSESS
6 AND RECOVER THE PENALTY IN A CIVIL ACTION.

7 (2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, IF AN
8 OPERATING SYSTEM PROVIDER OR A COVERED APPLICATION STORE MAKES
9 A GOOD FAITH EFFORT TO COMPLY WITH THIS ARTICLE 30, TAKING INTO
10 CONSIDERATION AVAILABLE TECHNOLOGY AND ANY REASONABLE
11 TECHNICAL LIMITATIONS OR OUTAGES, THE OPERATING SYSTEM PROVIDER
12 OR COVERED APPLICATION STORE IS NOT LIABLE FOR AN ERRONEOUS AGE
13 SIGNAL INDICATING A USER'S AGE RANGE OR FOR CONDUCT BY A COVERED
14 APPLICATION THAT RECEIVES AN AGE SIGNAL INDICATING A USER'S AGE
15 RANGE.

16 **6-30-105. Applicability - limitations.**

17 (1) THIS ARTICLE 30 DOES NOT:

18 (a) MODIFY, IMPAIR, OR SUPERSEDE ANY ANTITRUST LAW,
19 INCLUDING THE "COLORADO STATE ANTITRUST ACT OF 2023", ARTICLE
20 4 OF THIS TITLE 6; OR

21 (b) REQUIRE THE COLLECTION OF ADDITIONAL PERSONAL DATA
22 FROM DEVICE OWNERS OR DEVICE USERS THAT IS NOT NECESSARY TO
23 COMPLY WITH THIS ARTICLE 30.

24 (2) AN OPERATING SYSTEM PROVIDER OR COVERED APPLICATION
25 STORE SHALL NOT DISCRIMINATE IN COMPLYING WITH THIS ARTICLE 30.
26 DISCRIMINATION IN COMPLYING WITH THIS ARTICLE 30 INCLUDES:

27 (a) IMPOSING LESS STRINGENT RESTRICTIONS AND OBLIGATIONS ON
28 ITS OWN APPLICATIONS AND APPLICATION DISTRIBUTION THAN IT DOES ON
29 THOSE FROM THIRD-PARTY APPLICATIONS OR APPLICATION DISTRIBUTORS;
30 OR

31 (b) USING NONPUBLICLY AVAILABLE DATA COLLECTED FROM A
32 THIRD PARTY IN THE COURSE OF COMPLIANCE WITH THIS ARTICLE 30 TO
33 COMPETE AGAINST THAT THIRD PARTY, GIVE THE COVERED APPLICATION
34 STORE'S SERVICES PREFERENCE RELATIVE TO THOSE OF A THIRD PARTY, OR
35 USE THE NONPUBLICLY AVAILABLE DATA IN AN ANTICOMPETITIVE MANNER
36 IN VIOLATION OF APPLICABLE LAW.

37 (3) THIS ARTICLE 30 DOES NOT APPLY TO:

38 (a) A BROADBAND INTERNET ACCESS SERVICE, AS DEFINED IN
39 SECTION 40-15-209 (4)(a);

40 (b) A TELECOMMUNICATIONS SERVICE, AS DEFINED IN 47 U.S.C.
41 SEC. 153 (53);

42 (c) THE DELIVERY OF OR USE OF A PHYSICAL PRODUCT;

43 (d) DATA MAINTAINED BY A STATE INSTITUTION OF HIGHER
44 EDUCATION, AS DEFINED IN SECTION 23-18-102 (10), THE STATE, A
45 SUBDIVISION OF THE STATE, THE JUDICIAL DEPARTMENT OF THE STATE, OR

1 A COUNTY, CITY AND COUNTY, OR MUNICIPALITY IF THE DATA IS
2 COLLECTED, MAINTAINED, DISCLOSED, COMMUNICATED, AND USED AS
3 AUTHORIZED BY STATE AND FEDERAL LAW FOR NONCOMMERCIAL
4 PURPOSES; OR

5 (e) AN OPERATING SYSTEM PROVIDER OR DEVELOPER THAT
6 DISTRIBUTES AN OPERATING SYSTEM OR APPLICATION UNDER LICENSE
7 TERMS THAT PERMIT A RECIPIENT TO COPY, REDISTRIBUTE, AND MODIFY
8 THE SOFTWARE WITHOUT RESTRICTION FROM THE PROVIDER OR
9 DEVELOPER, INCLUDING ANY TECHNICAL OR CONTRACTUAL RESTRICTIONS
10 ON INSTALLING ALL MODIFIED VERSIONS.

11 (4) THIS ARTICLE 30 DOES NOT IMPOSE LIABILITY THAT ARISES
12 FROM THE USE OF A DEVICE OR APPLICATION BY AN INDIVIDUAL WHO IS
13 NOT THE USER TO WHOM AN AGE SIGNAL PERTAINS ON AN OPERATING
14 SYSTEM PROVIDER, A COVERED APPLICATION STORE, OR A DEVELOPER.

15 (5) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE 30 TO THE
16 CONTRARY, THIS ARTICLE 30 DOES NOT APPLY TO A DEVELOPER IF THE
17 PREDOMINANT OR EXCLUSIVE FUNCTION OF THE COVERED APPLICATION
18 THAT THE DEVELOPER WRITES, CREATES, MAINTAINS, OR CONTROLS IS:

19 (a) 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 COVERED APPLICATION IS
22 RESTRICTED TO EMPLOYEES OR AFFILIATES OF THE BUSINESS OR
23 ENTERPRISE;

24 (b) PROVIDING ENTERPRISE SOFTWARE FUNCTIONS USED BY
25 BUSINESSES, GOVERNMENTS, OR NONPROFIT ORGANIZATIONS; OR

26 (c) PROVIDING OR OBTAINING TECHNICAL SUPPORT FOR A
27 SOFTWARE PLATFORM, PRODUCT, OR SERVICE.

28 **SECTION 2. Act subject to petition - effective date.** This act
29 takes effect July 1, 2028; except that, if a referendum petition is filed
30 pursuant to section 1 (3) of article V of the state constitution against this
31 act or an item, section, or part of this act within the ninety-day period
32 after final adjournment of the general assembly, then the act, item,
33 section, or part will not take effect unless approved by the people at the
34 general election to be held in November 2026 and, in such case, will take
35 effect July 1, 2028."

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