

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Van Winkle

1 Amend printed bill, page 6, after line 27 insert:

2 **"SECTION 2.** In Colorado Revised Statutes, **add 6-1-735** as
3 follows:

4 **6-1-735. Social media companies - unfair trade practice -**
5 **complying with company policies regarding computer generated**
6 **sexual images - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (a) "HARMFUL TO MINORS" HAS THE SAME MEANING SET FORTH IN
9 SECTION 24-90-602.

10 (b) "OPERATOR" MEANS A PERSON WHO OPERATES A WEBSITE OR
11 ONLINE OR MOBILE APPLICATION TO WHICH ANY PERSON, INCLUDING THE
12 OPERATOR OR USERS, CAN UPLOAD IMAGES.

13 (c) "USER" MEANS ANY PERSON WHO CAN VIEW CONTENT ON AN
14 OPERATOR'S WEBSITE OR ONLINE OR MOBILE APPLICATION, REGARDLESS
15 OF WHETHER THE OPERATOR CHARGES A FEE TO VIEW CONTENT OR
16 PARTICIPATE ON THE WEBSITE OR ONLINE OR MOBILE APPLICATION AND
17 REGARDLESS OF WHETHER THE PERSON HAS AN ACCOUNT OR OTHERWISE
18 REGISTERS WITH THE WEBSITE OR ONLINE OR MOBILE APPLICATION.

19 (2) (a) AN OPERATOR OF A WEBSITE OR ONLINE OR MOBILE
20 APPLICATION WHO KNOWINGLY PUBLISHES OR DISTRIBUTES MATERIAL
21 HARMFUL TO MINORS ON THE OPERATOR'S WEBSITE OR APPLICATION AND
22 A SUBSTANTIAL PORTION OF THE MATERIAL ON THE WEBSITE OR
23 APPLICATION IS HARMFUL TO MINORS SHALL VERIFY A USER'S AGE BEFORE
24 PERMITTING THE USER TO ACCESS THE WEBSITE OR APPLICATION.

25 (b) AN OPERATOR SHALL HAVE A POLICY THAT INCLUDES A
26 PROCESS FOR A PERSON TO REPORT TO THE OPERATOR THAT A USER IS ABLE
27 TO ACCESS AND VIEW MATERIAL HARMFUL TO MINORS ON THE OPERATOR'S
28 WEBSITE OR ONLINE OR MOBILE APPLICATION WITHOUT VERIFYING THE
29 USER'S AGE.

30 (3) FOR THE PURPOSES OF SECTION 6-1-113 (1)(a), IF AN OPERATOR
31 RECEIVES A REPORT THAT A USER IS ABLE TO ACCESS MATERIAL HARMFUL
32 TO MINORS ON THE OPERATOR'S WEBSITE OR ONLINE OR MOBILE
33 APPLICATION WITHOUT VERIFYING THE USER'S AGE, THE FAILURE TO
34 VERIFY THE USER'S AGE IS PRIMA FACIE EVIDENCE THAT ANY OTHER USER
35 WHO VIEWED THE MATERIAL AFTER THREE DAYS AFTER THE REPORT WAS
36 MADE WAS INJURED AS A RESULT OF AN UNFAIR TRADE PRACTICE ENGAGED
37 IN BY THE OPERATOR.".

38 Renumber succeeding sections accordingly.

39 Page 7, strike line 2 and substitute:

1 "(1)(cccc); and **add** (1)(eeee) and (1)(ffff) as follows:".

2 Page 7, strike lines 8 and 9.

3 Page 7, line 10, strike "6-1-731.5." and substitute "6-1-731.5; OR
4 (ffff) VIOLATES SECTION 6-1-735.".

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