

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 26-0433.01 Richard Sweetman x4333

SENATE BILL 26-051

SENATE SPONSORSHIP

Ball,

HOUSE SPONSORSHIP

Paschal,

Senate Committees
Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING AGE ATTESTATION FOR USERS OF COMPUTING DEVICES.**

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>.)

The bill requires an operating system provider to:

- Provide an accessible interface at account setup that requires an account holder to indicate the birth date or age of the user of that device to provide a signal regarding the user's age bracket (age signal) to applications available in a covered application store;
- Provide an application developer (developer) that requests an age signal, with respect to a particular user, the technical

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.

ability to call an age signal via a reasonably consistent real-time application programming interface that identifies, at a minimum, the user's age-bracket data; and

- Send only the minimum amount of information necessary to comply with the bill. An operating system provider shall not share an age signal with a third party for a purpose not required by the bill.

The bill requires a developer to request an age signal with respect to a particular user from an operating system provider or a covered application store when the developer's application is downloaded and launched. A developer that receives an age signal is deemed to have knowledge of the age range of the user to whom that age signal pertains across all platforms of the application and points of access of the application. However, if a developer has clear and convincing information that a user's age is different than the age indicated by an age signal, the developer shall use that information as the primary indicator of the user's age range.

A developer shall not:

- Request more information from an operating system provider or a covered application store than is necessary to comply with the bill; or
- Share an age signal with a third party for a purpose not required by the bill.

A person that violates the bill must pay a civil penalty of not more than \$2,500 for each minor affected by each negligent violation or not more than \$7,500 for each minor affected by each intentional violation. The penalty is assessed and recovered in a civil action brought by the attorney general.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 30 to title
3 6 as follows:

4 **ARTICLE 30**

5 **Age Attestation for Online Users**

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

7 AS USED IN THIS ARTICLE 30, UNLESS THE CONTEXT OTHERWISE
8 REQUIRES:

9 (1) (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 UNDER EIGHTEEN YEARS OLD, AND WHO
3 ESTABLISHES AN ACCOUNT ON A DEVICE.

4 (b) "ACCOUNT HOLDER" DOES NOT INCLUDE:

5 (I) A PARENT OF AN EMANCIPATED MINOR WHO IS A USER OF A
6 DEVICE; OR

7 (II) A PARENT OR LEGAL GUARDIAN OF A MINOR WHO IS A USER OF
8 A DEVICE IF THE PARENT OR LEGAL GUARDIAN IS NOT ASSOCIATED WITH
9 THE MINOR'S DEVICE.

10 (2) "AGE-BRACKET DATA" MEANS NONPERSONALLY IDENTIFIABLE
11 DATA DERIVED FROM A USER'S BIRTH DATE OR AGE FOR THE PURPOSE OF
12 SHARING WITH DEVELOPERS, WHICH DATA INDICATES THE USER'S AGE
13 RANGE , INCLUDING, AT A MINIMUM, DATA THAT INDICATES WHETHER A
14 USER IS:

15 (a) UNDER THIRTEEN YEARS OLD;

16 (b) THIRTEEN YEARS OLD OR OLDER BUT UNDER SIXTEEN YEARS
17 OLD;

18 (c) SIXTEEN YEARS OLD OR OLDER BUT UNDER EIGHTEEN YEARS
19 OLD; OR

20 (d) EIGHTEEN YEARS OLD OR OLDER.

21 (3) "AGE SIGNAL" MEANS AGE-BRACKET DATA SENT BY A
22 REAL-TIME SECURE APPLICATION PROGRAMMING INTERFACE OR
23 OPERATING SYSTEM TO AN APPLICATION.

24 (4) "APPLICATION" MEANS A SOFTWARE APPLICATION THAT MAY
25 BE RUN OR DIRECTED BY A USER ON A DEVICE.

26 (5) (a) "COVERED APPLICATION STORE" MEANS A PUBLICLY
27 AVAILABLE INTERNET WEBSITE, SOFTWARE APPLICATION, ONLINE SERVICE,

1 OR PLATFORM THAT DISTRIBUTES AND FACILITATES THE DOWNLOAD OF
2 APPLICATIONS FROM THIRD-PARTY DEVELOPERS TO USERS OF DEVICES.

3 (b) "COVERED APPLICATION STORE" DOES NOT INCLUDE AN ONLINE
4 SERVICE OR PLATFORM THAT DISTRIBUTES ANY OF THE FOLLOWING
5 APPLICATIONS IF THE APPLICATION RUNS EXCLUSIVELY WITHIN A
6 SEPARATE HOST APPLICATION:

7 (I) EXTENSIONS;

8 (II) PLUG-INS;

9 (III) ADD-ONS; OR

10 (IV) OTHER SOFTWARE APPLICATIONS.

11 (6) "DEVELOPER" MEANS A PERSON THAT WRITES, CREATES,
12 MAINTAINS, OR CONTROLS AN APPLICATION.

13 (7) "DEVICE" MEANS ANY GENERAL-PURPOSE COMPUTING DEVICE
14 THAT CAN ACCESS A COVERED APPLICATION STORE OR DOWNLOAD AN
15 APPLICATION.

16 (8) "MINOR" MEANS AN INDIVIDUAL WHO IS UNDER EIGHTEEN
17 YEARS OLD.

18 (9) "OPERATING SYSTEM PROVIDER" MEANS A PERSON THAT
19 DEVELOPS, LICENSES, OR CONTROLS THE OPERATING SYSTEM SOFTWARE
20 ON A DEVICE.

21 (10) "USER" MEANS A MINOR WHO IS THE PRIMARY USER OF A
22 DEVICE.

23 **6-30-102. Requirements for operating system providers and**
24 **developers.**

25 (1) AN OPERATING SYSTEM PROVIDER SHALL DO THE FOLLOWING:

26 (a) PROVIDE AN ACCESSIBLE INTERFACE AT ACCOUNT SETUP THAT
27 REQUIRES AN ACCOUNT HOLDER TO INDICATE THE BIRTH DATE OR AGE OF

1 THE USER OF THAT DEVICE FOR THE PURPOSE OF PROVIDING AN AGE
2 SIGNAL TO APPLICATIONS AVAILABLE IN A COVERED APPLICATION STORE;

3 (b) PROVIDE A DEVELOPER THAT REQUESTS AN AGE SIGNAL, WITH
4 RESPECT TO A PARTICULAR USER, THE TECHNICAL ABILITY TO CALL AN AGE
5 SIGNAL VIA A REASONABLY CONSISTENT REAL-TIME APPLICATION
6 PROGRAMMING INTERFACE; AND

7 (c) SEND ONLY THE MINIMUM AMOUNT OF INFORMATION
8 NECESSARY TO COMPLY WITH THIS ARTICLE 30. AN OPERATING SYSTEM
9 PROVIDER SHALL NOT SHARE AN AGE SIGNAL WITH A THIRD PARTY FOR A
10 PURPOSE NOT REQUIRED BY THIS ARTICLE 30.

11 (2) (a) A DEVELOPER SHALL REQUEST AN AGE SIGNAL WITH
12 RESPECT TO A PARTICULAR USER FROM AN OPERATING SYSTEM PROVIDER
13 OR A COVERED APPLICATION STORE WHEN THE DEVELOPER'S APPLICATION
14 IS DOWNLOADED AND LAUNCHED.

15 (b) (I) A DEVELOPER THAT WILLFULLY DISREGARDS AN AGE
16 SIGNAL IS DEEMED TO HAVE KNOWLEDGE OF THE AGE RANGE OF THE USER
17 TO WHOM THE SIGNAL PERTAINS ACROSS ALL PLATFORMS OF THE
18 APPLICATION AND POINTS OF ACCESS OF THE APPLICATION.

19 (II) A DEVELOPER SHALL NOT WILLFULLY DISREGARD CLEAR AND
20 CONVINCING INFORMATION THAT INDICATES THAT A USER'S AGE IS
21 DIFFERENT THAN THE AGE-BRACKET DATA INDICATED BY AN AGE SIGNAL
22 PROVIDED BY AN OPERATING SYSTEM PROVIDER OR BY A COVERED
23 APPLICATION STORE.

24 (c) (I) EXCEPT AS PROVIDED IN SUBSECTIONS (2)(b)(II) AND
25 (2)(c)(II) OF THIS SECTION, A DEVELOPER SHALL TREAT AN AGE SIGNAL
26 RECEIVED PURSUANT TO THIS ARTICLE 30 AS THE PRIMARY INDICATOR OF
27 A USER'S AGE RANGE.

1 (II) IF A DEVELOPER HAS CLEAR AND CONVINCING INFORMATION
2 THAT A USER'S AGE IS DIFFERENT THAN THE AGE INDICATED BY AN AGE
3 SIGNAL RECEIVED PURSUANT TO THIS ARTICLE 30, THE DEVELOPER SHALL
4 USE THAT INFORMATION AS THE PRIMARY INDICATOR OF THE USER'S AGE.

5 (d) A DEVELOPER THAT RECEIVES AN AGE SIGNAL PURSUANT TO
6 THIS ARTICLE 30 SHALL USE THE AGE SIGNAL TO COMPLY WITH APPLICABLE
7 LAW.

8 (e) A DEVELOPER THAT RECEIVES AN AGE SIGNAL PURSUANT TO
9 THIS ARTICLE 30 SHALL NOT:

10 (I) REQUEST MORE INFORMATION CONCERNING THE USER FROM AN
11 OPERATING SYSTEM PROVIDER OR A COVERED APPLICATION STORE THAN
12 THE MINIMUM AMOUNT OF INFORMATION NECESSARY TO COMPLY WITH
13 THIS ARTICLE 30; OR

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

16 **6-30-103. Applicability to existing devices.**

17 (1) WITH RESPECT TO A DEVICE FOR WHICH ACCOUNT SETUP WAS
18 COMPLETED BEFORE JANUARY 1, 2028, AN OPERATING SYSTEM PROVIDER
19 SHALL PROVIDE, BEFORE JULY 1, 2028, AN ACCESSIBLE INTERFACE THAT
20 ALLOWS AN ACCOUNT HOLDER TO INDICATE THE BIRTH DATE OR AGE OF
21 THE USER OF THAT DEVICE FOR THE PURPOSE OF PROVIDING AN AGE
22 SIGNAL REGARDING THE USER'S AGE-BRACKET DATA TO APPLICATIONS
23 AVAILABLE IN A COVERED APPLICATION STORE.

24 (2) IF AN APPLICATION LAST UPDATED ON OR AFTER JANUARY 1,
25 2027, WAS DOWNLOADED TO A DEVICE BEFORE JANUARY 1, 2028, AND THE
26 DEVELOPER HAS NOT REQUESTED AN AGE SIGNAL WITH RESPECT TO THE
27 USER OF THE DEVICE ON WHICH THE APPLICATION WAS DOWNLOADED, THE

1 DEVELOPER SHALL REQUEST AN AGE SIGNAL FROM A COVERED
2 APPLICATION STORE WITH RESPECT TO THAT USER BEFORE JULY 1, 2028.

3 **6-30-104. Enforcement - penalties.**

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

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

18 **6-30-105. Applicability - limitations.**

19 (1) THIS ARTICLE 30 DOES NOT MODIFY, IMPAIR, OR SUPERSEDE
20 ANY ANTITRUST LAW, INCLUDING THE "COLORADO STATE ANTITRUST ACT
21 OF 2023", ARTICLE 4 OF THIS TITLE 6.

22 (2) THIS ARTICLE 30 DOES NOT REQUIRE THE COLLECTION OF
23 ADDITIONAL PERSONAL INFORMATION FROM DEVICE OWNERS OR DEVICE
24 USERS THAT IS NOT NECESSARY TO COMPLY WITH THIS ARTICLE 30.

25 (3) AN OPERATING SYSTEM PROVIDER OR A COVERED APPLICATION
26 STORE SHALL COMPLY WITH THIS ARTICLE 30 IN A NONDISCRIMINATORY
27 MANNER, INCLUDING BY:

1 (a) IMPOSING AT LEAST THE SAME RESTRICTIONS AND OBLIGATIONS
2 ON ITS OWN APPLICATIONS AND APPLICATION DISTRIBUTION AS IT DOES ON
3 THOSE FROM THIRD-PARTY APPLICATIONS OR APPLICATION DISTRIBUTORS,
4 RESPECTIVELY; AND

5 (b) NOT USING NONPUBLICLY AVAILABLE DATA COLLECTED FROM
6 A THIRD PARTY IN THE COURSE OF COMPLIANCE WITH THIS ARTICLE 30 TO
7 COMPETE AGAINST THAT THIRD PARTY, GIVE THE COVERED APPLICATION
8 STORE'S SERVICES PREFERENCE RELATIVE TO THOSE OF A THIRD PARTY, OR
9 USE THE NONPUBLICLY AVAILABLE DATA IN AN ANTICOMPETITIVE MANNER
10 IN VIOLATION OF APPLICABLE LAW.

11 (4) THIS ARTICLE 30 DOES NOT APPLY TO:

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

14 (b) A TELECOMMUNICATIONS SERVICE, AS DEFINED IN 47 U.S.C.
15 SEC. 153 (53); OR

16 (c) THE DELIVERY OF OR USE OF A PHYSICAL PRODUCT.

17 (5) THIS ARTICLE 30 DOES NOT IMPOSE LIABILITY THAT ARISES
18 FROM THE USE OF A DEVICE OR APPLICATION BY AN INDIVIDUAL WHO IS
19 NOT THE USER TO WHOM AN AGE SIGNAL PERTAINS ON AN OPERATING
20 SYSTEM PROVIDER, A COVERED APPLICATION STORE, OR A DEVELOPER.

21 (6) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE 30 TO THE
22 CONTRARY, THIS ARTICLE 30 DOES NOT APPLY TO A DEVELOPER IF THE
23 PREDOMINANT OR EXCLUSIVE FUNCTION OF THE APPLICATION THAT THE
24 DEVELOPER WRITES, CREATES, MAINTAINS, OR CONTROLS IS:

25 (a) FACILITATING COMMUNICATION WITHIN A BUSINESS OR AN
26 ENTERPRISE AMONG EMPLOYEES OR AFFILIATES OF THE BUSINESS OR
27 ENTERPRISE, SO LONG AS ACCESS TO THE APPLICATION IS RESTRICTED TO

1 EMPLOYEES OR AFFILIATES OF THE BUSINESS OR ENTERPRISE;
2 (b) SELLING ENTERPRISE SOFTWARE TO BUSINESSES,
3 GOVERNMENTS, OR NONPROFIT ORGANIZATIONS; OR
4 (c) PROVIDING OR OBTAINING TECHNICAL SUPPORT FOR A
5 SOFTWARE PLATFORM, PRODUCT, OR SERVICE.

6 **SECTION 2. Act subject to petition - effective date.** This act
7 takes effect January 1, 2028; except that, if a referendum petition is filed
8 pursuant to section 1 (3) of article V of the state constitution against this
9 act or an item, section, or part of this act within the ninety-day period
10 after final adjournment of the general assembly, then the act, item,
11 section, or part will not take effect unless approved by the people at the
12 general election to be held in November 2026 and, in such case, will take
13 effect January 1, 2028.