

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

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 26-0542.01 Brita Darling x2241

HOUSE BILL 26-1210

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A BILL FOR AN ACT

101 **CONCERNING LIMITING THE USE OF INTIMATE PERSONAL DATA TO**
102 **MAKE INFERENCES THAT IMPACT A PERSON'S FINANCIAL**
103 **POSITION.**

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>.)

Surveillance data is defined in the bill as data that is obtained through observation, inference, or surveillance of consumers or workers and that is related to personal characteristics, behaviors, or biometrics of an individual or group. The bill prohibits discrimination against a consumer or worker through the use of automated decision systems used

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.*

HOUSE
3rd Reading Unamended
March 27, 2026

HOUSE
Amended 2nd Reading
March 26, 2026

to engage in:

- Individualized price setting based on surveillance data regarding a consumer; or
- Individualized wage setting based on surveillance data regarding a worker.

An automated decision system is defined in the bill and includes, in part, information derived from any technology, software, program, machine-based system, or computational process that uses artificial intelligence or other data processing techniques to assist, inform, or replace human decision-making.

The bill also specifies activities that are not prohibited as individualized price or wage setting based on surveillance data regarding a consumer or worker.

The attorney general or a district attorney may bring a civil action on behalf of the state against a person that violates the prohibition against individualized price or wage setting based on surveillance data to seek the imposition of civil penalties. In addition, a person aggrieved by a violation of the prohibition specified in the bill may bring a civil action on behalf of themselves or a group of similarly situated persons to restrain further violations and to recover damages, costs, and reasonable attorney fees.

A violation of the prohibition against individualized price setting or individualized wage setting is a deceptive trade practice under the "Colorado Consumer Protection Act".

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

2 **SECTION 1.** In Colorado Revised Statutes, 6-1-105, **add**
3 (1)(qqqq) as follows:

4 **6-1-105. Unfair or deceptive trade practices - definitions.**

5 (1) A person engages in a deceptive trade practice when, in the
6 course of the person's business, vocation, or occupation, the person:

7 (qqqq) VIOLATES PART 19 OF THIS ARTICLE 1.

8 **SECTION 2.** In Colorado Revised Statutes, **add** part 19 to article
9 1 of title 6 as follows:

10 **PART 19**

11 **PROHIBITING INDIVIDUALIZED PRICE**

1 AND WAGE SETTING USING SURVEILLANCE DATA

2 **6-1-1901. Definitions.**

3 AS USED IN THIS PART 19, UNLESS THE CONTEXT OTHERWISE
4 REQUIRES:

5 (1) "BIOMETRICS" HAS THE SAME MEANING AS "BIOMETRIC
6 IDENTIFIER", AS DEFINED IN SECTION 6-1-1303, AND INCLUDES BIOMETRIC
7 IDENTIFIERS ASSOCIATED WITH A WORKER.

8 (2) "CONSUMER" HAS THE MEANING SET FORTH IN SECTION
9 6-1-732 (1)(d).

10 (3) "INDIVIDUALIZED" MEANS SPECIFIC TO OR INFERRED ABOUT AN
11 INDIVIDUAL OR GROUP, BAND, CLASS, OR TIER OF INDIVIDUALS WITH
12 PARTICULAR PERSONAL CHARACTERISTICS, ONLINE BEHAVIORS, OR
13 BIOMETRICS.

14 (4) (a) "INDIVIDUALIZED PRICE SETTING" MEANS USING A PWSA
15 OR THE OUTPUT OF A PWSA IN DETERMINING A PRICE OFFERED TO A
16 CONSUMER.

17 (b) "INDIVIDUALIZED PRICE SETTING" DOES NOT INCLUDE THE USE
18 OF LOCATION DATA OR AN INTERNET PROTOCOL ADDRESS SOLELY FOR THE
19 PURPOSE OF DETERMINING THE JURISDICTION WHERE AN INDIVIDUAL IS
20 LOCATED IF THE LOCATION DATA OR INTERNET PROTOCOL ADDRESS IS
21 USED SOLELY FOR THE PURPOSE OF:

22 (I) LIMITING OFFERED PRODUCTS OR SERVICES TO THOSE
23 AVAILABLE IN THAT JURISDICTION;

24 (II) DISPLAYING PRICES IN THE APPROPRIATE CURRENCY;

25 (III) CALCULATING JURISDICTION-SPECIFIC TAXES; OR

26 (IV) COMPLYING WITH JURISDICTION-SPECIFIC DISCLOSURE OR
27 OTHER REGULATORY REQUIREMENTS.

1 (5) (a) "INDIVIDUALIZED WAGE SETTING" MEANS USING A PWSA
2 OR THE OUTPUT OF A PWSA IN DETERMINING A WAGE OFFERED TO A
3 WORKER.

4 (b) "INDIVIDUALIZED WAGE SETTING" DOES NOT INCLUDE:

5 (I) A PERSON'S DECISION NOT TO HIRE AN INDIVIDUAL WHO HAS
6 NOT PREVIOUSLY WORKED FOR OR THROUGH THE PERSON OR THE PERSON'S
7 AFFILIATES OR SUBSIDIARIES; OR

8 (II) PAY EQUITY STUDIES, COMPENSATION REVIEWS, OR OTHER
9 ACTIVITIES NECESSARY TO COMPLY WITH FEDERAL AND STATE
10 ANTIDISCRIMINATION AND PAY EQUITY LAWS.

11 (6) "INSURER" HAS THE MEANING SET FORTH IN SECTION 10-1-102.

12 (7) "LOYALTY, MEMBERSHIP, OR REWARDS PROGRAM" MEANS A
13 LOYALTY, REWARDS, OR CLUB CARD PROGRAM ESTABLISHED FOR THE
14 GENUINE PURPOSE OF PROVIDING BENEFITS TO CONSUMERS WHO
15 VOLUNTARILY PARTICIPATE IN THAT PROGRAM, REGARDLESS OF WHETHER
16 THOSE BENEFITS ARE PROVIDED DIRECTLY BY A BUSINESS OR THROUGH A
17 LOYALTY PROGRAM PARTNER. AS USED IN THIS SUBSECTION (7), "LOYALTY
18 PROGRAM PARTNER" MEANS A THIRD PARTY THAT PROVIDES LOYALTY,
19 MEMBERSHIP, OR REWARDS PROGRAM BENEFITS TO CONSUMERS WHO
20 CONSENT TO PARTICIPATE IN A LOYALTY, MEMBERSHIP, OR REWARDS
21 PROGRAM OFFERED BY A DIFFERENT SELLER.

22 (8) "ONLINE BEHAVIORS" MEANS AN INDIVIDUAL'S ACTIONS,
23 HABITS, PREFERENCES, AFFILIATIONS, ASSOCIATIONS, FINANCIAL
24 CIRCUMSTANCES, OR INTERESTS THAT ARE OBSERVABLE, MEASURABLE, OR
25 INFERRED THROUGH DIGITAL, ONLINE, OR ELECTRONIC OBSERVATION OR
26 SURVEILLANCE OF A CONSUMER OR WORKER, INCLUDING ASSOCIATIONS
27 WITH, SIMILARITIES TO, OR DIFFERENCES FROM A GROUP, BAND, CLASS, OR

1 TIER OF OTHER INDIVIDUALS.

2 (9) "PERSONAL CHARACTERISTICS" INCLUDES PERSONAL DATA, AS
3 DEFINED IN SECTION 6-1-1303 (17)(a), INCLUDING PUBLICLY AVAILABLE
4 INFORMATION; SENSITIVE DATA, AS DEFINED IN SECTION 6-1-1303 (24);
5 GENETIC INFORMATION, AS DEFINED IN SECTION 10-3-1104.6 (2)(c); AND
6 BOTH MUTABLE AND IMMUTABLE QUALITIES, FEATURES, ATTRIBUTES, OR
7 TRAITS OF AN INDIVIDUAL.

8 (10) "PRICE" MEANS THE AMOUNT CHARGED TO A CONSUMER IN
9 RELATION TO A TRANSACTION, INCLUDING ALL RELATED COSTS AND FEES
10 AND OTHER MATERIAL TERMS OF THE TRANSACTION THAT HAVE A DIRECT
11 BEARING ON THE AMOUNT PAID BY THE CONSUMER.

12 (11) "PRICE OR WAGE SETTING ALGORITHM" OR "PWSA" MEANS
13 ANY TECHNOLOGY, SOFTWARE, PROGRAM, MACHINE-BASED SYSTEM, OR
14 COMPUTATIONAL PROCESS THAT:

15 (a) USES STATISTICAL MODELING, DATA ANALYTICS, ARTIFICIAL
16 INTELLIGENCE, OR OTHER DATA PROCESSING TECHNIQUES TO ANALYZE
17 SURVEILLANCE DATA; AND

18 (b) IS A SUBSTANTIAL FACTOR IN SETTING, OFFERING, OR
19 DETERMINING A PRICE OR A WAGE OFFERED TO AN INDIVIDUAL.

20 (12) "SUBSTANTIAL FACTOR" MEANS MORE THAN A DE MINIMIS OR
21 INCIDENTAL FACTOR THAT INFORMS THE PRICE OR WAGE OFFERED TO AN
22 INDIVIDUAL.

23 (13)(a) "SURVEILLANCE DATA" MEANS DATA OBTAINED THROUGH
24 OBSERVATION, INFERENCE, OR SURVEILLANCE OF A CONSUMER OR
25 WORKER THAT IS RELATED TO PERSONAL CHARACTERISTICS, ONLINE
26 BEHAVIORS, OR BIOMETRICS OF THE INDIVIDUAL OR A GROUP, BAND,
27 CLASS, OR TIER TO WHICH THE INDIVIDUAL BELONGS.

1 (b) "SURVEILLANCE DATA" INCLUDES INFORMATION GATHERED,
2 PURCHASED, OR OTHERWISE ACQUIRED.

3 (14) "WAGE" MEANS THE MATERIAL TERMS OFFERED TO A WORKER
4 IN EXCHANGE FOR LABOR, INCLUDING THE AMOUNT TO BE PAID FOR THE
5 LABOR, WHETHER PAID BY TIME RATE, PIECE RATE, SALARY, BONUSES,
6 COMMISSIONS, AND OTHER INCENTIVES AND TASK ASSIGNMENTS THAT
7 HAVE A DIRECT IMPACT ON EARNINGS.

8 (15)(a) "WORKER" MEANS AN INDIVIDUAL PERFORMING WORK FOR
9 WAGES OR OTHER COMPENSATION AND INCLUDES AN EMPLOYEE, AS
10 DEFINED IN SECTION 8-4-101, AND ANY OTHER INDIVIDUAL PERFORMING
11 WORK ON BEHALF OF OR FOR THE BENEFIT OF AN EMPLOYER OR OTHER
12 PERSON.

13 (b) "WORKER" DOES NOT INCLUDE A WORKER ENGAGED BY:

14 (I) THE FEDERAL GOVERNMENT;

15 (II) A PUBLIC ENTITY, AS DEFINED IN SECTION 24-10-103 (5); OR

16 (III) THE STATE, AS DEFINED IN SECTION 24-10-103 (7).

17 **6-1-1902. Prohibition against individualized price or wage**
18 **setting - publication of procedures.**

19 (1) **Individualized price setting.**

20 (a) A PERSON SHALL NOT ENGAGE IN INDIVIDUALIZED PRICE
21 SETTING.

22 (b) A PERSON HAS NOT ENGAGED IN INDIVIDUALIZED PRICE
23 SETTING IF THE PERSON CAN DEMONSTRATE THAT:

24 (I) DIFFERENTIAL PRICES ARE JUSTIFIED BASED ON DIFFERENCES IN
25 COST IN PROVIDING A GOOD OR SERVICE TO DIFFERENT CONSUMERS,
26 INCLUDING BASED ON CONSUMER SELECTIONS, DELIVERY DISTANCE, OR
27 DELIVERY TIME;

1 (II) DIFFERENTIAL PRICES ARE JUSTIFIED BY TEMPORAL
2 DIFFERENCES, INCLUDING PRICE FLUCTUATIONS BASED ON SUPPLY AND
3 DEMAND;

4 (III) A PUBLIC DISCOUNTED PRICE IS OFFERED ON EQUAL TERMS
5 PURSUANT TO PUBLICLY DISCLOSED ELIGIBILITY CRITERIA TO:

6 (A) ALL CONSUMERS WHO MEET THE PUBLICLY DISCLOSED
7 ELIGIBILITY CRITERIA, INCLUDING CRITERIA RELATED TO VOLUME
8 PURCHASES, SIGNING UP FOR A MAILING LIST, REGISTERING FOR
9 PROMOTIONAL COMMUNICATIONS, OR PARTICIPATING IN A PROMOTIONAL
10 EVENT; OR

11 (B) ALL MEMBERS OF A BROADLY DEFINED AND PUBLICLY
12 RECOGNIZED GROUP OF CONSUMERS, INCLUDING TEACHERS, ACTIVE OR
13 RETIRED MILITARY PERSONNEL, SENIOR CITIZENS, STUDENTS, OR
14 RESIDENTS OF A CERTAIN AREA BASED ON PUBLICLY DISCLOSED
15 ELIGIBILITY CRITERIA;

16 (IV) A DISCOUNTED PRICE IS OFFERED ON EQUAL TERMS PURSUANT
17 TO PUBLICLY DISCLOSED TERMS AND CONDITIONS TO ALL MEMBERS,
18 ENROLLEES, OR PARTICIPANTS IN A LOYALTY, MEMBERSHIP, OR REWARDS
19 PROGRAM.

20 (V) THE PERSON OPERATES AS AN INSURER COMPLYING WITH
21 SECTION 10-3-1104.9 AND ASSOCIATED RULES AND ONLY INPUTS
22 RISK-RELEVANT DATA INTO A PRICE OR WAGE SETTING ALGORITHM THAT
23 INFORMS DECISIONS RELATED TO THE AMOUNT A CONSUMER MUST PAY
24 FOR AN INSURANCE POLICY OR CONTRACT;

25 (VI) DIFFERENTIAL PRICES ARE OFFERED OR PROVIDED TO A
26 CONSUMER AS A GOOD FAITH CREDIT, REFUND, REBATE, OR DISCOUNT
27 BELOW THE PRICE PREVIOUSLY OFFERED TO THE CONSUMER IN RESPONSE

1 TO:

2 (A) A CONSUMER'S COMPLAINT, INQUIRY, OR EXPRESSION OF

3 DISSATISFACTION REGARDING A GOOD OR SERVICE;

4 (B) A SERVICE DISRUPTION, ERROR, OR OTHER FAILURE TO DELIVER

5 A GOOD OR SERVICE AS PROMISED OR EXPECTED;

6 (C) A BILLING DISPUTE OR DISCREPANCY;

7 (D) A REQUEST FOR ACCOUNT RETENTION OR CANCELLATION; OR

8 (E) OTHER CUSTOMER SERVICE INTERACTIONS IN WHICH THE

9 PERSON PROVIDES A CREDIT, REFUND, REBATE, OR DISCOUNT BELOW THE

10 PRICE PREVIOUSLY OFFERED TO THE CONSUMER TO ADDRESS A

11 CONSUMER'S CONCERNS OR TO MAINTAIN THE CONSUMER RELATIONSHIP;

12 (VII) DIFFERENTIAL PRICES ARE OFFERED PURSUANT TO THE

13 FOLLOWING ESTABLISHED NEED-BASED DISCOUNT PROGRAMS THAT ARE

14 PUBLICLY DISCLOSED AND STRUCTURED TO PROVIDE REDUCED PRICING OR

15 FINANCIAL ASSISTANCE BASED ON OBJECTIVE ELIGIBILITY CRITERIA

16 RELATED TO INCOME OR FINANCIAL NEED:

17 (A) HOSPITAL DISCOUNTED CARE;

18 (B) SLIDING SCALE FEES; OR

19 (C) CHARITY CARE OR MEDICAL FINANCIAL ASSISTANCE POLICIES;

20 (VIII) THE PERSON AND CONSUMER HAVE A SUBSCRIPTION OR

21 OTHER CONTINUOUS AGREEMENT THAT INCLUDES A MONTHLY OR OTHER

22 RECURRING PRICE THAT WAS NOT INFORMED BY A PWSA; OR;

23 (IX) A REFUSAL TO EXTEND CREDIT ON SPECIFIC TERMS OR THE

24 REFUSAL TO ENTER INTO A FINANCIAL TRANSACTION WITH A SPECIFIC

25 CONSUMER IS BASED ON DATA PROVIDED IN A CONSUMER REPORT

26 COVERED BY THE FEDERAL "FAIR CREDIT REPORTING ACT", 15 U.S.C.

27 SEC. 1681 ET SEQ., OR REQUIRED TO BE PROVIDED AS PART OF THE

1 APPLICATION FOR THE FINANCIAL TRANSACTION.

2 (2) **Individualized wage setting.**

3 (a) A PERSON SHALL NOT ENGAGE IN INDIVIDUALIZED WAGE
4 SETTING.

5 (b) A PERSON HAS NOT ENGAGED IN INDIVIDUALIZED WAGE
6 SETTING IF THE PERSON CAN DEMONSTRATE THAT:

7 (I) THE PERSON OFFERS INDIVIDUALIZED WAGES BASED SOLELY ON
8 DATA SPECIFIC TO THE INDIVIDUAL WORKER THAT IS DIRECTLY RELATED
9 TO THE TASKS THE WORKER WAS HIRED TO PERFORM, INCLUDING DATA
10 ASSOCIATED WITH A WORKER'S PERFORMANCE OR GENERATION OF NEW
11 BUSINESS; AND

12 (II) THE PERSON DISCLOSES IN PLAIN LANGUAGE BEFORE HIRING A
13 WORKER TO PERFORM WORK, AND TO ALL WORKERS WHOSE WAGES ARE
14 SET IN WHOLE OR IN PART THROUGH A PRICE OR WAGE SETTING
15 ALGORITHM, WHAT DATA IS CONSIDERED AND HOW THE PRICE OR WAGE
16 SETTING ALGORITHM CONSIDERS THE DATA. TO THE EXTENT THESE
17 DISCLOSURES DUPLICATE DISCLOSURES REQUIRED UNDER EQUAL PAY,
18 WAGE AND HOUR, OR OTHER EXISTING LAWS, A PERSON'S OBLIGATIONS
19 UNDER THIS SUBSECTION (2)(b)(II) MAY BE FULFILLED BY COMPLYING
20 WITH APPLICABLE LAW.

21 (3) **Publication of procedures.** A PERSON THAT USES A PRICE OR
22 WAGE SETTING ALGORITHM SHALL DEVELOP AND PUBLISH REASONABLE
23 PROCEDURES:

24 (a) TO ENSURE THE ACCURACY OF ALL DATA CONSIDERED BY THE
25 PRICE OR WAGE SETTING ALGORITHM;

26 (b) FOR WORKERS TO REQUEST AND RECEIVE INFORMATION
27 REGARDING WHAT DATA IS CONSIDERED BY THE PRICE OR WAGE SETTING

1 ALGORITHM AND HOW THE PRICE OR WAGE SETTING ALGORITHM
2 CONSIDERS THE DATA WHEN SETTING PARTICULAR WAGES; AND

3 (c) TO ALLOW A WORKER TO CORRECT OR CHALLENGE THE
4 ACCURACY OF DATA CONSIDERED BY THE PRICE OR WAGE SETTING
5 ALGORITHM.

6 **6-1-1903. Rule-making authority.**

7 THE ATTORNEY GENERAL MAY ADOPT RULES AS NECESSARY FOR
8 THE PURPOSE OF IMPLEMENTING AND ENFORCING THIS PART 19.

9 **SECTION 3. Act subject to petition - effective date -**
10 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
11 the expiration of the ninety-day period after final adjournment of the
12 general assembly (August 12, 2026, if adjournment sine die is on May 13,
13 2026); except that, if a referendum petition is filed pursuant to section 1
14 (3) of article V of the state constitution against this act or an item, section,
15 or part of this act within such period, then the act, item, section, or part
16 will not take effect unless approved by the people at the general election
17 to be held in November 2026 and, in such case, will take effect on the
18 date of the official declaration of the vote thereon by the governor.

19 (2) This act applies to conduct occurring on or after the applicable
20 effective date of this act.