

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

REENGROSSED

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

LLS NO. 26-0713.01 Christopher McMichael x4775

SENATE BILL 26-090

SENATE SPONSORSHIP

Carson and Snyder, Coleman, Liston, Rodriguez, Simpson

HOUSE SPONSORSHIP

Hartsook,

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING EXEMPTING CRITICAL INFRASTRUCTURE FROM THE**
102 **"CONSUMER REPAIR BILL OF RIGHTS ACT".**

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>.)

Under current law, consumers in Colorado have a right to repair all digital electronic equipment, which could include equipment that is considered critical infrastructure.

The bill exempts information technology equipment that is intended for use in critical infrastructure from Colorado's consumer right to repair laws. Critical infrastructure is defined as a system or asset,

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.

SENATE
Amended 3rd Reading
April 16, 2026

SENATE
2nd Reading Unamended
April 7, 2026

whether physical or virtual, so vital to the United States that the incapacity or destruction of the system or asset would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.

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

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

4 **6-1-1502. Definitions.**

5 As used in this part 15, unless the context otherwise requires:

6 (1.4) "CRITICAL INFRASTRUCTURE" HAS THE MEANING SET FORTH
7 IN 42 U.S.C. SEC. 5195c (e).

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

10 **6-1-1503. Manufacturer obligations regarding services -**
11 **exemptions - information technology equipment - critical**
12 **infrastructure determination by attorney general - rules.**

13 **(5) With respect to digital electronic equipment, this part 15 does**
14 **not apply to:**

15 **(m) Video game consoles; or**

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

1 (p) Quantum sensing devices that exploit quantum phenomena,
2 limited to instances where the phenomena are integral to the device's
3 primary function, such as quantum coherence, quantum entanglement,
4 quantized energy states that do not include the semiconductor band gap
5 phenomenon, quantum squeezing, quantum superposition, quantum
6 interference, quantum transduction, or quantum tunneling, to detect,
7 measure, or monitor physical quantities, environmental parameters, or
8 external stimuli; OR

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

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

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

18 (I) WHETHER THE INFORMATION TECHNOLOGY EQUIPMENT IS
19 INTENDED TO BE USED IN A MANNER THAT WOULD QUALIFY THE
20 EQUIPMENT AS CRITICAL INFRASTRUCTURE, AS DEFINED IN 42 U.S.C. SEC.
21 5195c (e); AND

22 (II) WHETHER THE INFORMATION TECHNOLOGY EQUIPMENT IS
23 SOLD TO ITS INTENDED CUSTOMERS UNDER A BUSINESS-TO-BUSINESS OR
24 BUSINESS-TO-GOVERNMENT CONTRACT AND NOT CUSTOMARILY SOLD IN
25 A RETAIL SETTING.

26 (c) THERE IS A PRESUMPTION THAT THE INFORMATION
27 TECHNOLOGY EQUIPMENT IS EXEMPT DURING THE PENDENCY OF THE

1 ATTORNEY GENERAL'S REVIEW.

2 (d) A DETERMINATION MADE BY THE ATTORNEY GENERAL IN
3 ACCORDANCE WITH THIS SUBSECTION (11) MAY BE APPEALED BY THE
4 MANUFACTURER OF THE INFORMATION TECHNOLOGY EQUIPMENT IN A
5 DISTRICT COURT OF COMPETENT JURISDICTION IN ACCORDANCE WITH
6 SECTION 24-4-106.

7 **SECTION 3. Safety clause.** The general assembly finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, or safety or for appropriations for
10 the support and maintenance of the departments of the state and state
11 institutions.