

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

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

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.**

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**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.*

SENATE  
Amended 2nd Reading  
May 5, 2026

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".

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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           (c) "INDIVIDUALIZED PRICE SETTING" DOES NOT INCLUDE ANY  
2           CREDIT DECISION OR ACTION INVOLVING EVALUATION OF  
3           CREDITWORTHINESS, INCLUDING, WITHOUT LIMITATION, THE APPLICATION  
4           FOR CREDIT, THE EXTENSION OR GRANTING OF CREDIT, THE  
5           DETERMINATION OF ACCOUNT TERMS, OR THE REFUSAL TO EXTEND CREDIT  
6           OR TO ENTER INTO A FINANCIAL TRANSACTION WITH A SPECIFIC  
7           CONSUMER, BY THE TRUE LENDER THAT IS AN ENTITY WITH A LICENSE,  
8           CERTIFICATE, OR CHARTER ISSUED BY THE UNITED STATES OR ANY STATE,  
9           DISTRICT, TERRITORY, OR COMMONWEALTH OF THE UNITED STATES, AND  
10          THAT IS:

- 11           (I) A MORTGAGE BROKER, AS DEFINED IN SECTION 5-3.5-101, OR
- 12           (II) IS A TRUE LENDER AND EITHER:
  - 13           (A) A MORTGAGE LOAN ORIGINATOR, MORTGAGE COMPANY, OR
  - 14           MORTGAGE LENDER, AS DEFINED IN SECTION 12-10-702;
  - 15           (B) A FINANCIAL INSTITUTION AS DEFINED IN SECTION 11-101-401;
  - 16           OR
  - 17           (C) A SAVINGS AND LOAN, FEDERALLY CHARTERED SAVINGS AND
  - 18           LOAN ASSOCIATION, CREDIT UNION, OR FEDERAL CREDIT UNION.

19           (c.5) AN INSTITUTION SPECIFIED IN SUBSECTION (4)(c)(II) OF THIS  
20           SECTION IS NOT THE TRUE LENDER OF A LOAN IF A DIFFERENT PERSON  
21           HOLDS THE PREDOMINANT ECONOMIC INTEREST IN THE LOAN, EITHER  
22           DIRECTLY OR INDIRECTLY, OR IF THE LOAN ARRANGEMENTS WERE  
23           STRUCTURED IN A MANNER DESIGNED TO EVADE THE OPERATION OF THIS  
24           ARTICLE 1.

25           (d) "INDIVIDUALIZED PRICE SETTING" DOES NOT INCLUDE ACTIONS  
26           BY AN INSURER, AS DEFINED IN SECTION 10-1-102 (13), OR A FRATERNAL  
27           BENEFIT SOCIETY, AS DESCRIBED IN SECTION 10-14-102, THAT ARE

1 SUBJECT TO THE REQUIREMENTS OF SECTION 10-3-1104.9 AND ANY RULES  
2 ADOPTED BY THE COMMISSIONER OF INSURANCE PURSUANT TO SECTION  
3 10-3-1104.9.

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

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

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

11 (II) PAY EQUITY STUDIES, COMPENSATION REVIEWS, OR OTHER  
12 ACTIVITIES NECESSARY TO COMPLY WITH FEDERAL AND STATE  
13 ANTIDISCRIMINATION AND PAY EQUITY LAWS.

14 ==

15 (6) "LOYALTY, MEMBERSHIP, OR REWARDS PROGRAM" MEANS A  
16 LOYALTY, REWARDS, OR CLUB CARD PROGRAM ESTABLISHED FOR THE  
17 GENUINE PURPOSE OF PROVIDING BENEFITS TO CONSUMERS WHO  
18 VOLUNTARILY PARTICIPATE IN THAT PROGRAM, REGARDLESS OF WHETHER  
19 THOSE BENEFITS ARE PROVIDED DIRECTLY BY A BUSINESS OR THROUGH A  
20 LOYALTY PROGRAM PARTNER. AS USED IN THIS SUBSECTION (6), "LOYALTY  
21 PROGRAM PARTNER" MEANS A THIRD PARTY THAT PROVIDES LOYALTY,  
22 MEMBERSHIP, OR REWARDS PROGRAM BENEFITS TO CONSUMERS WHO  
23 CONSENT TO PARTICIPATE IN A LOYALTY, MEMBERSHIP, OR REWARDS  
24 PROGRAM OFFERED BY A DIFFERENT SELLER.

25 (7) "ONLINE BEHAVIORS" MEANS AN INDIVIDUAL'S ACTIONS,  
26 HABITS, PREFERENCES, AFFILIATIONS, ASSOCIATIONS, FINANCIAL  
27 CIRCUMSTANCES, OR INTERESTS THAT ARE OBSERVABLE, MEASURABLE, OR

1 INFERRED THROUGH DIGITAL, ONLINE, OR ELECTRONIC OBSERVATION OR  
2 SURVEILLANCE OF A CONSUMER OR WORKER, INCLUDING ASSOCIATIONS  
3 WITH, SIMILARITIES TO, OR DIFFERENCES FROM A GROUP, BAND, CLASS, OR  
4 TIER OF OTHER INDIVIDUALS.

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

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

15 (10) "PRICE OR WAGE SETTING ALGORITHM" OR "PWSA" MEANS  
16 ANY TECHNOLOGY, SOFTWARE, PROGRAM, MACHINE-BASED SYSTEM, OR  
17 COMPUTATIONAL PROCESS THAT:

18 (a) USES STATISTICAL MODELING, DATA ANALYTICS, ARTIFICIAL  
19 INTELLIGENCE, OR OTHER DATA PROCESSING TECHNIQUES TO ANALYZE  
20 SURVEILLANCE DATA; AND

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

23 (11) "SUBSTANTIAL FACTOR" MEANS MORE THAN A DE MINIMIS OR  
24 INCIDENTAL FACTOR THAT INFORMS THE PRICE OR WAGE OFFERED TO AN  
25 INDIVIDUAL.

26 (12) (a) "SURVEILLANCE DATA" MEANS DATA OBTAINED THROUGH  
27 OBSERVATION, INFERENCE, OR SURVEILLANCE OF A CONSUMER OR

1 WORKER THAT IS RELATED TO PERSONAL CHARACTERISTICS, ONLINE  
2 BEHAVIORS, OR BIOMETRICS OF THE INDIVIDUAL OR A GROUP, BAND,  
3 CLASS, OR TIER TO WHICH THE INDIVIDUAL BELONGS.

4 (b) "SURVEILLANCE DATA" INCLUDES INFORMATION GATHERED,  
5 PURCHASED, OR OTHERWISE ACQUIRED.

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

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

16 (b) "WORKER" DOES NOT INCLUDE A WORKER ENGAGED BY:  
17 (I) THE FEDERAL GOVERNMENT;  
18 (II) A PUBLIC ENTITY, AS DEFINED IN SECTION 24-10-103 (5); OR  
19 (III) THE STATE, AS DEFINED IN SECTION 24-10-103 (7).

20 **6-1-1902. Prohibition against individualized price or wage**  
21 **setting - publication of procedures.**

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

23 (a) A PERSON SHALL NOT ENGAGE IN INDIVIDUALIZED PRICE  
24 SETTING.

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

27 (I) DIFFERENTIAL PRICES ARE JUSTIFIED BASED ON DIFFERENCES IN

1 COST IN PROVIDING A GOOD OR SERVICE TO DIFFERENT CONSUMERS,  
2 INCLUDING BASED ON CONSUMER SELECTIONS, RIDE OR DELIVERY  
3 DISTANCE, OR RIDE OR DELIVERY TIME;

4 (II) DIFFERENTIAL PRICES ARE JUSTIFIED BY TEMPORAL  
5 DIFFERENCES, INCLUDING PRICE FLUCTUATIONS BASED ON SUPPLY AND  
6 DEMAND;

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

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

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

19 (IV) A DISCOUNTED PRICE IS OFFERED ON EQUAL TERMS PURSUANT  
20 TO PUBLICLY DISCLOSED TERMS AND CONDITIONS TO ALL MEMBERS,  
21 ENROLLEES, OR PARTICIPANTS IN A LOYALTY, MEMBERSHIP, OR REWARDS  
22 PROGRAM;

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

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

1 DISSATISFACTION REGARDING A GOOD OR SERVICE;

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

3 A GOOD OR SERVICE AS PROMISED OR EXPECTED;

4 (C) A BILLING DISPUTE OR DISCREPANCY;

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

6 (E) OTHER CUSTOMER SERVICE INTERACTIONS IN WHICH THE

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

8 PRICE PREVIOUSLY OFFERED TO THE CONSUMER TO ADDRESS A

9 CONSUMER'S CONCERNS, TO MAINTAIN THE CONSUMER RELATIONSHIP, OR

10 TO RETAIN CONSUMERS;

11 (VI) DIFFERENTIAL PRICES ARE OFFERED PURSUANT TO THE

12 FOLLOWING ESTABLISHED NEED-BASED DISCOUNT PROGRAMS THAT ARE

13 PUBLICLY DISCLOSED AND STRUCTURED TO PROVIDE REDUCED PRICING OR

14 FINANCIAL ASSISTANCE BASED ON OBJECTIVE ELIGIBILITY CRITERIA

15 RELATED TO INCOME OR FINANCIAL NEED:

16 (A) HOSPITAL DISCOUNTED CARE;

17 (B) SLIDING SCALE FEES; OR

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

19 (VII) THE PERSON AND CONSUMER HAVE A SUBSCRIPTION OR

20 OTHER CONTINUOUS AGREEMENT THAT INCLUDES A MONTHLY OR OTHER

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

22 (VIII) A REFUSAL TO EXTEND CREDIT ON SPECIFIC TERMS OR THE

23 REFUSAL TO ENTER INTO A FINANCIAL TRANSACTION WITH A SPECIFIC

24 CONSUMER IS BASED ON DATA PROVIDED IN A CONSUMER REPORT

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

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

27 APPLICATION FOR THE FINANCIAL TRANSACTION.

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

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

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

6           (I) THE PERSON OFFERS INDIVIDUALIZED WAGES BASED SOLELY ON  
7     DATA SPECIFIC TO THE INDIVIDUAL WORKER THAT IS DIRECTLY RELATED  
8     TO:

9           (A) WORKER SENIORITY; OR

10          (B) THE TASKS THE WORKER WAS HIRED TO PERFORM, INCLUDING  
11     DATA ASSOCIATED WITH A WORKER'S PERFORMANCE OR GENERATION OF  
12     NEW BUSINESS; AND

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

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

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

27          (b) FOR WORKERS TO REQUEST AND RECEIVE INFORMATION

1 REGARDING WHAT DATA IS CONSIDERED BY THE PRICE OR WAGE SETTING  
2 ALGORITHM AND HOW THE PRICE OR WAGE SETTING ALGORITHM  
3 CONSIDERS THE DATA WHEN SETTING PARTICULAR WAGES; AND

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

7 **6-1-1903. Rule-making authority.**

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

10 **SECTION 3. Act subject to petition - effective date -**

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

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