

HOUSE COMMITTEE OF REFERENCE REPORT

March 12, 2026

Chair of Committee

Date

Committee on Business Affairs & Labor.

After consideration on the merits, the Committee recommends the following:

HB26-1210 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

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

5 **6-1-105. Unfair or deceptive trade practices - definitions.**

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

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

9 **SECTION 2.** In Colorado Revised Statutes, **add** part 19 to article
10 1 of title 6 as follows:

11 PART 19

12 PROHIBITING INDIVIDUALIZED PRICE
13 AND WAGE SETTING USING SURVEILLANCE DATA

14 **6-1-1901. Definitions.**

15 AS USED IN THIS PART 19, UNLESS THE CONTEXT OTHERWISE
16 REQUIRES:

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

20 (2) "CONSUMER" HAS THE MEANING SET FORTH IN SECTION
21 6-1-732 (1)(d).

22 (3) "INDIVIDUALIZED" MEANS SPECIFIC TO OR INFERRED ABOUT AN
23 INDIVIDUAL OR GROUP, BAND, CLASS, OR TIER OF INDIVIDUALS WITH
24 PARTICULAR PERSONAL CHARACTERISTICS, ONLINE BEHAVIORS, OR
25 BIOMETRICS.

26 (4) (a) "INDIVIDUALIZED PRICE SETTING" MEANS USING A PWSA
27 OR THE OUTPUT OF A PWSA IN DETERMINING A PRICE OFFERED TO A

1 CONSUMER.

2 (b) "INDIVIDUALIZED PRICE SETTING" DOES NOT INCLUDE THE USE
3 OF LOCATION DATA OR AN INTERNET PROTOCOL ADDRESS SOLELY FOR THE
4 PURPOSE OF DETERMINING THE JURISDICTION WHERE AN INDIVIDUAL IS
5 LOCATED IF THE LOCATION DATA OR INTERNET PROTOCOL ADDRESS IS
6 USED SOLELY FOR THE PURPOSE OF:

7 (I) LIMITING OFFERED PRODUCTS OR SERVICES TO THOSE
8 AVAILABLE IN THAT JURISDICTION;

9 (II) DISPLAYING PRICES IN THE APPROPRIATE CURRENCY;

10 (III) CALCULATING JURISDICTION-SPECIFIC TAXES; OR

11 (IV) COMPLYING WITH JURISDICTION-SPECIFIC DISCLOSURE OR
12 OTHER REGULATORY REQUIREMENTS.

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

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

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

20 (II) PAY EQUITY STUDIES, COMPENSATION REVIEWS, OR OTHER
21 ACTIVITIES NECESSARY TO COMPLY WITH FEDERAL AND STATE
22 ANTIDISCRIMINATION AND PAY EQUITY LAWS.

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

24 (7) "ONLINE BEHAVIORS" MEANS:

25 (a) AN INDIVIDUAL'S ACTIONS, HABITS, PREFERENCES,
26 AFFILIATIONS, FINANCIAL CIRCUMSTANCES, OR INTERESTS THAT ARE
27 OBSERVABLE, MEASURABLE, OR INFERRED THROUGH ELECTRONIC
28 SURVEILLANCE, DATA SCRAPING, DATA PURCHASE, WEB BROWSING
29 HISTORY, GEOLOCATION, OR PURCHASE HISTORY; OR

30 (b) INFERENCES ASSOCIATED WITH A GROUP, BAND, CLASS, OR TIER
31 OF INDIVIDUALS WITH SIMILAR OBSERVABLE AND MEASURABLE ACTIONS,
32 HABITS, PREFERENCES, AFFILIATIONS, FINANCIAL CIRCUMSTANCES, OR
33 INTERESTS.

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

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

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

4 (a) USES STATISTICAL MODELING, DATA ANALYTICS, ARTIFICIAL
5 INTELLIGENCE, OR OTHER DATA PROCESSING TECHNIQUES TO ANALYZE
6 SURVEILLANCE DATA; AND

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

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

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

17 (b) "SURVEILLANCE DATA" INCLUDES INFORMATION GATHERED,
18 PURCHASED, OR OTHERWISE ACQUIRED.

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

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

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

30 (I) THE FEDERAL GOVERNMENT;

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

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

33 **6-1-1902. Prohibition against individualized price or wage**
34 **setting - publication of procedures.**

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

36 (a) A PERSON SHALL NOT ENGAGE IN INDIVIDUALIZED PRICE
37 SETTING.

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

40 (I) DIFFERENTIAL PRICES ARE JUSTIFIED BASED ON DIFFERENCES IN
41 COST IN PROVIDING A GOOD OR SERVICE TO DIFFERENT CONSUMERS,
42 INCLUDING BASED ON CONSUMER SELECTIONS, DELIVERY DISTANCE, OR
43 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. FOR PURPOSES OF THIS SECTION:

20 (A) A "LOYALTY, MEMBERSHIP, OR REWARDS PROGRAM" IS A
21 LOYALTY, REWARDS, OR CLUB CARD PROGRAM ESTABLISHED FOR THE
22 GENUINE PURPOSE OF PROVIDING BENEFITS TO CONSUMERS THAT
23 VOLUNTARILY PARTICIPATE IN THAT PROGRAM REGARDLESS OF WHETHER
24 THOSE BENEFITS ARE PROVIDED DIRECTLY BY A BUSINESS OR THROUGH A
25 LOYALTY PROGRAM PARTNER; AND

26 (B) A "LOYALTY PROGRAM PARTNER" IS A THIRD PARTY THAT
27 PROVIDES LOYALTY, MEMBERSHIP, OR REWARDS PROGRAM BENEFITS TO
28 CONSUMERS WHO CONSENT TO PARTICIPATE IN A LOYALTY, MEMBERSHIP,
29 OR REWARDS PROGRAM OFFERED BY A DIFFERENT SELLER;

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

35 (VI) DIFFERENTIAL PRICES ARE OFFERED OR PROVIDED TO A
36 CONSUMER AS A GOOD FAITH CREDIT, REFUND, REBATE, OR DISCOUNT
37 ISSUED IN RESPONSE TO:

38 (A) A CONSUMER'S COMPLAINT, INQUIRY, OR EXPRESSION OF
39 DISSATISFACTION REGARDING A GOOD OR SERVICE;

40 (B) A SERVICE DISRUPTION, ERROR, OR OTHER FAILURE TO DELIVER
41 A GOOD OR SERVICE AS PROMISED OR EXPECTED;

42 (C) A BILLING DISPUTE OR DISCREPANCY;

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

1 (E) OTHER CUSTOMER SERVICE INTERACTION IN WHICH THE
2 PERSON PROVIDES A CREDIT, REFUND, REBATE, OR DISCOUNT TO ADDRESS
3 A CONSUMER'S CONCERNS OR TO MAINTAIN THE CONSUMER RELATIONSHIP;
4 (VII) DIFFERENTIAL PRICES ARE OFFERED PURSUANT TO THE
5 FOLLOWING ESTABLISHED NEED-BASED DISCOUNT PROGRAMS THAT ARE
6 PUBLICLY DISCLOSED AND STRUCTURED TO PROVIDE REDUCED PRICING OR
7 FINANCIAL ASSISTANCE BASED ON OBJECTIVE ELIGIBILITY CRITERIA
8 RELATED TO INCOME OR FINANCIAL NEED:
9 (A) HOSPITAL DISCOUNTED CARE;
10 (B) SLIDING SCALE FEES; OR
11 (C) CHARITY CARE OR MEDICAL FINANCIAL ASSISTANCE POLICIES;
12 OR
13 (VIII) A REFUSAL TO EXTEND CREDIT ON SPECIFIC TERMS OR THE
14 REFUSAL TO ENTER INTO A FINANCIAL TRANSACTION WITH A SPECIFIC
15 CONSUMER IS BASED ON DATA PROVIDED IN A CONSUMER REPORT
16 COVERED BY THE FEDERAL "FAIR CREDIT REPORTING ACT", 15 U.S.C.
17 SEC. 1681 ET SEQ.
18 (2) **Individualized wage setting.**
19 (a) A PERSON SHALL NOT ENGAGE IN INDIVIDUALIZED WAGE
20 SETTING.
21 (b) A PERSON HAS NOT ENGAGED IN INDIVIDUALIZED WAGE
22 SETTING IF THE PERSON CAN DEMONSTRATE THAT:
23 (I) THE PERSON OFFERS INDIVIDUALIZED WAGES BASED SOLELY ON
24 DATA SPECIFIC TO THE INDIVIDUAL WORKER THAT IS DIRECTLY RELATED
25 TO THE TASKS THE WORKER WAS HIRED TO PERFORM, INCLUDING DATA
26 ASSOCIATED WITH A WORKER'S PERFORMANCE OR GENERATION OF NEW
27 BUSINESS; AND
28 (II) THE PERSON DISCLOSES IN PLAIN LANGUAGE BEFORE HIRING A
29 WORKER TO PERFORM WORK, AND TO ALL WORKERS WHOSE WAGES ARE
30 SET IN WHOLE OR IN PART THROUGH A PRICE OR WAGE SETTING
31 ALGORITHM, WHAT DATA IS CONSIDERED AND HOW THE PRICE OR WAGE
32 SETTING ALGORITHM CONSIDERS THE DATA. TO THE EXTENT THESE
33 DISCLOSURES DUPLICATE DISCLOSURES REQUIRED UNDER EQUAL PAY,
34 WAGE AND HOUR, OR OTHER EXISTING LAWS, A PERSON'S OBLIGATIONS
35 UNDER THIS SUBSECTION (2)(b)(II) MAY BE FULFILLED BY COMPLYING
36 WITH APPLICABLE LAW.
37 (3) **Publication of procedures.** A PERSON THAT USES A PRICE OR
38 WAGE SETTING ALGORITHM SHALL DEVELOP AND PUBLISH REASONABLE
39 PROCEDURES:
40 (a) TO ENSURE THE ACCURACY OF ALL DATA CONSIDERED BY THE
41 PRICE OR WAGE SETTING ALGORITHM;
42 (b) FOR WORKERS TO REQUEST AND RECEIVE INFORMATION
43 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 2. 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."

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