

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

May 6, 2026
Date

Committee on Judiciary.

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

HB26-1255 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 3, strike lines 7 through 27.

2 Page 4, strike lines 1 through 23 and substitute:

3 "(b) "SOCIAL MEDIA PLATFORM" HAS THE MEANING SET FORTH IN
4 SECTION 6-1-1601 (4); EXCEPT THAT "SOCIAL MEDIA PLATFORM" INCLUDES
5 AN INTERNET-BASED SERVICE OR APPLICATION IN WHICH THE
6 PREDOMINANT OR EXCLUSIVE FUNCTION IS INTERACTIVE GAMING, VIRTUAL
7 GAMING, OR AN ONLINE SERVICE THAT ALLOWS THE CREATION AND
8 UPLOADING OF CONTENT FOR THE PURPOSE OF INTERACTIVE OR VIRTUAL
9 GAMING, AS DESCRIBED IN SECTION 6-1-1601 (4)(b)(VII)."

10 Page 5, line 6, strike "AND".

11 Page 5, line 14, strike "AGENCY." and substitute "AGENCY; AND".

12 Page 5, after line 14 insert:

13 "(c) REQUIRE A LAW ENFORCEMENT AGENCY THAT ACCESSES THE
14 STAFFED HOTLINE ESTABLISHED PURSUANT TO SUBSECTION (2)(b) OF THIS
15 SUBSECTION TO PROVIDE, PRIOR TO OR CONTEMPORANEOUSLY WITH ANY
16 REQUEST FOR USER INFORMATION OR SEARCH WARRANT COMPLIANCE, A
17 SWORN WRITTEN AFFIRMATION ATTESTING THAT:

18 (I) THE REQUEST IS NOT MADE IN CONNECTION WITH AN
19 INVESTIGATION INTO CONDUCT THAT CONSTITUTES LEGALLY PROTECTED
20 HEALTH-CARE ACTIVITY, AS DEFINED IN SECTION 12-30-121 (1)(d); AND

21 (II) THE REQUESTING AGENCY HAS NOT RECEIVED, AND IS NOT
22 ACTING ON BEHALF OF, A REQUEST FROM AN OUT-OF-STATE LAW

1 ENFORCEMENT AUTHORITY SEEKING INFORMATION RELATED TO LEGALLY
2 PROTECTED HEALTH-CARE ACTIVITY UNDER COLORADO LAW. AN
3 OPERATOR THAT RECEIVES AN AFFIRMATION PURSUANT TO THIS
4 SUBSECTION (2)(c) SHALL RETAIN THE AFFIRMATION FOR AT LEAST THREE
5 YEARS."

6 Page 7, strike lines 3 through 9 and substitute:

7 "(a) (I) "ADVERSE ACTION" MEANS A RESTRICTION, SUSPENSION,
8 OR TERMINATION OF A USER'S ACCOUNT ON A SOCIAL MEDIA PLATFORM
9 AFTER HUMAN REVIEW, WHICH RESTRICTION, SUSPENSION, OR
10 TERMINATION IS IMPLEMENTED AGAINST A USER IN RESPONSE TO THE USER
11 POSTING CONTENT THAT IS AVAILABLE TO THE GENERAL PUBLIC IN
12 VIOLATION OF THE SOCIAL MEDIA PLATFORM'S POLICIES CONCERNING
13 SPECIFIC OR IMMINENT THREATS.

14 (II) "ADVERSE ACTION" DOES NOT INCLUDE AN ACTION TAKEN
15 SOLELY IN RESPONSE TO CONTENT THAT CONSTITUTES, DESCRIBES,
16 FACILITATES, OR DISCUSSES LEGALLY PROTECTED HEALTH-CARE ACTIVITY
17 AS DEFINED IN SECTION 12-30-121 (1)(d), INCLUDING DISCUSSION OF,
18 REFERRAL TO, OR ASSISTANCE WITH OBTAINING REPRODUCTIVE
19 HEALTH-CARE SERVICES THAT ARE LAWFUL UNDER COLORADO LAW."

20 Page 7, line 23, after "(2)" insert "(a)".

21 Page 7, after line 27 insert:

22 "(b) NOTWITHSTANDING SUBSECTION (2)(a) OF THIS SECTION, AN
23 OPERATOR SHALL NOT REPORT AN ADVERSE ACTION TO A LOCAL LAW
24 ENFORCEMENT AGENCY IF THE OPERATOR HAS A GOOD FAITH BELIEF THAT
25 THE CONTENT AT ISSUE CONSTITUTES LEGALLY PROTECTED HEALTH-CARE
26 ACTIVITY AS DEFINED IN SECTION 12-30-121 (1)(d)."

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