

CHAPTER 343

CONSUMER AND COMMERCIAL TRANSACTIONS

SENATE BILL 26-051

BY SENATOR(S) Ball and Liston, Hinrichsen;
also REPRESENTATIVE(S) Paschal and Ricks, Lindsay, Story.

AN ACT**CONCERNING AGE ATTESTATION FOR USERS OF COMPUTING DEVICES.***Be it enacted by the General Assembly of the State of Colorado:*

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) The state of Colorado has established a comprehensive framework for consumer data privacy through the enactment of the "Colorado Privacy Act", part 13 of article 1 of title 6, Colorado Revised Statutes, which recognizes that the personal data of minors requires heightened protections;

(b) Under the "Colorado Privacy Act", controllers that process the personal data of minors are subject to additional obligations, including heightened duties related to data processing, targeted advertising, and profiling;

(c) In practice, many applications and online services lack reliable information about whether a user is a minor, which limits their ability to comply with these legal obligations and to implement appropriate safeguards;

(d) As a result, minors may be exposed to harmful design features or the collection and use of personal data in ways that are inconsistent with the protections contemplated by Colorado law; and

(e) A mechanism that allows a computing device to provide a minimal age-category signal to applications can enable compliance with these obligations while minimizing the collection and retention of personal data.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(2) Therefore, with this act, the general assembly intends to establish a framework for age attestation that enables age-appropriate protections while preserving user choice and appropriate parental involvement and avoiding the need for invasive identity verification methods.

SECTION 2. In Colorado Revised Statutes, **add** article 30 to title 6 as follows:

ARTICLE 30
Age Attestation for Online Users

6-30-101. Definitions.

AS USED IN THIS ARTICLE 30, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ACCOUNT" MEANS A USER ACCOUNT THAT CONNECTS AN OPERATING SYSTEM TO A COVERED APPLICATION STORE.

(2) (a) "ACCOUNT HOLDER" MEANS AN INDIVIDUAL IN THE STATE WHO IS AT LEAST EIGHTEEN YEARS OLD, OR THE PARENT OR LEGAL GUARDIAN OF A USER WHO IS A MINOR, AND WHO ESTABLISHES AN ACCOUNT ON A DEVICE.

(b) "ACCOUNT HOLDER" DOES NOT INCLUDE A PARENT OF AN EMANCIPATED MINOR WHO IS A USER OF A DEVICE.

(3) "AGE-BRACKET DATA" MEANS NONPERSONALLY IDENTIFIABLE DATA DERIVED FROM A USER'S BIRTH DATE OR AGE FOR THE PURPOSE OF SHARING WITH COVERED APPLICATIONS, WHICH DATA INDICATES THE USER'S AGE RANGE, INCLUDING, AT A MINIMUM, DATA THAT INDICATES WHETHER A USER IS:

- (a) UNDER THIRTEEN YEARS OLD;
- (b) THIRTEEN YEARS OLD OR OLDER BUT UNDER SIXTEEN YEARS OLD;
- (c) SIXTEEN YEARS OLD OR OLDER BUT UNDER EIGHTEEN YEARS OLD; OR
- (d) EIGHTEEN YEARS OLD OR OLDER.

(4) "AGE SIGNAL" MEANS AGE-BRACKET DATA SENT THROUGH A REAL-TIME SECURE APPLICATION PROGRAMMING INTERFACE FROM AN OPERATING SYSTEM OR COVERED APPLICATION STORE TO A COVERED APPLICATION.

(5) (a) "COVERED APPLICATION" MEANS A CONSUMER SOFTWARE APPLICATION THAT IS ACCESSED THROUGH A COVERED APPLICATION STORE AND THAT MAY BE RUN OR DIRECTED BY A USER ON A DEVICE.

(b) "COVERED APPLICATION" DOES NOT INCLUDE:

(I) A SOFTWARE APPLICATION THAT DOES NOT PROCESS USERS' PERSONAL DATA;
OR

(II) AN APPLICATION FROM A FREE, PUBLICLY AVAILABLE CODE REPOSITORY.

(6)(a) "COVERED APPLICATION STORE" MEANS A PUBLICLY AVAILABLE INTERNET WEBSITE, SOFTWARE APPLICATION, ONLINE SERVICE, OR PLATFORM THAT DISTRIBUTES AND FACILITATES, ON A COMMERCIAL BASIS, THE DOWNLOAD OF APPLICATIONS FROM THIRD-PARTY DEVELOPERS TO USERS OF DEVICES.

(b) "COVERED APPLICATION STORE" DOES NOT INCLUDE:

(I) A CODE REPOSITORY PROVIDER;

(II) A CONTAINERIZED SOFTWARE DISTRIBUTION; OR

(III) AN ONLINE SERVICE OR PLATFORM THAT DISTRIBUTES ANY OF THE FOLLOWING APPLICATIONS IF THE APPLICATION RUNS EXCLUSIVELY WITHIN A SEPARATE HOST APPLICATION:

(A) AN EXTENSION;

(B) A PLUG-IN;

(C) AN ADD-ON; OR

(D) ANY OTHER SOFTWARE APPLICATION.

(7) "DEVELOPER" MEANS A PERSON THAT WRITES, CREATES, MAINTAINS, OR CONTROLS A COVERED APPLICATION.

(8) "DEVICE" MEANS A COMPUTER, MOBILE DEVICE, OR SIMILAR GENERAL-PURPOSE COMPUTING DEVICE THAT IS INTENDED FOR USE BY A CONSUMER.

(9) "FAMILY ACCOUNT APPLICATION" MEANS A COVERED APPLICATION THAT:

(a) OFFERS SUBACCOUNTS OR PROFILES WITHIN THE APPLICATION;

(b) REQUIRES A PAID SUBSCRIPTION OR ACCOUNT CREATION WITH PAYMENT METHOD VERIFICATION AS THE APPLICATION'S PRIMARY BUSINESS MODEL;

(c) DOES NOT PERMIT ACCOUNT CREATION BY MINORS; AND

(d) VERIFIES THAT THE PRIMARY ACCOUNT HOLDER FOR THE APPLICATION IS OVER THE AGE OF EIGHTEEN YEARS OLD USING COMMERCIALY REASONABLE AGE ESTIMATION METHODS.

(10) "MINOR" MEANS AN INDIVIDUAL WHO IS UNDER EIGHTEEN YEARS OLD.

(11) "OPERATING SYSTEM PROVIDER" MEANS A PERSON THAT DEVELOPS, LICENSES, OR CONTROLS THE OPERATING SYSTEM SOFTWARE ON A DEVICE.

(12) "PERSONAL DATA" HAS THE MEANING SET FORTH IN SECTION 6-1-1303 (17).

(13) "PROCESS" HAS THE MEANING SET FORTH IN SECTION 6-1-1303 (18).

(14) "User" MEANS THE PRIMARY USER OF A DEVICE.

6-30-102. Requirements for operating system providers and developers.

(1) ON AND AFTER JULY 1, 2028, AN OPERATING SYSTEM PROVIDER THAT OPERATES A COVERED APPLICATION STORE OR MAKES A COVERED APPLICATION STORE AVAILABLE PRE-INSTALLED ON AN OPERATING SYSTEM SHALL PROVIDE AN ACCESSIBLE INTERFACE AT ACCOUNT SETUP THAT REQUIRES AN ACCOUNT HOLDER TO INDICATE THE BIRTH DATE, AGE, OR AGE BRACKET OF THE USER OF THAT DEVICE FOR THE PURPOSE OF PROVIDING AN AGE SIGNAL TO COVERED APPLICATIONS AVAILABLE IN THE OPERATING SYSTEM PROVIDER'S COVERED APPLICATION STORE. OPERATING SYSTEM PROVIDERS MAY MINIMIZE THE USE OF PERSONAL DATA BY ALLOWING AN ACCOUNT HOLDER TO SELECT AN AGE BRACKET FOR A USER WHO IS EIGHTEEN YEARS OLD OR OLDER WITHOUT PROVIDING A BIRTH DATE OR AGE.

(2) ON AND AFTER JULY 1, 2028, AN OPERATING SYSTEM PROVIDER OR A COVERED APPLICATION STORE SHALL:

(a) PROVIDE DEVELOPERS WITH A REASONABLY CONSISTENT, REAL-TIME APPLICATION PROGRAMMING INTERFACE TO REQUEST AND RECEIVE AN AGE SIGNAL; AND

(b) SEND ONLY THE MINIMUM AMOUNT OF INFORMATION NECESSARY TO COMPLY WITH THIS ARTICLE 30. AN OPERATING SYSTEM PROVIDER OR COVERED APPLICATION STORE SHALL NOT SHARE AN AGE SIGNAL WITH A THIRD PARTY FOR A PURPOSE NOT REQUIRED BY THIS ARTICLE 30.

(3) (a) A COVERED APPLICATION MUST USE THE APPLICATION PROGRAMMING INTERFACE PROVIDED BY THE OPERATING SYSTEM PROVIDER OR COVERED APPLICATION STORE TO:

(I) REQUEST AN AGE SIGNAL WITH RESPECT TO A PARTICULAR USER WHEN THE APPLICATION IS INITIALLY LAUNCHED OR WHEN A USER FIRST CREATES AN ACCOUNT ON THE COVERED APPLICATION; AND

(II) REQUEST A USER'S AGE BRACKET DATA, AS NEEDED, TO UPDATE THE AGE INFORMATION HELD BY THE APPLICATION.

(b) (I) A COVERED APPLICATION THAT RECEIVES AN AGE SIGNAL IS DEEMED TO HAVE KNOWLEDGE OF THE AGE RANGE OF THE USER TO WHOM THE SIGNAL PERTAINS ACROSS ALL PLATFORMS AND POINTS OF ACCESS OF THE COVERED APPLICATION.

(II) A DEVELOPER SHALL NOT WILLFULLY DISREGARD CLEAR AND CONVINCING INFORMATION THAT INDICATES THAT A USER'S AGE IS DIFFERENT THAN THE AGE-BRACKET DATA INDICATED BY AN AGE SIGNAL PROVIDED BY AN OPERATING SYSTEM PROVIDER OR BY A COVERED APPLICATION STORE.

(III) IF A DEVELOPER HAS CLEAR AND CONVINCING INFORMATION THAT A USER'S AGE IS DIFFERENT THAN THE AGE INDICATED BY AN AGE SIGNAL RECEIVED PURSUANT TO THIS ARTICLE 30, THE DEVELOPER SHALL USE THAT INFORMATION AS THE PRIMARY INDICATOR OF THE USER'S AGE.

(IV) EXCEPT AS PROVIDED IN SUBSECTIONS (3)(b)(II) AND (3)(b)(III) OF THIS SECTION, A DEVELOPER SHALL TREAT AN AGE SIGNAL RECEIVED PURSUANT TO THIS ARTICLE 30 AS THE PRIMARY INDICATOR OF A USER'S AGE RANGE.

(V) NOTHING IN THIS SECTION REQUIRES A DEVELOPER TO ACQUIRE AGE-RELATED DATA OTHER THAN AN AGE SIGNAL.

(c) A DEVELOPER SHALL ENSURE THAT A COVERED APPLICATION THAT RECEIVES AN AGE SIGNAL PURSUANT TO THIS ARTICLE 30 USES THE AGE SIGNAL ONLY TO COMPLY WITH APPLICABLE LAW.

(d) A DEVELOPER SHALL ENSURE THAT A COVERED APPLICATION THAT RECEIVES AN AGE SIGNAL PURSUANT TO THIS ARTICLE 30 DOES NOT:

(I) REQUEST MORE INFORMATION CONCERNING THE USER FROM AN OPERATING SYSTEM PROVIDER OR A COVERED APPLICATION STORE THAN THE MINIMUM AMOUNT OF INFORMATION NECESSARY TO COMPLY WITH THIS ARTICLE 30; OR

(II) COMMUNICATE THE AGE SIGNAL TO A THIRD PARTY FOR A PURPOSE NOT REQUIRED BY THIS ARTICLE 30.

(e) NOTWITHSTANDING SUBSECTIONS (3)(a), (3)(b)(I), AND (3)(b)(IV) OF THIS SECTION, A DEVELOPER OF A FAMILY ACCOUNT APPLICATION MAY:

(I) USE THE AGE OF THE PRIMARY ACCOUNT HOLDER OF A FAMILY ACCOUNT APPLICATION AS THE AGE OF A USER FOR PURPOSES OF APPLYING AGE-RELATED SAFETY DEFAULTS AND ACCESS TO FEATURES WITHIN THE FAMILY ACCOUNT APPLICATION; AND

(II) ALLOW THE PRIMARY ACCOUNT HOLDER OF A FAMILY ACCOUNT APPLICATION TO ATTEST TO THE AGE OF THE USERS OF SUBACCOUNTS OF THE FAMILY ACCOUNT APPLICATION.

6-30-103. Applicability to existing devices.

(1) WITH RESPECT TO A DEVICE FOR WHICH ACCOUNT SETUP WAS COMPLETED BEFORE JULY 1, 2028, AN OPERATING SYSTEM PROVIDER SHALL PROVIDE, BEFORE JANUARY 1, 2029, AN ACCESSIBLE INTERFACE THAT ALLOWS AN ACCOUNT HOLDER TO INDICATE THE BIRTH DATE OR AGE OF THE USER OF THAT DEVICE FOR THE PURPOSE OF PROVIDING AN AGE SIGNAL REGARDING THE USER'S AGE-BRACKET DATA TO COVERED APPLICATIONS AVAILABLE IN THE OPERATING SYSTEM PROVIDER'S COVERED APPLICATION STORE.

(2) IF A COVERED APPLICATION LAST UPDATED ON OR AFTER JULY 1, 2027, WAS DOWNLOADED TO A DEVICE BEFORE JULY 1, 2028, AND THE COVERED APPLICATION HAS NOT REQUESTED AN AGE SIGNAL WITH RESPECT TO THE USER OF THE DEVICE ON WHICH THE COVERED APPLICATION WAS DOWNLOADED, THE COVERED APPLICATION MUST REQUEST AN AGE SIGNAL FROM THE COVERED APPLICATION STORE FROM WHICH THE COVERED APPLICATION WAS DOWNLOADED WITH RESPECT TO THAT USER BEFORE JANUARY 1, 2029.

6-30-104. Enforcement - penalties.

(1) A PERSON THAT VIOLATES THIS ARTICLE 30 SHALL PAY A CIVIL PENALTY OF NO MORE THAN TWO THOUSAND FIVE HUNDRED DOLLARS FOR EACH MINOR HARMED BY EACH NEGLIGENT VIOLATION OR NO MORE THAN SEVEN THOUSAND FIVE HUNDRED DOLLARS FOR EACH MINOR HARMED BY EACH INTENTIONAL VIOLATION. THE ATTORNEY GENERAL SHALL ASSESS AND RECOVER THE PENALTY IN A CIVIL ACTION.

(2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, IF AN OPERATING SYSTEM PROVIDER OR A COVERED APPLICATION STORE MAKES A GOOD FAITH EFFORT TO COMPLY WITH THIS ARTICLE 30, TAKING INTO CONSIDERATION AVAILABLE TECHNOLOGY AND ANY REASONABLE TECHNICAL LIMITATIONS OR OUTAGES, THE OPERATING SYSTEM PROVIDER OR COVERED APPLICATION STORE IS NOT LIABLE FOR AN ERRONEOUS AGE SIGNAL INDICATING A USER'S AGE RANGE OR FOR CONDUCT BY A COVERED APPLICATION THAT RECEIVES AN AGE SIGNAL INDICATING A USER'S AGE RANGE.

6-30-105. Applicability - limitations.

(1) THIS ARTICLE 30 DOES NOT:

(a) MODIFY, IMPAIR, OR SUPERSEDE ANY ANTITRUST LAW, INCLUDING THE "COLORADO STATE ANTITRUST ACT OF 2023", ARTICLE 4 OF THIS TITLE 6; OR

(b) REQUIRE THE COLLECTION OF ADDITIONAL PERSONAL DATA FROM DEVICE OWNERS OR DEVICE USERS THAT IS NOT NECESSARY TO COMPLY WITH THIS ARTICLE 30.

(2) AN OPERATING SYSTEM PROVIDER OR COVERED APPLICATION STORE SHALL NOT DISCRIMINATE IN COMPLYING WITH THIS ARTICLE 30. DISCRIMINATION IN COMPLYING WITH THIS ARTICLE 30 INCLUDES:

(a) IMPOSING LESS STRINGENT RESTRICTIONS AND OBLIGATIONS ON ITS OWN APPLICATIONS AND APPLICATION DISTRIBUTION THAN IT DOES ON THOSE FROM THIRD-PARTY APPLICATIONS OR APPLICATION DISTRIBUTORS; OR

(b) USING NONPUBLICLY AVAILABLE DATA COLLECTED FROM A THIRD PARTY IN THE COURSE OF COMPLIANCE WITH THIS ARTICLE 30 TO COMPETE AGAINST THAT THIRD PARTY, GIVE THE COVERED APPLICATION STORE'S SERVICES PREFERENCE RELATIVE TO THOSE OF A THIRD PARTY, OR USE THE NONPUBLICLY AVAILABLE DATA IN AN ANTICOMPETITIVE MANNER IN VIOLATION OF APPLICABLE LAW.

(3) THIS ARTICLE 30 DOES NOT APPLY TO:

(a) A BROADBAND INTERNET ACCESS SERVICE, AS DEFINED IN SECTION 40-15-209 (4)(a);

(b) A TELECOMMUNICATIONS SERVICE, AS DEFINED IN 47 U.S.C. SEC. 153 (53);

(c) THE DELIVERY OF OR USE OF A PHYSICAL PRODUCT;

(d) DATA MAINTAINED BY A STATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN SECTION 23-18-102 (10), THE STATE, A SUBDIVISION OF THE STATE, THE JUDICIAL DEPARTMENT OF THE STATE, OR A COUNTY, CITY AND COUNTY, OR MUNICIPALITY IF THE DATA IS COLLECTED, MAINTAINED, DISCLOSED, COMMUNICATED, AND USED AS AUTHORIZED BY STATE AND FEDERAL LAW FOR NONCOMMERCIAL PURPOSES; OR

(e) AN OPERATING SYSTEM PROVIDER OR DEVELOPER THAT DISTRIBUTES AN OPERATING SYSTEM OR APPLICATION UNDER LICENSE TERMS THAT PERMIT A RECIPIENT TO COPY, REDISTRIBUTE, AND MODIFY THE SOFTWARE WITHOUT ANY PLATFORM-IMPOSED TECHNICAL OR CONTRACTUAL RESTRICTIONS IMPOSED BY THE PROVIDER OR DEVELOPER ON INSTALLING ALL MODIFIED VERSIONS.

(4) THIS ARTICLE 30 DOES NOT IMPOSE LIABILITY THAT ARISES FROM THE USE OF A DEVICE OR APPLICATION BY AN INDIVIDUAL WHO IS NOT THE USER TO WHOM AN AGE SIGNAL PERTAINS ON AN OPERATING SYSTEM PROVIDER, A COVERED APPLICATION STORE, OR A DEVELOPER.

(5) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE 30 TO THE CONTRARY, THIS ARTICLE 30 DOES NOT APPLY TO A DEVELOPER IF THE PREDOMINANT OR EXCLUSIVE FUNCTION OF THE COVERED APPLICATION THAT THE DEVELOPER WRITES, CREATES, MAINTAINS, OR CONTROLS IS:

(a) FACILITATING COMMUNICATION WITHIN A BUSINESS OR AN ENTERPRISE AMONG EMPLOYEES OR AFFILIATES OF THE BUSINESS OR ENTERPRISE, SO LONG AS ACCESS TO THE COVERED APPLICATION IS RESTRICTED TO EMPLOYEES OR AFFILIATES OF THE BUSINESS OR ENTERPRISE;

(b) PROVIDING ENTERPRISE SOFTWARE FUNCTIONS USED BY BUSINESSES, GOVERNMENTS, OR NONPROFIT ORGANIZATIONS; OR

(c) PROVIDING OR OBTAINING TECHNICAL SUPPORT FOR A SOFTWARE PLATFORM, PRODUCT, OR SERVICE.

SECTION 3. Act subject to petition - effective date. This act takes effect July 1, 2028; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect July 1, 2028.

Approved: June 3, 2026