

HOUSE COMMITTEE OF REFERENCE REPORT

	April 2, 2025
Chair of Committee	Date

Committee on Health & Human Services.

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

HB25-1287 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 4, strike lines 23 and 24 and substitute "OR
- 2 PROSPECTIVE COLORADO USER IS:
- 3 (a) A MINOR; OR
- 4 (b) A CHILD FOR PURPOSES OF THE "CHILDREN'S ONLINE PRIVACY
- 5 PROTECTION ACT OF 1998", 18 U.S.C. SEC. 6501, ET SEQ.
- 6 (2) "CHILD" MEANS AN INDIVIDUAL WHO IS UNDER THIRTEEN
- 7 YEARS OF AGE.
- 8 (3) "COLORADO MINOR USER" OR "MINOR USER" MEANS A
- 9 COLORADO RESIDENT WHO".
- 10 Renumber succeeding subsections accordingly.
- 11 Page 5, strike lines 22 and 23 and substitute:
- 12 "(g) ENGAGEMENT FEATURES SUCH AS COMMENTS, LIKES, TAGS,
- 13 AND OTHER FORMS OF FEEDBACK, INCLUDING QUANTIFICATION OF SUCH
- 14 FEATURES, REGARDING ANY ITEM GENERATED BY A USER; AND".
- 15 Page 6, strike lines 7 and 8 and substitute:
- 16 "(11) "PERSONAL DATA" HAS THE MEANING SET FORTH IN SECTION
- 17 6-1-1303 (17)".
- 18 Page 9, strike lines 23 through 26.
- 19 Page 13, strike lines 25 and 26 and substitute "**social media companies**
- 20 **- review process - appeals - collection and retention of personal data**
- 21 **restricted - effective date contingent upon certification of the attorney**
- 22 **general - notice to the revisor of statutes. (1) A SOCIAL MEDIA**
- 23 **COMPANY SHALL IMPLEMENT AN"**.

1 Page 14, line 3, after "(2)" insert (a)".

2 Page 14, strike lines 5 and 6 and substitute "USE OF AN AGE ASSURANCE
3 SYSTEM WITH TOOLS AND SAFEGUARDS FOR COLORADO".

4 Page 14, strike lines 8 through 23 and substitute "SECTIONS 6-1-1602,
5 6-1-1604, AND 6-1-1605.

6 (b) A SOCIAL MEDIA COMPANY SHALL TREAT A COLORADO USER
7 WHO DOES NOT PARTICIPATE IN AN AGE ASSURANCE SYSTEM, OR FOR
8 WHOM AN AGE ASSURANCE SYSTEM DOES NOT RESULT IN A
9 DETERMINATION, AS A MINOR USER. A COLORADO USER WHO IS DEEMED
10 TO BE A MINOR USER MAY APPEAL THE DETERMINATION THROUGH THE
11 REVIEW PROCESS DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION.

12 (3) (a) A SOCIAL MEDIA COMPANY SHALL:

13 (I) IMPLEMENT A REVIEW PROCESS THAT ALLOWS A COLORADO
14 USER TO APPEAL THE COLORADO USER'S AGE DESIGNATION BY SUBMITTING
15 INFORMATION TO ESTABLISH THE COLORADO USER'S AGE WITHIN THIRTY
16 DAYS AFTER THE DETERMINATION IS MADE; AND

17 (II) REVIEW INFORMATION SUBMITTED BY A COLORADO USER
18 PURSUANT TO SUBSECTION (3)(a)(I) OF THIS SECTION AND MAKE A
19 DETERMINATION WITHIN THIRTY DAYS AFTER THE COLORADO USER'S
20 SUBMISSION OF THE INFORMATION.

21 (b) NOTHING IN THIS SECTION REQUIRES THE USE OF
22 GOVERNMENT-ISSUED IDENTIFICATION.

23 (4) A SOCIAL MEDIA COMPANY SHALL:

24 (a) COLLECT PERSONAL DATA OF A COLORADO USER ONLY AS
25 STRICTLY NECESSARY FOR AGE ASSURANCE;

26 (b) UPON DETERMINING WHETHER A COLORADO USER IS A MINOR
27 USER, RETAIN ANY PERSONAL DATA COLLECTED FROM THE USER FOR AGE
28 ASSURANCE FOR NO MORE THAN THIRTY DAYS, SOLELY FOR THE PURPOSE
29 OF EVALUATING AN AGE DETERMINATION APPEAL. IF NO APPEAL IS
30 SUBMITTED WITHIN THIRTY DAYS, A SOCIAL MEDIA COMPANY SHALL
31 IMMEDIATELY DELETE ANY PERSONAL DATA COLLECTED FROM THE USER
32 FOR AGE ASSURANCE, EXCEPT THE DETERMINATION OF WHETHER THE USER
33 IS OR IS NOT A MINOR. IF A USER APPEALS AN AGE DETERMINATION USING
34 THE PROCESS DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION, A SOCIAL
35 MEDIA COMPANY SHALL RETAIN ANY PERSONAL DATA COLLECTED FROM
36 THE USER FOR AGE ASSURANCE FOR THE SOLE PURPOSE OF EVALUATING
37 THE APPEAL WITHIN THIRTY DAYS AFTER ITS SUBMISSION. AFTER THE
38 DETERMINATION OF THE APPEAL, A SOCIAL MEDIA COMPANY SHALL
39 IMMEDIATELY DELETE ANY PERSONAL DATA COLLECTED FROM THE USER
40 FOR AGE ASSURANCE, EXCEPT THE DETERMINATION OF WHETHER THE USER

1 IS A MINOR.

2 (c) SEGREGATE AND NOT COMBINE A COLORADO USER'S PERSONAL
3 DATA COLLECTED FOR AGE ASSURANCE WITH ANY OTHER PERSONAL DATA
4 OF THE USER, EXCEPT WHETHER THE USER IS OR IS NOT DETERMINED TO BE
5 A MINOR; AND

6 (d) NOT STORE OR USE ANY PERSONAL DATA OF A COLORADO USER
7 COLLECTED FOR AGE ASSURANCE FOR ANY OTHER PURPOSE EXCEPT WHERE
8 NECESSARY FOR COMPLIANCE WITH ANY APPLICABLE PROVISIONS OF STATE
9 OR FEDERAL LAW OR REGULATION.

10 (5) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO
11 THE CONTRARY, THIS SECTION TAKES EFFECT OCTOBER 1, 2027; EXCEPT
12 THAT THIS SECTION TAKES EFFECT ONLY IF, ON OR BEFORE OCTOBER 1,
13 2027, THE ATTORNEY GENERAL CERTIFIES THAT NEITHER A COLORADO
14 STATE COURT, THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
15 COLORADO, THE UNITED STATES COURT OF APPEALS FOR THE TENTH
16 CIRCUIT, NOR THE UNITED STATES SUPREME COURT HAS HELD, IN A
17 DECISION THAT HAS NOT BEEN OVERTURNED OR STAYED AND THAT
18 OTHERWISE REMAINS LAW, THAT THE USE OF AN AGE ASSURANCE SYSTEM
19 AS DESCRIBED IN THIS PART 16 VIOLATES THE STATE CONSTITUTION OR
20 THE UNITED STATES CONSTITUTION. NOTHING IN THIS SUBSECTION (5)(a)
21 PRECLUDES FUTURE ACTION TO CONFORM TO SUCH A COURT DECISION IF
22 THIS CERTIFICATION CANNOT BE PROVIDED.

23 (b) IF THE ATTORNEY GENERAL MAKES A CERTIFICATION AS
24 DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION, THE ATTORNEY
25 GENERAL SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING OF THE
26 DATE WHEN THE CERTIFICATION HAS OCCURRED BY EMAILING THE
27 WRITTEN NOTICE TO REVISOROFSTATUTES.GA@COLEG.GOV."

28 Page 15, line 11, strike "VERIFIABLE".

29 Page 15, strike line 12 and substitute "IN SECTION 6-1-1308.5 (3)(a);
30 AND".

31 Page 15, strike lines 18 through 27.

32 Strike pages 16 and 17 and substitute:
33 **"6-1-1605. Colorado minor user accounts - requirements for".**

34 Renumber succeeding C.R.S. sections accordingly.

35 Page 18, line 5, after "INCLUDING" insert "APPLICABLE".

36 Page 18, strike line 14.

- 1 Page 18, strike lines 16 through 21 and substitute "DISCLOSED; AND
2 (III) INCLUDES A DESCRIPTION OF HOW ALL PERSONALIZED
3 RECOMMENDATION SYSTEMS ARE USED BY THE SOCIAL MEDIA COMPANY
4 TO PROVIDE INFORMATION TO MINORS AND INFORMATION REGARDING HOW
5 MINORS OR THEIR PARENTS CAN OPT OUT OF OR CONTROL SUCH SYSTEMS;
6 (c) CONFIGURE THE FOLLOWING DEFAULT SETTINGS:
7 (I) RESTRICT PUBLIC ACCESS TO A USER'S PERSONAL DATA
8 COLLECTED BY OR SHARED ON THE SOCIAL MEDIA PLATFORM;
9 (II) DISABLE SEARCH ENGINE INDEXING OF MINOR PROFILES OR".
- 10 Page 18, line 23, strike "(e)" and substitute "(III)".
- 11 Page 18, line 25, strike "(f)" and substitute "(IV)".
- 12 Page 19, strike line 1 and substitute:
13 "(V) RESTRICT THE VISIBILITY OF INFORMATION POSTED BY A
14 MINOR USER SO THAT IT APPEARS ONLY TO USERS WITH".
- 15 Page 19, line 3, strike "(h)" and substitute "(VI)".
- 16 Page 19, line 5, strike "(i)" and substitute "(VII)".
- 17 Page 19, strike lines 7 and 8 and substitute "PLATFORM MAY CONTAIN THE
18 MINOR'S GEOLOCATION INFORMATION; AND
19 (VIII) NOT DISPLAY A MINOR USER'S LOCATION TO OTHER USERS
20 UNLESS THE MINOR EXPRESSLY AND UNAMBIGUOUSLY SHARES THEIR
21 LOCATION WITH A SPECIFIC USER;
22 (d) ALLOW A MINOR TO DOWNLOAD A FILE WITH ALL
23 INFORMATION".
- 24 Page 19, line 10, strike "(k)" and substitute "(e)".
- 25 Page 19, strike lines 15 through 27 and substitute:
26 "(2) A SOCIAL MEDIA COMPANY SHALL:
27 (a) CONFIGURE ALL DEFAULT SETTINGS FOR A MINOR USER'S
28 ACCOUNT ON THE SOCIAL MEDIA PLATFORM TO THE OPTION AVAILABLE
29 THAT PROVIDES THE MOST PROTECTIVE LEVEL OF PRIVACY AND SECURITY
30 FOR THE MINOR USER; AND
31 (b) NOT PROVIDE A MINOR USER WITH A SINGLE SETTING THAT
32 MAKES ALL OF THE DEFAULT SETTINGS LESS PROTECTIVE AT ONCE.".
- 33 Page 20, lines 4 and 5, strike "SAFEGUARDS OR PARENTAL TOOLS," and
34 substitute "SAFEGUARDS,".

1 Page 20, strike line 17 and substitute:
2 **"6-1-1608. Collection of personal data restricted.** A SOCIAL
3 MEDIA PLATFORM SHALL COLLECT PERSONAL DATA ONLY AS IS
4 REASONABLY NECESSARY AND PROPORTIONATE TO PROVIDE OR MAINTAIN
5 A SPECIFIC PRODUCT OR SERVICE REQUESTED BY THE CONSUMER TO WHOM
6 THE DATA PERTAINS.
7 **6-1-1609. Violations - unfair or deceptive trade practice. A".**

8 Page 20, after line 20 insert:
9 **"6-1-1610. Nondiscrimination in applicability.** NOTHING IN THIS
10 PART 16 MAY BE CONSTRUED TO DISCRIMINATE AGAINST A COLORADO
11 MINOR BASED ON RACE, COLOR, ETHNICITY, RELIGION, SEX, DISABILITY,
12 SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, OR
13 NATIONAL ORIGIN."

14 Renumber succeeding C.R.S. sections accordingly.

15 Page 21, strike lines 8 and 9 and substitute:
16 **"6-1-1613. Rules.** (1) THE ATTORNEY GENERAL MAY ADOPT
17 RULES TO IMPLEMENT THIS PART 16, INCLUDING RULES:
18 (a) IDENTIFYING AGE ASSURANCE SYSTEMS THAT CAN DETERMINE
19 WHETHER A USER IS A COLORADO MINOR;
20 (b) DESCRIBING AN APPROPRIATE REVIEW PROCESS FOR A USER
21 WHO APPEALS THEIR AGE DESIGNATION; AND
22 (c) PROVIDING ANY ADDITIONAL PRIVACY PROTECTIONS FOR AGE
23 ASSURANCE DATA.
24 (2) IF THE ATTORNEY GENERAL ADOPTS RULES PURSUANT TO
25 SUBSECTION (1) OF THIS SECTION, THE ATTORNEY GENERAL SHALL
26 PERIODICALLY REVIEW AND UPDATE THE RULES AS NECESSARY TO KEEP
27 PACE WITH EMERGING TECHNOLOGY."

28 Page 21, strike lines 18 and 19 substitute "6-1-1607, Colorado Revised
29 Statutes, as added in section 2 of this act, takes effect October 1, 2025;
30 section 6-1-1603, Colorado Revised Statutes, as added in section 2 of this
31 act, takes effect October 1, 2027, only if the attorney general makes a
32 certification on or before October 1, 2027, as described in section
33 6-1-1603 (5), and the remainder of this act takes effect at".

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