A BILL FOR AN ACT

CONCERNING SOCIAL MEDIA COMPANIES, AND, IN CONNECTION THERewith, ESTABLISHING REQUIREMENTS FOR THE OPERATION OF SOCIAL MEDIA PLATFORMS BY SOCIAL MEDIA COMPANIES AND AUTHORIZING THE ATTORNEY GENERAL TO ENFORCE THE NEW REQUIREMENTS UNDER THE "COLORADO CONSUMER PROTECTION ACT".

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.)

The bill requires that on or before July 1, 2025, a social media
company must post published policies for each of its social media platforms. Thereafter, a social media company must post any updates to the policies within 14 days after the implementation of the updated policies. The published policies must include:

- Contact information that allows a user to ask the social media company questions about the published policies;
- A description of the process that a user must follow to flag content, groups, or other users that the user believes violate the published policies;
- A process to which the social media company commits for the purpose of responding to and resolving user questions and flags;
- A statement that the use of the social media platform for the promotion, sale, or advertisement of any illicit substance; for the sale of any firearm in violation of state or federal law; for sex trafficking of a juvenile; or for the possession, display, exchange, distribution, sale, or creation of, or the inducement to create, sexually exploitative material is prohibited;
- A description of the social media company's process for enforcing its published policies and the potential consequences of violating the published policies; and
- A statement that violations of the published policies that also violate state or federal law will be reported to law enforcement for investigation and potential prosecution.

A social media company must annually submit to the attorney general a report that includes, for each social media platform owned or operated by the social media company:

- The current version of the published policies of the social media platform;
- If the social media company has filed its first report, a complete and detailed description of any changes to the published policies since the previous report;
- A statement of whether the current version of the published policies contains definitions and provisions relating to illicit substances, the sale of firearms in violation of state or federal law, sex trafficking of a juvenile, or the possession, display, exchange, distribution, sale, or creation of, or the inducement to create, sexually exploitative material and, if so, the definitions of those categories and a description of those provisions;
- A detailed description of content moderation practices used by the social media company;
- Data describing actioned items of content and related actions taken by the social media company;
Data concerning how juveniles in Colorado use the social media platform;

A detailed description of the social media platform's age verification practices, how they are enforced, and how the social media platform responds to user reports of violations; and

Data concerning a social media platform's application of its published policies.

The bill also requires a social media company to:

- Use a commercially reasonable process to verify each user's age;
- Allow each user of its social media platforms to select an option to apply the protections available to juveniles;
- Retain any information obtained for age verification purposes only for the purpose of compliance and for no other purpose and to dispose of such information securely after age verification is complete. Additionally, any agent of a social media company that processes age verification information must have its principal place of business in the United States.
- Provide readily accessible and easy-to-use tools and settings for parents and guardians to support an individual that a social media platform knows or reasonably should know is a juvenile with respect to the individual's use of the social media platform. A social media platform must provide similar tools to an individual that the social media platform knows or reasonably should know is a juvenile.
- Provide an individual that the platform knows or reasonably should know is a juvenile with clear and conspicuous warnings of certain threats and events regarding content that the individual shares or accesses on a social media platform;
- Immediately remove any user of a social media platform who promotes, sells, or advertises an illicit substance or engages in the sale of a firearm in violation of state or federal law, the sex trafficking of a juvenile, or the possession, display, exchange, distribution, sale, or creation of, or the inducement to create, sexually exploitative material; keep the user removed until there is human review of this activity; and permanently remove the user if human review confirms the user engaged in such an action;
- Retain for at least one year any data and metadata concerning users' identities and activities on the social media platform;
- Initially respond to any inquiry from a law enforcement.
agency within 3 days after receiving the inquiry to confirm receipt and to fulfill the law enforcement request within 30 days after receiving the inquiry. A social media company shall preserve the data needed to respond to an inquiry from a law enforcement agency.

The bill prohibits a social media company from:

- Alerting a user to the fact that a law enforcement agency is investigating the user's activity and account; or
- Using dark patterns to lead or encourage juveniles to provide personal information beyond what is reasonably expected, to disable safeguards or parental controls, to forgo privacy protections, or to take any action that the social media platform knows is not in the best interest of juveniles reasonably likely to access the social media platform.

A violation of the bill's provisions is a deceptive trade practice and punishable pursuant to the "Colorado Consumer Protection Act".

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Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, add part 16 to article 1 of title 6 as follows:

PART 16

SOCIAL MEDIA COMPANIES

6-1-1601. Definitions. As used in this part 16, unless the context otherwise requires:

(1) "ACTIONED" MEANS A SOCIAL MEDIA COMPANY, DUE TO A SUSPECTED OR CONFIRMED VIOLATION OF ITS PUBLISHED POLICIES, HAS REMOVED, DEMONETIZED, DEPRIORITYED, OR BANNED A USER OR RELEVANT ITEM OF CONTENT.

(2) "CONTENT" MEANS ANY STATEMENTS, COMMENTS, MEDIA, OR INFORMATION THAT IS CREATED, POSTED, SHARED, OR OTHERWISE INTERACTED WITH BY USERS ON A SOCIAL MEDIA PLATFORM. "CONTENT" DOES NOT INCLUDE MEDIA PLACED ON A SERVICE OR AN APPLICATION EXCLUSIVELY FOR THE PURPOSE OF CLOUD STORAGE, TRANSMITTING FILES,
OR FILE COLLABORATION.

(3) "Dark pattern" means a user interface designed to subvert or impair, or manipulated with the substantial effect of subverting or impairing, a user's autonomy, decision-making, or choice.

(4) "Educational entity" means a public school, a charter school, an institute charter school, a board of cooperative services, the Colorado School for the Deaf and the Blind, a private school, a denominational school, a parochial school, a community college, a state college, a state university, or a nonprofit private postsecondary educational institution.

(5) "Ephemeral content" means content that is temporarily made available to users of a social media platform and that includes features, notifications, or visual design cues indicating the content will soon disappear.

(6) "Firearm" means:

(a) A firearm, as defined in section 18-1-901 (3)(h);

(b) An unfinished or three-dimensionally printed frame or receiver of a firearm, as defined in section 18-12-101 (1)(c.5); or

(c) A machine gun conversion device, as defined in section 18-12-101 (1)(g.2).

(7) "Illicit substance" means:

(a) A controlled substance, as defined in section 18-18-102 (5);

(b) Any hemp product, as defined in section 25-5-427 (2)(d), that is not a tincture or cosmetic and has more than one and one-fourth milligrams of THC, as defined in section 44-10-209.
(2)(d), per serving or has a ratio of cannabidiol to THC of less than twenty to one; and

(c) Any product that contains hemp that is intended for human consumption and is not a cosmetic, a dietary supplement, a food, a food additive, or an herb.

(8) "Infinite or endless scroll" means the continuous display or suggestion of new content to a user of a social media platform.

(9) "Juvenile" means an individual under eighteen years of age.

(10) "Personalized recommendation system" means a fully or partially automated system used to suggest, promote, or rank content, based on the personal data of users.

(11) (a) "Published policies" or "policies" means policies adopted and published by a social media company or social media platform that specify, at least, the user behaviors and activities that are permitted on the social media platform owned or operated by the social media company and the user behaviors and activities that may subject a user or an item of content to being actioned.

(b) "Published policies" or "policies" includes terms of service and community guidelines.

(12) "Sex trafficking of a juvenile" means selling, recruiting, harboring, transporting, transferring, isolating, enticing, providing, receiving, obtaining by any means, maintaining, or making available a juvenile for the purpose of commercial sexual activity.
"SEXUALLY EXPLOITATIVE MATERIAL" HAS THE MEANING SET FORTH IN SECTION 18-6-403 (2)(j).

"SOCIAL MEDIA COMPANY" OR "COMPANY" MEANS A PERSON THAT OWNS OR OPERATES ONE OR MORE SOCIAL MEDIA PLATFORMS.

"SOCIAL MEDIA PLATFORM" MEANS AN INTERNET-BASED SERVICE OR APPLICATION THAT HAS USERS IN COLORADO AND MEETS BOTH OF THE FOLLOWING CRITERIA:

(I) A SUBSTANTIAL FUNCTION OF THE SERVICE OR APPLICATION IS TO ALLOW USERS TO INTERACT-socially WITH EACH OTHER WITHIN THE SERVICE OR APPLICATION; AND

(II) THE SERVICE OR APPLICATION ALLOWS A USER TO:

(A) BECOME A REGISTERED USER, ESTABLISH AN ACCOUNT, OR CONSTRUCT A PUBLIC OR SEMI-PUBLIC PROFILE FOR PURPOSES OF SIGNING INTO AND USING THE SERVICE OR APPLICATION; AND

(B) CREATE OR POST CONTENT THAT IS VIEWABLE BY OTHER USERS.

"SOCIAL MEDIA PLATFORM" DOES NOT INCLUDE AN INTERNET-BASED SERVICE OR APPLICATION WHERE THE PREDOMINANT OR EXCLUSIVE FUNCTION OF THE SERVICE OR APPLICATION IS:

(I) PROVIDING ELECTRONIC MAIL;

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

(III) SELLING ENTERPRISE SOFTWARE TO BUSINESSES, GOVERNMENTS, OR NONPROFIT ORGANIZATIONS;
(IV) PROVIDING CLOUD-BASED ELECTRONIC STORAGE, INCLUDING CLOUD-BASED STORAGE THAT ALLOWS COLLABORATIVE EDITING BY INVITED USERS;

(V) FACILITATING TELECONFERENCING AND VIDEO CONFERENCING FEATURES THAT ARE LIMITED TO CERTAIN PARTICIPANTS IN THE TELECONFERENCE OR VIDEO CONFERENCE AND ARE NOT POSTED PUBLICLY OR FOR BROAD DISTRIBUTION TO OTHER USERS;

(VI) FACILITATING CROWD-SOURCED CONTENT FOR REFERENCE GUIDES SUCH AS ENCYCLOPEDIAS AND DICTIONARIES;

(VII) FACILITATING ONLINE SHOPPING OR E-COMMERCE IF THE RELATED INTERACTIONS BETWEEN USERS OR ACCOUNT HOLDERS IS LIMITED TO:

(A) THE ABILITY TO UPLOAD A POST AND COMMENT ON REVIEWS;

(B) THE ABILITY TO DISPLAY LISTS OR COLLECTIONS OF GOODS FOR SALE OR WISH LISTS; AND

(C) OTHER FUNCTIONS THAT ARE FOCUSED ON ONLINE SHOPPING OR E-COMMERCE RATHER THAN OTHER INTERACTIONS BETWEEN USERS OR ACCOUNT HOLDERS;

(VIII) PROVIDING A STREAMING SERVICE THAT STREAMS ONLY LICENSED MEDIA IN A CONTINUOUS FLOW FROM THE SERVICE, WEBSITE, OR APPLICATION TO THE END USER AND DOES NOT REQUIRE A USER OR ACCOUNT HOLDER TO OBTAIN A LICENSE FOR THE MEDIA BY AGREEMENT TO A SOCIAL MEDIA PLATFORM'S TERMS OF SERVICE;

(IX) PROVIDING NEWS, SPORTS, ENTERTAINMENT, OR OTHER CONTENT THAT IS PRESELECTED BY THE PROVIDER; EXCEPT THAT THIS EXEMPTION DOES NOT APPLY TO CONTENT THAT IS USER GENERATED SUCH AS A CHAT, COMMENT, OR INTERACTIVE FUNCTIONALITY THAT IS DIRECTLY
RELATED TO, OR DEPENDENT UPON, THE PROVISION OF THE NEWS, SPORTS,
ENTERTAINMENT, OR OTHER CONTENT;

(X) PROVIDING AN ONLINE SERVICE, WEBSITE, OR APPLICATION
THAT IS USED BY OR UNDER THE DIRECTION OF AN EDUCATIONAL ENTITY,
INCLUDING A LEARNING MANAGEMENT SYSTEM, A STUDENT ENGAGEMENT
PROGRAM, OR A SUBJECT OR SKILL-SPECIFIC PROGRAM, WHERE THE
MAJORITY OF THE CONTENT IS CREATED OR POSTED BY THE PROVIDER OF
THE ONLINE SERVICE, WEBSITE, OR APPLICATION AND THE ABILITY TO
CHAT, COMMENT, OR INTERACT WITH OTHER USERS IS DIRECTLY RELATED
TO THE PROVIDER'S CONTENT;

(XI) PROVIDING OR OBTAINING TECHNICAL SUPPORT FOR A
PLATFORM, PRODUCT, OR SERVICE; OR

(XII) PROVIDING CAREER DEVELOPMENT OPPORTUNITIES,
INCLUDING PROFESSIONAL NETWORKING, JOB SKILLS, LEARNING
CERTIFICATIONS, AND JOB POSTING AND APPLICATION SERVICES.

6-1-1602. Social media companies - published policies -
required disclosures. (1) ON OR BEFORE JULY 1, 2025, A SOCIAL MEDIA
COMPANY SHALL POST PUBLISHED POLICIES FOR EACH SOCIAL MEDIA
PLATFORM OWNED OR OPERATED BY THE SOCIAL MEDIA COMPANY. THE
PUBLISHED POLICIES MUST BE POSTED IN EACH SOCIAL MEDIA PLATFORM
IN A CLEAR AND CONSPICUOUS MANNER REASONABLY DESIGNED TO
INFORM ALL USERS OF THE SOCIAL MEDIA PLATFORM OF THE EXISTENCE
AND CONTENTS OF THE PUBLISHED POLICIES. THEREAFTER, A SOCIAL
MEDIA COMPANY SHALL POST ANY UPDATES TO THE POLICIES WITHIN
FOURTEEN DAYS AFTER THE IMPLEMENTATION OF THE UPDATED POLICIES.

(2) THE PUBLISHED POLICIES POSTED PURSUANT TO SUBSECTION
(1) OF THIS SECTION MUST INCLUDE:
(a) Contact information for the purpose of allowing a user to ask the social media company questions about the published policies;

(b) A description of the process that a user must follow to flag content, groups, or other users that the user believes violate the published policies;

(c) A process to which the social media company commits for the purpose of responding to and resolving user questions and flags as described in subsections (2)(a) and (2)(b) of this section. This process must include procedures to make users aware when the social media company:

(I) Reviews a user’s flag; and

(II) Responds to a user’s flag, including whether action was taken in response.

(d) A statement that the use of the social media platform for the promotion, sale, or advertisement of any illicit substance; for the sale of any firearm in violation of state or federal law; for sex trafficking of a juvenile; or for the possession, display, exchange, distribution, sale, or creation of, or the inducement to create, sexually exploitative material is prohibited;

(e) A description of the social media company’s process for enforcing its published policies and the potential consequences of violating the published policies, which description includes:

(I) Actions the social media company may take against an item of content, a group, or a user, including actions described in section 6-1-1601 (1); and
(II) DETAILS CONCERNING:
(A) WHAT TYPES OF ACTIVITY ON THE SOCIAL MEDIA PLATFORM VIOLATE A PUBLISHED POLICY;
(B) WHAT ACTIONS THE SOCIAL MEDIA COMPANY MAY TAKE IN RESPONSE TO EACH TYPE OF ACTIVITY THAT VIOLATES A PUBLISHED POLICY;
(C) HOW MANY VIOLATIONS OF A PUBLISHED POLICY ARE REQUIRED TO RESULT IN A SPECIFIC ACTION; AND
(D) WHAT ACTIONS THE SOCIAL MEDIA COMPANY MAY TAKE IN RESPONSE TO ACTIVITY THAT VIOLATES MULTIPLE PUBLISHED POLICIES; AND
(f) A STATEMENT THAT VIOLATIONS OF THE PUBLISHED POLICIES THAT VIOLATE STATE OR FEDERAL LAWS WILL BE REPORTED TO LAW ENFORCEMENT FOR INVESTIGATION AND POTENTIAL PROSECUTION, INCLUDING A DESCRIPTION OF WHEN AND HOW A VIOLATION INVOLVING CONTENT CONCERNING AN ILLICIT SUBSTANCE, THE SALE OF A FIREARM IN VIOLATION OF STATE OR FEDERAL LAW, SEX TRAFFICKING OF A JUVENILE, OR THE POSSESSION, DISPLAY, EXCHANGE, DISTRIBUTION, SALE, OR CREATION OF, OR THE INDUCEMENT TO CREATE, SEXUALLY EXPLOITATIVE MATERIAL MAY BE REPORTED TO LAW ENFORCEMENT AND IN WHAT FORMAT THIS INFORMATION WOULD BE PROVIDED.
(3) A SOCIAL MEDIA COMPANY SHALL MAKE ITS PUBLISHED POLICIES AVAILABLE, AT A MINIMUM, IN ENGLISH AND SPANISH.

6-1-1603. Social media companies - report required - mandatory content - searchable public repository. (1) ON AN ANNUAL BASIS IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION, A SOCIAL MEDIA COMPANY SHALL SUBMIT TO THE ATTORNEY GENERAL, IN A USABLE
FORMAT, A REPORT THAT INCLUDES, FOR EACH SOCIAL MEDIA PLATFORM
OWNED OR OPERATED BY THE SOCIAL MEDIA COMPANY:

(a) The current version of the published policies of the
social media platform;

(b) If a social media company has filed its first report, a
complete and detailed description of any changes to the
published policies since the previous report;

(c) A statement of whether the current version of the
published policies contains definitions and provisions relating to
each of the following categories of content and, if so, the
definitions of those categories and a description of those
provisions:

   (I) Illicit substances;

   (II) Sales of firearms in violation of state or federal
laws;

   (III) Sex trafficking of a juvenile; and

   (IV) Possession, display, exchange, distribution, sale, or
creation of, or the inducement to create, sexually exploitative
material;

(d) A detailed description of content moderation
practices used by the social media company for each social media
platform, including:

   (I) Any existing content moderation practices intended to
address the categories of content described in subsection (1)(c)
of this section;

   (II) Under what circumstances content moderation
systems involve automated review exclusively, human review
EXCLUSIVELY, OR ANY OTHER TYPE OR COMBINATION OF CONTENT MODERATION PRACTICES;

(III) HOW CONTENT MODERATION SYSTEMS ARE USED TO ENFORCE PUBLISHED POLICIES OF THE SOCIAL MEDIA PLATFORM, INCLUDING WHEN AND HOW PUBLISHED POLICIES ARE ENFORCED USING AUTOMATED REVIEW, HUMAN REVIEW, OR ANY OTHER TYPE OR COMBINATION OF CONTENT MODERATION PRACTICES;

(IV) HOW THE SOCIAL MEDIA COMPANY RESPONDS TO USER REPORTS OF CONTENT THAT VIOLATES ITS PUBLISHED POLICIES;

(V) HOW THE SOCIAL MEDIA COMPANY REMOVES INDIVIDUAL PIECES OF CONTENT, USERS, OR GROUPS THAT VIOLATE THE PUBLISHED POLICIES OR TAKES OTHER ACTION AGAINST A USER OR GROUP OF USERS THAT VIOLATE THE PUBLISHED POLICIES; AND

(VI) THE LANGUAGES IN WHICH THE SOCIAL MEDIA COMPANY MAKES PUBLISHED POLICIES AVAILABLE;

(e) (I) FOR THE PRECEDING TWELVE MONTHS, DATA INCLUDING:

(A) THE TOTAL NUMBER OF ITEMS OF CONTENT FLAGGED BY THE SOCIAL MEDIA COMPANY, USERS, OR OTHER ENTITIES AS VIOLATING A PUBLISHED POLICY, INCLUDING SUBTOTALS FOR CONTENT IN EACH CATEGORY DESCRIBED IN SUBSECTION (1)(c) OF THIS SECTION;

(B) THE TOTAL NUMBER OF ACTIONED ITEMS OF CONTENT;

(C) THE PERCENTAGE OF FLAGGED ITEMS AND THE PERCENTAGE OF ACTIONED ITEMS OF CONTENT IN EACH CATEGORY DESCRIBED IN SUBSECTION (1)(c) OF THIS SECTION;

(D) THE NUMBER OF TIMES EACH ACTIONED ITEM OF CONTENT WAS VIEWED BY USERS BEFORE IT WAS ACTIONED;

(E) THE NUMBER OF TIMES EACH ACTIONED ITEM OF CONTENT WAS
SHARED;

(F) THE NUMBER OF TIMES USERS APPEALED SOCIAL MEDIA COMPANY ACTIONS TAKEN ON THAT SOCIAL MEDIA PLATFORM AND THE NUMBER OF REVERSALS OF SOCIAL MEDIA COMPANY ACTIONS ON APPEAL, DISAGGREGATED BY EACH TYPE OF ACTION; AND

(G) THE TOTAL NUMBER OF USERS' ACCOUNTS THAT WERE ACTIONED BY THE SOCIAL MEDIA COMPANY DUE TO A USER'S VIOLATION OF THE PUBLISHED POLICIES AND A BREAKDOWN BY PERCENTAGES OF ALL ACTIONS TAKEN AGAINST USERS FOR CONTENT OR ACTIVITY RELATING TO EACH CATEGORY DESCRIBED IN SUBSECTION (1)(c) OF THIS SECTION.

(II) ALL INFORMATION REQUIRED BY SUBSECTION (1)(e)(I) OF THIS SECTION MUST BE DISAGGREGATED INTO THE FOLLOWING CATEGORIES:

(A) THE CATEGORY OF CONTENT, INCLUDING ANY RELEVANT CATEGORIES OR SUBCATEGORIES DESCRIBED IN SUBSECTION (1)(c) OF THIS SECTION;

(B) THE TYPE OF CONTENT, INCLUDING CATEGORIES FOR POSTS, COMMENTS, MESSAGES, PROFILES OF USERS, OR GROUPS OF USERS;

(C) THE TYPE OF MEDIA CATEGORY OF THE CONTENT, INCLUDING CATEGORIES FOR TEXT, IMAGES, AND VIDEOS;

(D) HOW THE CONTENT WAS FLAGGED, INCLUDING WHETHER THE CONTENT WAS FLAGGED BY USERS, COMPANY EMPLOYEES, COMPANY CONTRACTORS, COMMUNITY MODERATORS, ARTIFICIAL INTELLIGENCE, SOFTWARE, AUTOMATED SYSTEMS, OR ANY OTHER MECHANISM; AND

(E) HOW THE CONTENT WAS ACTIONED, INCLUDING WHETHER THE CONTENT WAS ACTIONED BY COMPANY EMPLOYEES, COMPANY CONTRACTORS, COMMUNITY MODERATORS, ARTIFICIAL INTELLIGENCE, SOFTWARE, AUTOMATED SYSTEMS, OR ANY OTHER MECHANISM.
(f) FOR THE PRECEDING TWELVE MONTHS, DATA CONCERNING HOW
JUVENILES IN COLORADO USE THE SOCIAL MEDIA PLATFORM, INCLUDING:

(I) THE TOTAL NUMBER OF JUVENILES IN COLORADO WHO USE THE
SOCIAL MEDIA PLATFORM;

(II) THE TOTAL NUMBER OF INDIVIDUALS WHO CREATE A USER
ACCOUNT THAT INCLUDES A DATE OF BIRTH INDICATING THAT THE
INDIVIDUAL IS AT LEAST EIGHTEEN YEARS OLD BUT WHO APPEAR,
ACCORDING TO THE SOCIAL MEDIA PLATFORM’S AGE VERIFICATION
PROCESS, TO BE JUVENILES;

(III) THE TOTAL NUMBER OF TIMES JUVENILE USERS CREATED,
VIEWED, SHARED, SEARCHED FOR, OR OTHERWISE INTERACTED WITH
CONTENT THAT VIOLATES THE SOCIAL MEDIA PLATFORM’S PUBLISHED
POLICIES RELATED TO EACH CATEGORY LISTED IN SUBSECTION (1)(c) OF
THIS SECTION, DISAGGREGATED BY EACH FORM OF INTERACTION AND EACH
CATEGORY;

(IV) THE TOTAL NUMBER OF ITEMS OF ACTIONED CONTENT THAT
WERE CREATED, VIEWED, SHARED, SEARCHED FOR, OR OTHERWISE
INTERACTED WITH BY JUVENILE USERS, DISAGGREGATED BY EACH FORM
OF INTERACTION;

(V) THE TOTAL NUMBER OF REPORTS THE SOCIAL MEDIA PLATFORM
RECEIVED, FROM ANY SOURCE, ABOUT USERS WHO HAVE NOT PROVIDED
THEIR TRUE AGES TO THE PLATFORM OR OTHERWISE VIOLATED THE
PLATFORM’S PUBLISHED AGE POLICIES, AND HOW THE PLATFORM
RESPONDED TO THESE REPORTS; AND

(VI) THE TOTAL NUMBER OF USERS’ ACCOUNTS THAT WERE
SUSPENDED OR PERMANENTLY REMOVED FROM THE SOCIAL MEDIA
PLATFORM DUE TO A USER’S VIOLATION OF THE PLATFORM’S PUBLISHED
POLICIES RELATED TO EACH CATEGORY LISTED IN SUBSECTION (1)(c) OF
THIS SECTION, DISAGGREGATED BY EACH FORM OF INTERACTION AND EACH
CATEGORY;
AGE POLICIES;

(g) A DESCRIPTION OF THE SOCIAL MEDIA PLATFORM’S AGE VERIFICATION PRACTICES, HOW THEY ARE ENFORCED, HOW THE SOCIAL MEDIA PLATFORM Responds TO USER REPORTS OF VIOLATIONS, AND WHAT ACTION IS TAKEN WHEN A USER IS FOUND TO HAVE VIOLATED THE SOCIAL MEDIA PLATFORM’S AGE POLICIES; AND

(h) DATA CONCERNING A SOCIAL MEDIA PLATFORM’S APPLICATION OF ITS PUBLISHED POLICIES, WHICH DATA MUST BE MADE PUBLICLY AVAILABLE IN A CLEAR AND CONSPICUOUS MANNER AND INCLUDE:

(I) THE NUMBER OF TIMES IN THE PRECEDING CALENDAR YEAR THAT THE SOCIAL MEDIA COMPANY REFERRED A VIOLATION OF ITS PUBLISHED POLICIES TO LAW ENFORCEMENT AGENCIES IN COLORADO;

(II) THE NATURE OF EACH VIOLATION REFERRED TO LAW ENFORCEMENT AGENCIES IN COLORADO;

(III) THE NUMBER OF TIMES THAT LAW ENFORCEMENT AGENCIES IN COLORADO REQUESTED INFORMATION FROM THE SOCIAL MEDIA COMPANY IN THE PRECEDING CALENDAR YEAR REGARDING A USER, A GROUP, OR CONTENT CONCERNING AN ILLECIT SUBSTANCE, THE SALE OF A FIREARM IN VIOLATION OF STATE OR FEDERAL LAW, SEX TRAFFICKING OF A JUVENILE, OR THE POSSESSION, DISPLAY, EXCHANGE, DISTRIBUTION, SALE, OR CREATION OF, OR THE INDUCEMENT TO CREATE, SEXUALLY EXPLOITATIVE MATERIAL, WHEN SUCH INFORMATION IS IDENTIFIABLE FROM THE REQUEST OR CONTENT, INCLUDING THE FORM OF EACH REQUEST, AS WELL AS THE NUMBER OF REQUESTS THAT WENT UNANSWERED, THE REASON WHY THE REQUESTS WENT UNANSWERED, AND THE AVERAGE AND ACTUAL RESPONSE TIMES AND RESOLUTION TIMES OF EACH REQUEST; AND

(IV) THE NUMBER OF INDIVIDUALS WHO ARE EMPLOYED FULL-TIME
AT THE SOCIAL MEDIA COMPANY AND WHO RESPOND TO REQUESTS FOR INFORMATION FROM LAW ENFORCEMENT AS PART OF THEIR EMPLOYMENT DUTIES.

(2) IN CONNECTION WITH THE SUBMISSION OF THE REPORT DESCRIBED IN SUBSECTION (1) OF THIS SECTION, A SOCIAL MEDIA COMPANY SHALL CERTIFY THAT ALL REASONABLE EFFORTS HAVE BEEN MADE TO PROVIDE COMPLETE, TRUE, AND ACCURATE INFORMATION IN FULFILLMENT OF THE REQUIREMENTS OF THIS SECTION. THE FIRST REPORT MUST BE SUBMITTED NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE DATE OF THIS PART 16. THEREAFTER, REPORTS MUST BE SUBMITTED NO LATER THAN FEBRUARY 1 OF EACH YEAR.

(3) THE ATTORNEY GENERAL SHALL MAKE ALL REPORTS SUBMITTED PURSUANT TO THIS SECTION AVAILABLE TO THE PUBLIC IN A SEARCHABLE REPOSITORY ON THE ATTORNEY GENERAL’S WEBSITE.

6-1-1604. Social media companies - age verification requirements - use and disposal of information - domestic information processors. (1) A SOCIAL MEDIA COMPANY SHALL USE A COMMERCIALLY REASONABLE PROCESS TO VERIFY THE AGE OF EACH USER OF A SOCIAL MEDIA PLATFORM THAT THE SOCIAL MEDIA COMPANY OWNS OR OPERATES.

(2) A SOCIAL MEDIA COMPANY SHALL ALLOW EACH USER OF A SOCIAL MEDIA PLATFORM THAT THE SOCIAL MEDIA COMPANY OWNS OR OPERATES TO SELECT AN OPTION TO APPLY TO THE USER THE PROTECTIONS AVAILABLE TO JUVENILES, INCLUDING THE PROTECTIONS DESCRIBED IN SECTIONS 6-1-1605, 6-1-1606, AND 6-1-1607.

(3) WITH REGARD TO ANY INFORMATION CONCERNING A USER OBTAINED BY A SOCIAL MEDIA COMPANY OR ITS AGENT IN ORDER TO
COMPLY WITH THE REQUIREMENTS OF THIS SECTION, A SOCIAL MEDIA COMPANY OR ITS AGENT SHALL:

(a) Retain such information only for the purpose of compliance with this section and for no other purpose; and

(b) Securely dispose of the information after age verification is complete.

(4) Any agent of a social media company that processes age verification information as required by this section shall have its principal place of business in the United States.

6-1-1605. Social media companies - parental tools and settings required - notice required.

(1) A social media platform shall provide readily accessible and easy-to-use tools and settings for parents and guardians to support an individual that a social media platform knows or reasonably should know is a juvenile with respect to the individual's use of the social media platform. The tools and settings must include the ability to:

(a) View and manage a juvenile's privacy and account settings;

(b) Restrict purchases and financial transactions by the juvenile;

(c) View metrics of total time spent on the social media platform;

(d) Restrict time spent on the platform by the juvenile, including the ability to implement maximum daily usage limitations and usage limitations during certain hours;

(e) Limit and opt out of:

(I) Personalized recommendation systems, while still
ALLOWING DISPLAY OF CONTENT IN A CHRONOLOGICAL FORMAT;

(II) INFINITE OR ENDLESS SCROLL FEATURES, WHILE STILL
ALLOWING DISPLAY OF CONTENT IN A CHRONOLOGICAL FORMAT;

(III) EPHEMERAL CONTENT FEEDS;

(IV) PRIVATE MESSAGING AND PRIVATE CONTENT FEATURES;

(V) NOTIFICATION AND ALERT FEATURES;

(VI) REWARD FEATURES OF ANY KIND, INCLUDING REWARDS THE
SOCIAL MEDIA PLATFORM GIVES TO USERS FOR TIME SPENT ON THE
PLATFORM;

(VII) APPEARANCE-ALTERING FILTERS;

(VIII) AUTOMATIC PLAYING OF MEDIA; AND

(IX) GEOLOCATION FEATURES;

(f) LIMIT TYPES OR CATEGORIES OF RECOMMENDATIONS FROM
PERSONAL RECOMMENDATION SYSTEMS AND EPHEMERAL CONTENT FEEDS;

(g) REQUEST AND RECEIVE NOTIFICATIONS FROM THE SOCIAL
MEDIA PLATFORM ABOUT INTERACTIONS BETWEEN THE JUVENILE'S
ACCOUNT AND ACCOUNTS ASSOCIATED WITH ADULT USERS;

(h) REQUEST AND RECEIVE NOTIFICATIONS FROM THE SOCIAL
MEDIA PLATFORM ABOUT THE PRESENCE OF SEXUALLY EXPLOITATIVE
MATERIAL IN THE JUVENILE'S ACCOUNT AND INTERACTIONS BETWEEN THE
JUVENILE'S ACCOUNT AND SEXUALLY EXPLOITATIVE MATERIAL;

(i) EASILY REPORT PREDATORY ACTIVITY AND SEXUALLY
EXPLOITATIVE MATERIAL TO THE SOCIAL MEDIA PLATFORM; AND

(j) DELETE THE JUVENILE'S ACCOUNT AND ANY PERSONAL DATA
COLLECTED FROM OR SHARED BY THE JUVENILE ON THE SOCIAL MEDIA
PLATFORM.

(2) A SOCIAL MEDIA PLATFORM SHALL PROVIDE CLEAR AND
CONSPICUOUS NOTICE TO A USER THAT THE SOCIAL MEDIA PLATFORM
KNOWS OR REASONABLY SHOULD KNOW IS A JUVENILE WHEN TOOLS
DESCRIBED IN THIS SECTION ARE IN EFFECT AND WHAT SETTINGS OR
CONTROLS HAVE BEEN APPLIED.

6-1-1606. Social media companies - safeguards and warnings
for juveniles. (1) A SOCIAL MEDIA PLATFORM SHALL PROVIDE AN
INDIVIDUAL THAT THE SOCIAL MEDIA PLATFORM KNOWS OR REASONABLY
SHOULD KNOW IS A JUVENILE WITH READILY ACCESSIBLE AND
EASY-TO-USE SAFEGUARDS THAT INCLUDE THE ABILITY TO:

(a) LIMIT THE AMOUNT OF TIME THE JUVENILE SPENDS ON THE
SOCIAL MEDIA PLATFORM;

(b) LIMIT THE ABILITY OF OTHER INDIVIDUALS TO COMMUNICATE
WITH THE JUVENILE;

(c) PREVENT OTHER USERS, WHETHER REGISTERED OR NOT, FROM
VIEWING THE JUVENILE'S PERSONAL DATA COLLECTED BY OR SHARED ON
THE SOCIAL MEDIA PLATFORM, INCLUDING PREVENTING PUBLIC ACCESS TO
THE JUVENILE'S PERSONAL DATA;

(d) LIMIT AND OPT OUT OF:
(I) PERSONALIZED RECOMMENDATION SYSTEMS, WHILE STILL
ALLOWING DISPLAY OF CONTENT IN A CHRONOLOGICAL FORMAT;
(II) INFINITE OR ENDLESS SCROLL FEATURES, WHILE STILL
ALLOWING DISPLAY OF CONTENT IN A CHRONOLOGICAL FORMAT;
(III) EPHEMERAL CONTENT FEEDS;
(IV) PRIVATE MESSAGING AND PRIVATE CONTENT FEATURES;
(V) NOTIFICATION AND ALERT FEATURES;
(VI) REWARD FEATURES OF ANY KIND, INCLUDING REWARDS THE
SOCIAL MEDIA PLATFORM GIVES TO USERS FOR TIME SPENT ON THE
PLATFORM;

(VII) APPEARANCE-ALTERING FILTERS;

(VIII) AUTOMATIC PLAYING OF MEDIA; AND

(IX) GEOLOCATION FEATURES;

(e) LIMIT TYPES OR CATEGORIES OF RECOMMENDATIONS FROM PERSONAL RECOMMENDATION SYSTEMS AND EPHEMERAL CONTENT FEEDS;

(f) RESTRICT THE SHARING OF THE GEOLOCATION OF THE JUVENILE TO OTHER USERS ON THE SOCIAL MEDIA PLATFORM AND PROVIDE NOTICE OF THE TRACKING OF THE JUVENILE'S GEOLOCATION; AND

(g) DELETE THE JUVENILE'S ACCOUNT AND ANY PERSONAL DATA COLLECTED FROM OR SHARED BY THE JUVENILE ON THE SOCIAL MEDIA PLATFORM.

(2) A SOCIAL MEDIA PLATFORM SHALL ENSURE THAT, IN THE CASE OF A USER THE SOCIAL MEDIA PLATFORM KNOWS OR REASONABLY SHOULD KNOW IS A JUVENILE, THE DEFAULT SETTING FOR ANY SAFEGUARD DESCRIBED IN THIS SECTION IS THE OPTION AVAILABLE ON THE PLATFORM THAT PROVIDES THE MOST PROTECTIVE LEVEL OF CONTROL OVER PRIVACY AND SAFETY FOR THAT USER.

(3) A SOCIAL MEDIA PLATFORM SHALL PROVIDE AN INDIVIDUAL THAT THE PLATFORM KNOWS OR REASONABLY SHOULD KNOW IS A JUVENILE WITH CLEAR AND CONSPICUOUS WARNINGS WHEN:

(a) CONTENT SHARED BY THE JUVENILE ON THE SOCIAL MEDIA PLATFORM MAY CONTAIN GEOLOCATION INFORMATION;

(b) THE JUVENILE'S DATA MAY BE TRACKED OR USED FOR THE PURPOSE OF ALGORITHMIC PROFILING, RECOMMENDING CONTENT, OR TARGETING ADVERTISING;

(c) THE JUVENILE'S DATA MAY BE SOLD TO THE SOCIAL MEDIA
PLATFORM'S ADVERTISING CLIENTS;

(d) The juvenile's account profile is recommended or displayed to adult users;

(e) The juvenile's account profile is recommended or displayed to users who are not on the juvenile's populated list of connected users on the social media platform; and

(f) The juvenile shares or receives private content from users who are not on the juvenile's populated list of connected users on the social media platform.

6-1-1607. Social media platforms - uses of dark patterns prohibited. A social media platform shall not use dark patterns to lead or encourage juveniles to provide personal information beyond what is reasonably expected, to disable safeguards or parental controls required under this Part 16, to forgo privacy protections, or to take any action that the social media platform knows is not in the best interest of juveniles reasonably likely to access the social media platform.

6-1-1608. Social media companies - removal of users for prohibited activity. (1) A social media company shall:

(a) Immediately remove any user of a social media platform who promotes, sells, or advertises an illicit substance or engages in the sale of a firearm in violation of state or federal law, the sex trafficking of a juvenile, or the possession, display, exchange, distribution, sale, or creation of, or the inducement to create, sexually exploitative material and keep the user removed until there is human review of this activity; and
(b) PERMANENTLY AND AS SOON AS FEASIBLY POSSIBLE REMOVE
THE USER IF HUMAN REVIEW CONFIRMS THE USER ENGAGED IN AN ACTION
DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION.

6-1-1609. Social media companies - cooperation with law
enforcement agencies data retention - response timelines. (1) A
SOCIAL MEDIA COMPANY SHALL RETAIN FOR AT LEAST ONE YEAR ANY
DATA AND METADATA CONCERNING USERS' IDENTITIES AND ACTIVITIES ON
THE SOCIAL MEDIA PLATFORM.

(2) A SOCIAL MEDIA COMPANY SHALL INITIALLY RESPOND TO ANY
INQUIRY OR LEGAL PROCESS FROM A LAW ENFORCEMENT AGENCY WITHIN
THREE DAYS TO CONFIRM RECEIPT AND SHALL FULFILL THE LAW
ENFORCEMENT REQUEST WITHIN THIRTY DAYS AFTER RECEIVING THE
INQUIRY. A SOCIAL MEDIA COMPANY SHALL PRESERVE THE DATA NEEDED
TO RESPOND TO AN INQUIRY FROM A LAW ENFORCEMENT AGENCY.

(3) A SOCIAL MEDIA COMPANY SHALL NOT ALERT A USER TO THE
FACT THAT A LAW ENFORCEMENT AGENCY IS INVESTIGATING THE USER'S
ACTIVITY AND ACCOUNT.

(4) ANY INFORMATION THAT A SOCIAL MEDIA COMPANY PROVIDES
TO A LAW ENFORCEMENT AGENCY AS DESCRIBED IN THIS PART 16 SHALL
BE PROVIDED IN AN EASILY USABLE FORMAT.

6-1-1610. Social media companies - use of algorithms. THE USE
OF A DESIGN, ALGORITHM, OR FEATURE TO PROMOTE OR ENCOURAGE
ENGAGEMENT OR USE BY A JUVENILE ON A SOCIAL MEDIA PLATFORM IS
CONSIDERED "PROCESSING THAT PRESENTS A HEIGHTENED RISK OF HARM
TO A CONSUMER", AS DESCRIBED IN SECTION 6-1-1309, AND IS SUBJECT TO
THE REQUIREMENTS OF SECTION 6-1-1309.

6-1-1611. Right to cure. PRIOR TO INITIATING ANY ENFORCEMENT
ACTION PURSUANT TO SECTION 6-1-1612, THE ATTORNEY GENERAL OR DISTRICT ATTORNEY SHALL ISSUE A NOTICE OF VIOLATION TO A SOCIAL MEDIA COMPANY ALLEGED TO HAVE VIOLATED THIS PART 16 IF A CURE IS DEEMED POSSIBLE. IF THE SOCIAL MEDIA COMPANY FAILS TO CURE THE VIOLATION WITHIN SIXTY DAYS AFTER THE RECEIPT OF THE NOTICE OF VIOLATION, AN ACTION MAY BE BROUGHT PURSUANT TO PART 1 OF THIS ARTICLE 1.

6-1-1612. Social media companies - violations - unfair or deceptive trade practice. A VIOLATION OF THIS PART 16 IS A DECEPTIVE TRADE PRACTICE, AS DESCRIBED IN SECTION 6-1-105 (1)(eeee).

6-1-1613. Duties and obligations not exclusive - remedies not exclusive. (1) THE DUTIES AND OBLIGATIONS IMPOSED BY THIS PART 16 ARE IN ADDITION TO ANY OTHER DUTIES OR OBLIGATIONS IMPOSED UNDER LOCAL, STATE, OR FEDERAL LAW, AND THIS PART 16 DOES NOT RELIEVE ANY PARTY FROM ANY DUTIES OR OBLIGATIONS IMPOSED UNDER LAW.

(2) THE REMEDIES OR PENALTIES PROVIDED BY THIS PART 16 ARE IN ADDITION TO EACH OTHER AND TO ANY OTHER REMEDIES OR PENALTIES AVAILABLE UNDER LOCAL, STATE, OR FEDERAL LAW.

6-1-1614. Severability. IF ANY PROVISION OF THIS PART 16 OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS PART 16 THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS PART 16 ARE DECLARED TO BE SEVERABLE.

SECTION 2. In Colorado Revised Statutes, 6-1-105, amend (1)(cccc) and (1)(ddddd); and add (1)(eeee) as follows:

6-1-105. Unfair or deceptive trade practices. (1) A person
engages in a deceptive trade practice when, in the course of the person's business, vocation, or occupation, the person:

(cccc) Sells or offers for sale a product that is age-restricted to a person who does not meet the age restriction; or

(dddd) Fails to register a mobile home park in violation of section 38-12-1106; or

(eeee) Knowingly or recklessly violates or aids or abets the commission of a violation of Part 16 of this Article 1.

SECTION 3. Act subject to petition - effective date. This act takes effect July 1, 2025; 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 2024 and, in such case, will take effect July 1, 2025, or on the date of the official declaration of the vote thereon by the governor, whichever is later.