

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business, Labor, & Technology.

SB24-041 be amended as follows:

1 Amend printed bill, page 5, line 13, strike "INFORMATION" and substitute
2 "DATA".

3 Page 6, strike lines 7 and 8 and substitute:

4 "(b) DOES NOT INCLUDE:

5 (I) THE CONTENT OF COMMUNICATIONS REGARDING LOCATION; OR

6 (II) ANY DATA GENERATED BY OR CONNECTED TO ADVANCED
7 UTILITY".

8 Page 7, line 5, strike "(1)" and substitute "(1), (3)(d), and (3)(e); and **add**
9 (3)(f)".

10 Page 7, after line 23 insert:

11 "(3) The obligations imposed on controllers or processors under
12 this part 13 do not:

13 (d) Apply to information made available by a third party that the
14 controller has a reasonable basis to believe is protected speech pursuant
15 to applicable law; **and**

16 (e) Apply to the processing of personal data by an individual in
17 the course of a purely personal or household activity; **AND**

18 (f) REQUIRE A CONTROLLER OR PROCESSOR TO IMPLEMENT AN AGE
19 VERIFICATION OR AGE-GATING SYSTEM OR OTHERWISE AFFIRMATIVELY
20 COLLECT THE AGE OF CONSUMERS.".

21 Page 8, strike lines 1 through 11 and substitute "CONTROLLER AND SHALL
22 ASSIST THE CONTROLLER TO MEET THE CONTROLLER'S OBLIGATIONS
23 UNDER SECTIONS 6-1-1308.5 AND 6-1-1309.5, TAKING INTO ACCOUNT THE
24 NATURE OF THE PROCESSING AND THE INFORMATION AVAILABLE TO THE
25 PROCESSOR. THE PROCESSOR SHALL ASSIST THE CONTROLLER BY:

26 (a) TAKING APPROPRIATE TECHNICAL AND ORGANIZATIONAL
27 MEASURES, INsofar AS THIS IS POSSIBLE, FOR THE FULFILLMENT OF THE
28 CONTROLLER'S OBLIGATIONS UNDER SECTION 6-1-1308.5; **AND**

29 (b) PROVIDING INFORMATION TO ENABLE".

30 Page 10, strike lines 1 through 7 and substitute:

31 "(C) PROFILING IN FURTHERANCE OF DECISIONS THAT PRODUCE
32 LEGAL OR SIMILARLY SIGNIFICANT EFFECTS CONCERNING A CONSUMER;".

- 1 Page 10, line 16, strike "(I)".
- 2 Page 10, line 18, strike "FEATURE." and substitute "FEATURE; OR".
- 3 Page 10, strike lines 19 through 22.
- 4 Page 10, line 27, after "COLLECTS" inert "AND RETAINS".
- 5 Page 12, after line 14 insert:
 - 6 "(4) SUBSECTIONS (2)(a) AND (2)(b) OF THIS SECTION DO NOT
 - 7 APPLY TO ANY SERVICE OR APPLICATION THAT IS USED BY AND UNDER THE
 - 8 DIRECTION OF AN EDUCATIONAL ENTITY, INCLUDING A LEARNING
 - 9 MANAGEMENT SYSTEM OR A STUDENT ENGAGEMENT PROGRAM."

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