

First Extraordinary Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25B-0012.01 Josh Schultz x5486

SENATE BILL 25B-008

SENATE SPONSORSHIP

Baisley,

HOUSE SPONSORSHIP

(None),

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING CLARIFYING ANTI-DISCRIMINATION PROTECTIONS IN**
102 **INTERACTIONS WITH ARTIFICIAL INTELLIGENCE SYSTEMS.**

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>.)

In 2024, the general assembly enacted Senate Bill 24-205, which created consumer protections in interactions with artificial intelligence systems (provisions). The bill repeals the provisions and declares that prohibitions on discrimination contained in Colorado law apply regardless of whether the challenged conduct is executed, facilitated, or scaled by means of a digital, automated, algorithmic, artificial intelligence, machine

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

learning, or other technological process.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** part 17 of article 1 of title 6 as follows:

4 PART 17

5 DIGITAL-ASSISTED DISCRIMINATION PROHIBITED

6 **6-1-1701. Short title.** THE SHORT TITLE OF THIS PART 17 IS THE
7 "TECHNOLOGY-NEUTRAL ANTI-DISCRIMINATION CLARIFICATION ACT OF
8 2026".

9 **6-1-1702. Legislative declaration.** (1) THE GENERAL ASSEMBLY
10 FINDS AND DECLARES THAT:

11 (a) DISCRIMINATION BASED ON PROTECTED CHARACTERISTICS IS
12 UNLAWFUL IN COLORADO WHETHER IT OCCURS IN HOUSING, EMPLOYMENT,
13 PUBLIC ACCOMMODATIONS, EDUCATION, CREDIT, OR ANY OTHER CONTEXT
14 COVERED BY STATE CIVIL RIGHTS STATUTES;

15 (b) ADVANCES IN SOFTWARE, AUTOMATION, ALGORITHMIC
16 DECISION-MAKING, ARTIFICIAL INTELLIGENCE, AND OTHER DIGITAL
17 TECHNOLOGIES DO NOT CREATE A LAWFUL AVENUE TO ENGAGE IN
18 CONDUCT THAT EXISTING LAW ALREADY PROHIBITS; AND

19 (c) CLARIFYING THAT DISCRIMINATORY CONDUCT REMAINS
20 UNLAWFUL REGARDLESS OF THE TOOLS USED WILL:

21 (I) AFFIRM THAT IMPLEMENTING ILLEGAL DISCRIMINATION
22 THROUGH A DIGITAL MECHANISM CONFERS NO LEGAL IMMUNITY;

23 (II) ENSURE COLORADO'S CIVIL RIGHTS STATUTES APPLY
24 CONSISTENTLY ACROSS PRESENT AND FUTURE TECHNOLOGIES, WITHOUT
25 PRIVILEGING OR DISADVANTAGING ANY PARTICULAR METHOD OF

1 IMPLEMENTATION; AND

2 (III) AVOID IMPOSING VICARIOUS LIABILITY ON TECHNOLOGY
3 DEVELOPERS THAT NEITHER INTEND NOR KNOWINGLY FACILITATE
4 DISCRIMINATORY CONDUCT.

5 **6-1-1703. Digital-assisted discrimination prohibited.** ALL
6 PROHIBITIONS ON DISCRIMINATION CONTAINED IN A STATUTE OF THIS
7 STATE APPLY WITH FULL FORCE AND EFFECT REGARDLESS OF WHETHER
8 THE CHALLENGED CONDUCT IS EXECUTED, FACILITATED, OR SCALED, IN
9 WHOLE OR IN PART, BY MEANS OF A DIGITAL, AUTOMATED, ALGORITHMIC,
10 ARTIFICIAL INTELLIGENCE, MACHINE LEARNING, OR OTHER
11 TECHNOLOGICAL PROCESS.

12 **6-1-1704. Rules of construction.** (1) AS USED IN THIS PART 17,
13 "DIGITAL", "AUTOMATED", "ALGORITHMIC", "ARTIFICIAL INTELLIGENCE",
14 "MACHINE LEARNING", AND "OTHER TECHNOLOGICAL PROCESS" ARE
15 ILLUSTRATIVE AND NONEXHAUSTIVE TERMS AND ENCOMPASS PRESENT
16 AND FUTURE MEANS OF COMPUTATION, COMMUNICATION, AND
17 DECISION-MAKING.

18 (2) NOTHING IN THIS PART 17 ALTERS THE LIST OF PROTECTED
19 CHARACTERISTICS ENUMERATED ELSEWHERE IN STATUTE.

20 (3) A CREATOR, PUBLISHER, OR DISTRIBUTOR OF TECHNOLOGY IS
21 LIABLE UNDER THIS PART 17 ONLY IF THAT PARTY INTENTIONALLY
22 ENGAGES IN, DIRECTS, OR KNOWINGLY AIDS THE UNDERLYING
23 DISCRIMINATORY CONDUCT.

24 (4) THIS PART 17 DOES NOT ALTER EXISTING BURDENS OF PROOF,
25 DEFENSES, AND REMEDIES APPLICABLE TO DISCRIMINATION CLAIMS.

26 **SECTION 2. Act subject to petition - effective date -**
27 **applicability.** (1) This act takes effect January 1, 2026; except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within the ninety-day period after final adjournment of the general
4 assembly, then the act, item, section, or part will not take effect unless
5 approved by the people at the general election to be held in November
6 2026 and, in such case, will take effect on the date of the official
7 declaration of the vote thereon by the governor.

8 (2) This act applies to conduct occurring on or after the applicable
9 effective date of this act.