

## SENATE BILL 25-086

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also REPRESENTATIVE(S) Boesenecker and Hartsook, Bird, Brown, Hamrick, Lukens, Paschal, Rydin, Stewart K., Valdez.

CONCERNING PROTECTIONS FOR USERS OF SOCIAL MEDIA, AND, IN CONNECTION THEREWITH, ESTABLISHING CERTAIN REQUIREMENTS FOR SOCIAL MEDIA COMPANIES.

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

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

- (a) Criminal activity endangering Colorado youth occurs widely on social media platforms;
- (b) Through social media, minors can readily obtain illicit substances and firearms in violation of state and federal law; and
  - (c) Minors using social media platforms are regularly victimized by

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.

sexually exploitative crimes, such as sex trafficking and sextortion.

- (2) The general assembly also finds that self-regulation by social media companies has not worked, and it is time for Colorado to step in and put common-sense laws in place to protect its youth.
- (3) Therefore, the general assembly declares that it is in the best interests of the people of Colorado to create a safer social media environment for minors by directing social media companies to:
- (a) Provide annual data about minors' use of social media platforms, including metrics concerning criminal activity;
- (b) State their policies concerning criminal activity and remove users who engage in criminal violations; and
- (c) Responsibly assist Colorado law enforcement agencies with lawful criminal investigations.

**SECTION 2.** In Colorado Revised Statutes, amend with relocated **provisions** part 16 of article 1 of title 6 as follows:

- **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 TAKEN SOME FORM OF ACTION, INCLUDING REMOVAL, DEMONETIZATION, DEPRIORITIZATION, BANNING, SUSPENDING, OR TAKING A SIMILAR MEASURE AGAINST A USER OR AN ITEM OF CONTENT.
- (2) "AGE CATEGORY" MEANS ONE OF THE FOLLOWING AGE GROUPINGS:
  - (a) UNDER THIRTEEN YEARS OF AGE;
- (b) AT LEAST THIRTEEN YEARS OF AGE BUT UNDER SIXTEEN YEARS OF AGE;
- (c) AT LEAST SIXTEEN YEARS OF AGE BUT UNDER EIGHTEEN YEARS
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- (d) AT LEAST EIGHTEEN YEARS OF AGE BUT UNDER TWENTY-FIVE YEARS OF AGE;
- (e) AT LEAST TWENTY-FIVE YEARS OF AGE BUT UNDER THIRTY-FIVE YEARS OF AGE;
- (f) AT LEAST THIRTY-FIVE YEARS OF AGE BUT UNDER FORTY-FIVE YEARS OF AGE;
  - (g) AT LEAST FORTY-FIVE YEARS OF AGE; AND
- (h) NOT RELEVANT, WHICH AGE GROUPING INCLUDES USER ACCOUNTS FOR WHICH AGE IS NOT RELEVANT, SUCH AS ORGANIZATIONAL OR ENTITY ACCOUNTS.
- (3) "COLORADO LAW ENFORCEMENT AGENCY" MEANS A STATE OR LOCAL AGENCY IN COLORADO THAT EMPLOYS PEACE OFFICERS, AS DESCRIBED IN SECTIONS 16-2.5-501 AND 24-31-901.
- (4) (a) "CONTENT" MEANS ANY STATEMENTS, COMMENTS, MEDIA, OR INFORMATION THAT IS CREATED, POSTED, SHARED, OR OTHERWISE INTERACTED WITH BY USERS ON A SOCIAL MEDIA PLATFORM.
- (b) "CONTENT" DOES NOT INCLUDE MEDIA PLACED ON AN INTERNET-BASED SERVICE OR APPLICATION EXCLUSIVELY FOR THE PURPOSE OF CLOUD STORAGE, TRANSMITTING FILES, OR FILE COLLABORATION.
- (5) "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, A NONPROFIT PRIVATE POSTSECONDARY EDUCATIONAL INSTITUTION, OR AN EDUCATION AND TRAINING PROGRAM APPROVED BY THE DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES.
  - (6) "FIREARM" MEANS:

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- (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); and
- (c) A MACHINE GUN CONVERSION DEVICE, AS DEFINED IN SECTION 18-12-101 (1)(g.2).
  - (7) (a) "ILLICIT SUBSTANCE" MEANS:
- (I) A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5);
- (II) 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
- (III) 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.
- (b) NOTWITHSTANDING SUBSECTION (7)(a) OF THIS SECTION, "ILLICIT SUBSTANCE" DOES NOT INCLUDE:
- (I) A PRODUCT THAT MAY BE PRODUCED AND SOLD IN COLORADO PURSUANT TO AND IN COMPLIANCE WITH SECTION 25-5-427, ARTICLE 10 OF TITLE 44, AND RULES ADOPTED PURSUANT TO SUCH PROVISIONS; OR
- (II) A PRODUCT THAT MAY BE PRODUCED FOR PERSONAL USE OR PRODUCED AND ADMINISTERED FOR NATURAL MEDICINE SERVICES PURSUANT TO AND IN COMPLIANCE WITH ARTICLE 170 OF TITLE 12, SECTION 18-18-434, ARTICLE 50 OF TITLE 44, AND RULES ADOPTED PURSUANT TO SUCH PROVISIONS.
  - (8) "MINOR" MEANS AN INDIVIDUAL UNDER EIGHTEEN YEARS OF AGE.
- (9) "MINOR SAFETY TOOL" MEANS A FEATURE, SETTING, TOOL, OR SIMILAR OPTION THAT ALLOWS A MINOR USER OR THEIR PARENT TO PROTECT

THE PRIVACY, SECURITY, OR HEALTH OF THE MINOR USER ON A SOCIAL MEDIA PLATFORM, INCLUDING A FEATURE, SETTING, TOOL, OR SIMILAR OPTION THAT ALLOWS AN INDIVIDUAL TO:

- (a) MAKE AN ACCOUNT PRIVATE;
- (b) CONTROL THE SENDING OR RECEIPT OF DIRECT MESSAGES OR COMMENTS;
  - (c) BLOCK OR REPORT SUSPICIOUS ACCOUNTS;
  - (d) CONTROL TIME SPENT OR CONTENT VIEWED; OR
  - (e) DISABLE OR ALTER ALGORITHMIC SUGGESTIONS OF CONTENT.
  - (10) "PARENT" MEANS A PARENT OR A LEGAL GUARDIAN OF A MINOR.
- (11) (a) "Published Policies" means policies adopted and Published by a social media company pursuant to section 6-1-1603 that specify, at least, the user behaviors and activities that are permitted on a 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" INCLUDES TERMS OF SERVICE AND COMMUNITY GUIDELINES.
- (12) "SEARCH WARRANT" MEANS A SEARCH WARRANT DULY EXECUTED PURSUANT TO PART 3 OF ARTICLE 3 OF TITLE 16.
- (13) "SEX TRAFFICKING OF A MINOR" MEANS SELLING, RECRUITING, HARBORING, TRANSPORTING, TRANSFERRING, ISOLATING, ENTICING, PROVIDING, RECEIVING, OBTAINING BY ANY MEANS, MAINTAINING, OR MAKING AVAILABLE A MINOR FOR THE PURPOSE OF COMMERCIAL SEXUAL ACTIVITY, AS DEFINED IN SECTION 18-3-502 (3).
- (14) "SEXUALLY EXPLOITATIVE MATERIAL" HAS THE MEANING SET FORTH IN SECTION 18-6-403 (2)(j).
- (15) "SOCIAL MEDIA COMPANY" MEANS A PERSON THAT OWNS OR PAGE 5-SENATE BILL 25-086

## OPERATES ONE OR MORE SOCIAL MEDIA PLATFORMS.

- (16) (a) "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, CONSTRUCT A PUBLIC OR SEMIPUBLIC PROFILE FOR PURPOSES OF SIGNING INTO AND USING THE SERVICE OR APPLICATION, OR POPULATE A LIST OF OTHER USERS OR ACCOUNTS WITH WHOM AN INDIVIDUAL SHARES A SOCIAL CONNECTION WITHIN THE SERVICE OR APPLICATION; AND
  - (B) CREATE OR POST CONTENT THAT IS VIEWABLE BY OTHER USERS.
- (b) "SOCIAL MEDIA PLATFORM" DOES NOT INCLUDE AN INTERNET-BASED SERVICE OR APPLICATION IF THE PREDOMINANT OR EXCLUSIVE FUNCTION OF THE SERVICE OR APPLICATION IS:
  - (I) PROVIDING INTERNET ACCESS OR BROADBAND SERVICE;
  - (II) Providing electronic mail;
- (III) PROVIDING DIRECT MESSAGING WHEREBY MESSAGES ARE SENT BETWEEN DEVICES BY ELECTRONIC MEANS, ARE SHARED BETWEEN A SENDER AND A RECIPIENT, ARE VISIBLE ONLY TO THE SENDER AND THE RECIPIENT, ARE NOT POSTED PUBLICLY, AND ARE NOT EMBEDDED INTO A SOCIAL MEDIA PLATFORM;
- (IV) 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;
  - (V) SELLING ENTERPRISE SOFTWARE TO BUSINESSES, GOVERNMENTS,

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## OR NONPROFIT ORGANIZATIONS:

- (VI) PROVIDING CLOUD-BASED ELECTRONIC STORAGE, INCLUDING CLOUD-BASED STORAGE THAT ALLOWS COLLABORATIVE EDITING BY INVITED USERS;
- (VII) 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;
- (VIII) FACILITATING CROWDSOURCED CONTENT FOR REFERENCE GUIDES, SUCH AS ENCYCLOPEDIAS, EDUCATIONAL MATERIALS, AND DICTIONARIES;
- (IX) FACILITATING ONLINE SHOPPING OR E-COMMERCE IF THE RELATED INTERACTIONS BETWEEN USERS OR ACCOUNT HOLDERS ARE LIMITED TO:
- (A) THE ABILITY TO POST AND VIEW COMMENTS AS PART OF RATINGS AND REVIEWS OF PRODUCTS;
- (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;
  - (X) PROVIDING A STREAMING SERVICE THAT:
- (A) STREAMS ONLY LICENSED AND NOT USER-GENERATED MEDIA IN A CONTINUOUS FLOW FROM THE SERVICE, WEBSITE, OR APPLICATION TO THE END USER; AND
- (B) Does not require a user or account holder to obtain a license to the media by agreement to the service's or application's terms of service;
- (XI) Providing news, sports, entertainment, or other PAGE 7-SENATE BILL 25-086

CONTENT THAT IS PRESELECTED BY THE PROVIDER AND NOT USER-GENERATED;

- (XII) 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 CONTENT IS PREDOMINANTLY 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;
- (XIII) PROVIDING OR OBTAINING TECHNICAL SUPPORT FOR A SOFTWARE PLATFORM, PRODUCT, OR SERVICE;
- (XIV) PROVIDING CAREER DEVELOPMENT OPPORTUNITIES, INCLUDING PROFESSIONAL NETWORKING, JOB SKILLS, LEARNING CERTIFICATIONS, AND JOB POSTING AND APPLICATION SERVICES;
  - (XV) FACILITATING ACADEMIC OR SCHOLARLY RESEARCH; OR
- (XVI) REPORTING OR DISSEMINATING NEWS INFORMATION FOR A MASS MEDIUM, AS DEFINED IN SECTION 13-90-119 (1)(a).
- (c) "SOCIAL MEDIA PLATFORM" DOES NOT INCLUDE AN INTERNET-BASED SERVICE OR APPLICATION IF:
- (I) THE CONTENT THAT IS POSTED OR CREATED IS PREDOMINANTLY POSTED OR CREATED BY THE PROVIDER OF THE INTERNET-BASED SERVICE OR APPLICATION AND NOT USER-GENERATED; AND
- (II) THE ABILITY TO CHAT, COMMENT, OR INTERACT WITH OTHER USERS IS DIRECTLY RELATED TO THE PROVIDER'S CONTENT.
- (17) "Subject use" means the use of a social media platform for:
  - (a) THE SALE OR ADVERTISEMENT OF AN ILLICIT SUBSTANCE;
  - (b) THE SALE OF A FIREARM IN VIOLATION OF STATE OR FEDERAL

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- (c) SEX TRAFFICKING OF A MINOR; OR
- (d) THE POSSESSION, DISPLAY, EXCHANGE, DISTRIBUTION, SALE, OR CREATION OF, OR THE INDUCEMENT TO CREATE, SEXUALLY EXPLOITATIVE MATERIAL.
- 6-1-1602. [Formerly 6-1-1601] Social media platform minor users standards. (1) On or after January 1, 2026, a social media platform must establish INCLUDE a function that either:
- (a) Meets the criteria in subsection (2) of this section and be is informed by the standards established in subsection (5) (4) of this section; or
- (b) Displays a pop-up or full screen notification to a user who attests to being under the age of eighteen YEARS OF AGE when the user:
- (I) Has spent one cumulative hour on the social media platform during a twenty-four-hour period; or
- (II) Is on a social media platform between the hours of 10 p.m. and 6 a.m.
- (2) The function established pursuant to subsection (1) of this section must provide users who are under the age of eighteen YEARS OF AGE with information about their engagement in social media that helps the user understand the impact of social media on the developing brain and the mental and physical health of youth MINOR users. The information must be supported by data from peer-reviewed scholarly articles or the sources included in the mental health and technology resource bank established in section 22-2-127.8 (1).
- (3) If the social media platform establishes the function described in subsection (1)(b) of this section, the function must repeat at least every thirty minutes after the initial notification.
- (4) (a) As used in this section, "social media platform" means an internet-based service, website, or application that:

- (I) Has more than one hundred thousand active users in Colorado;
- (II) Permits a person to become a registered user, establish an account, or create a public or semipublic profile for the purpose of allowing users to create, share, and view user-generated content through the account or profile;
- (III) Enables one or more users to create or post content that can be viewed by other users of the medium; and
- (IV) Includes a substantial function to allow users to interact socially with each other within the service or application. A service or application that provides electronic mail or direct messaging services does not meet the criterion described in this subsection (4) on the basis of that function alone.
- (b) "Social media platform" does not include an internet-based service or application in which the predominant or exclusive function is:
  - (I) Providing electronic mail;
- (II) Facilitating commercial transactions, if the interaction with other users or account holders is generally limited to:
- (A) The ability to upload a post and comment on reviews or the ability to display lists or collections of goods for sale or wish lists; and
- (B) The primary function of the platform is focused on online shopping or e-commerce rather than interactions between users or account holders;
- (III) 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;
- (IV) Facilitating crowd-sourced content for reference guides such as encyclopedias and dictionaries;
- (V) Providing cloud-based electronic services, including
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cloud-based services that allow collaborative editing by invited users;

- (VI) Consisting primarily of news, sports, entertainment, or other content that is preselected by the provider and not user generated and any chat, comment, or interactive functionality that is provided incidental to, directly related to, or dependent upon provision of the content;
- (VII) Interactive gaming, virtual gaming, or an online service that allows the creation and uploading of content for the purpose of interactive or virtual gaming;
- (VIII) Providing information concerning businesses, products, or travel information, including user reviews or rankings of businesses or products;
- (IX) 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;
- (X) Selling enterprise software to businesses, governments, or nonprofit organizations;
- (XI) 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 with a social media platform's terms of service;
- (XII) 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, for which 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;
- (XIII) Providing or obtaining technical support for a platform, product, or service;
  - (XIV) Providing career development opportunities, including

professional networking, job skills, learning certifications, and job posting and application services;

- (XV) Focused on facilitating academic or scholarly research; or
- (XVI) Reporting or disseminating news information for a mass medium, as defined in section 13-90-119.
- (5) (4) The chief information officer in the office of information technology, in consultation with the director of the center for health and environmental data division of the Colorado department of public health and environment and the temporary stakeholder group established in section 22-2-127.8, shall establish standards for a user tool or function that meets the requirements of subsection (1) of this section for a social media platform. The standards must:
- (a) Recommend intervals for notification frequency that are similar to those in subsection (3) of this section;
  - (b) Provide sample messaging for the content of the notification;
- (c) Be informed by data and research on the efficacy of notifications; and
- (d) Recommend the age range of users who would most benefit from notifications.
- (5) NOTWITHSTANDING SECTION 6-1-1601 (16), AS USED IN THIS SECTION, "SOCIAL MEDIA PLATFORM" DOES NOT INCLUDE AN INTERNET-BASED SERVICE OR APPLICATION IF THE PREDOMINANT OR EXCLUSIVE FUNCTION OF THE SERVICE OR APPLICATION IS INTERACTIVE GAMING, VIRTUAL GAMING, OR ALLOWING FOR THE CREATION AND UPLOADING OF CONTENT FOR THE PURPOSE OF INTERACTIVE OR VIRTUAL GAMING.
- 6-1-1603. Social media companies published policies required disclosures. (1) On or before July 1, 2026, 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 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. AFTER THE INITIAL POSTING OF THE PUBLISHED POLICIES, A SOCIAL MEDIA COMPANY SHALL POST ANY MATERIAL UPDATES TO THE PUBLISHED POLICIES WITHIN FOURTEEN DAYS AFTER THE IMPLEMENTATION OF THE UPDATED PUBLISHED POLICIES.

- (2) THE PUBLISHED POLICIES POSTED PURSUANT TO SUBSECTION (1) OF THIS SECTION MUST INCLUDE:
- (a) CONTACT INFORMATION OR A DESCRIPTION OF THE PROCESS THAT ALLOWS A USER TO ASK THE SOCIAL MEDIA COMPANY QUESTIONS ABOUT, OR REPORT VIOLATIONS OF, THE PUBLISHED POLICIES;
- (b) A DESCRIPTION OF THE PROCESS THAT A USER MUST FOLLOW TO FLAG CONTENT, ACTIVITY, GROUPS, OR OTHER USERS THAT THE USER BELIEVES VIOLATE THE PUBLISHED POLICIES;
- (c) A DESCRIPTION OF THE SOCIAL MEDIA COMPANY'S PROCESS TO RESPOND TO AND RESOLVE USER QUESTIONS, REPORTS, AND FLAGS AS DESCRIBED IN SUBSECTIONS (2)(e) AND (2)(f) OF THIS SECTION. IF APPLICABLE, THIS DESCRIPTION MUST INCLUDE INFORMATION ABOUT THE PROCESS BY WHICH THE SOCIAL MEDIA COMPANY INFORMS A REPORTING USER OF THE ACTION TAKEN IN RESPONSE TO THE USER'S QUESTION, REPORT, OR FLAG.
- (d) A DESCRIPTION OF THE SOCIAL MEDIA PLATFORM'S RESTRICTIONS ON THE USE OF THE SOCIAL MEDIA PLATFORM AS TO SUBJECT USES;
- (e) A DESCRIPTION OF THE SOCIAL MEDIA COMPANY'S PROCESS FOR ENFORCING ITS PUBLISHED POLICIES AS TO SUBJECT USES AND THE POTENTIAL CONSEQUENCES OF VIOLATING THE PUBLISHED POLICIES AS TO SUBJECT USES, 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 6-1-1607; AND
  - (II) DETAILS CONCERNING:
  - (A) WHAT ACTIONS THE SOCIAL MEDIA COMPANY MAY TAKE IN

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RESPONSE TO ACTIVITY THAT VIOLATES A PUBLISHED POLICY ON SUBJECT USES, INCLUDING WHETHER AND HOW THOSE ACTIONS MAY VARY WHEN MULTIPLE VIOLATIONS OF A PUBLISHED POLICY OR POLICIES OCCUR; AND

- (B) HOW MANY VIOLATIONS OF A PUBLISHED POLICY CONCERNING A SUBJECT USE ARE REQUIRED TO RESULT IN A SPECIFIC ACTION;
- (f) A DESCRIPTION OF WHEN VIOLATIONS OF PUBLISHED POLICIES ARE REPORTED TO LAW ENFORCEMENT FOR INVESTIGATION AND POTENTIAL PROSECUTION, INCLUDING A DESCRIPTION OF WHEN AND HOW SUBJECT USES WILL BE REPORTED TO LAW ENFORCEMENT AND IN WHAT FORMAT THIS INFORMATION WILL BE PROVIDED; AND
- (g) A LIST OF THE LANGUAGES IN WHICH THE PUBLISHED POLICIES ARE AVAILABLE.
- 6-1-1604. Social media companies published policies and violations report required. (1) On an annual basis in accordance with section 6-1-1606, a social media company shall submit to the department of law, in a machine-readable and open 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 SUBJECT USES;
- (d) For the preceding calendar year, data pertaining to each category of subject uses from users based in the United States as to:
- (I) THE TOTAL NUMBER OF INSTANCES IN WHICH THE SOCIAL MEDIA COMPANY WAS ALERTED TO ILLEGAL CONTENT, ILLEGAL ACTIVITY, OR

POTENTIALLY PUBLISHED-POLICY-VIOLATING CONTENT OR ACTIVITY, DISAGGREGATED BY:

- (A) THE FORM OF THE ALERT, INCLUDING BY USER COMPLAINT OR DETECTION BY THE SOCIAL MEDIA COMPANY OR SOCIAL MEDIA PLATFORM; AND
- (B) THE PERCENTAGE OF SUCH CONTENT OR ACTIVITY THAT WAS ULTIMATELY ACTIONED;
- (II) THE NUMBER OF ACCOUNTS ACTIONED FOR VIOLATING A PUBLISHED POLICY AS TO SUBJECT USES, DISAGGREGATED BY:
- (A) THE NUMBER OF DAYS BETWEEN DETECTION OF THE VIOLATION AND THE SUSPENSION OR REMOVAL OF EACH ACCOUNT; AND
- (B) THE AGE CATEGORY OF THE OPERATOR OF THE SUSPENDED OR REMOVED ACCOUNT;
- (III) WHETHER THE ACCOUNT AND VIOLATIVE CONTENT OR ACTIVITY WAS REFERRED TO LAW ENFORCEMENT;
- (IV) THE TOTAL NUMBER OF ACTIONED ITEMS OF CONTENT, DISAGGREGATED BY TYPE OF ACTION;
- (V) THE DISTRIBUTION OF VIEWS OF ACTIONED ITEMS OF CONTENT BY AGE CATEGORY AND BY SUBJECT USE;
- (VI) THE NUMBER OF INSTANCES IN WHICH A USER APPEALED A DECISION TO REMOVE THE USER'S ACTIONED CONTENT OR REMOVE OR SUSPEND THE USER'S ACCOUNT AND THE PERCENTAGE OF APPEALS THAT RESULTED IN THE RESTORATION OF CONTENT OR AN ACCOUNT;
- (VII) THE NUMBER OF USERS REFERRED TO LAW ENFORCEMENT, DISAGGREGATED BY AGE CATEGORY; AND
- (VIII) THE NUMBER OF REQUESTS FROM COLORADO LAW ENFORCEMENT AGENCIES FOR USER DATA, DISAGGREGATED BY THE RESPONSE TIME FOR EACH REQUEST; AND

- (e) A GENERAL DESCRIPTION OF THE SOCIAL MEDIA PLATFORM'S PUBLISHED POLICIES REGARDING THE AGE OF USERS AND HOW THE SOCIAL MEDIA PLATFORM VERIFIES USERS' AGES, HOW THE SOCIAL MEDIA COMPANY THAT OPERATES THE SOCIAL MEDIA PLATFORM RESPONDS TO USER REPORTS OF POTENTIAL VIOLATIONS, AND WHAT ACTION IS TAKEN WHEN A USER IS FOUND TO HAVE VIOLATED THE SOCIAL MEDIA PLATFORM'S PUBLISHED POLICIES REGARDING AGE, INCLUDING:
- (I) THE TOTAL NUMBER OF USERS THE SOCIAL MEDIA PLATFORM IDENTIFIED, EITHER THROUGH USERS, EMPLOYEES, OR AUTOMATED MEANS, WHO DID NOT PROVIDE THEIR TRUE AGES TO THE SOCIAL MEDIA PLATFORM OR WHO OTHERWISE VIOLATED THE SOCIAL MEDIA PLATFORM'S PUBLISHED POLICIES REGARDING AGE; AND
- (II) THE SOCIAL MEDIA COMPANY'S RESPONSE TO USERS IDENTIFIED AS HAVING NOT PROVIDED THEIR TRUE AGES OR OTHERWISE VIOLATING THE SOCIAL MEDIA PLATFORM'S PUBLISHED POLICIES REGARDING AGE, INCLUDING THE TOTAL NUMBER OF USER ACCOUNTS THAT WERE ACTIONED BY THE SOCIAL MEDIA COMPANY AND A BREAKDOWN BY PERCENTAGES OF THE ACTIONS TAKEN.
- (2) ON AN ANNUAL BASIS IN ACCORDANCE WITH SECTION 6-1-1606, A SOCIAL MEDIA COMPANY SHALL SUBMIT TO THE DEPARTMENT OF LAW, IN A MACHINE-READABLE AND OPEN FORMAT, A REPORT THAT INCLUDES, FOR EACH SOCIAL MEDIA PLATFORM OWNED OR OPERATED BY THE SOCIAL MEDIA COMPANY:
- (a) THE TOTAL NUMBER OF COLORADO-BASED USERS OR ACCOUNT HOLDERS ON THE SOCIAL MEDIA PLATFORM; AND
- (b) Whether a Colorado-based user's account or violative content was shared with law enforcement and, if so, which subject use or subject uses were involved.
- (3) In satisfying the reporting requirements described in subsections (1) and (2) 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.

- 6-1-1605. Social media companies minor usage report required. (1) On an annual basis in accordance with section 6-1-1606, a social media company shall make publicly available, in a machine-readable and open format and in a location that is easily accessible, a report that includes, for each social media platform owned or operated by the social media company, the following data concerning how minors in the United States used the social media platform during the preceding year, disaggregated by age category and gender both for all users in the United States and for all users in Colorado:
- (a) THE TOTAL NUMBER OF MINOR USERS WHO USED THE SOCIAL MEDIA PLATFORM;
- (b) THE DISTRIBUTION OF MINOR USERS WHO SPEND AT LEAST ONE HOUR PER DAY ON THE SOCIAL MEDIA PLATFORM, REPORTED IN ONE-HOUR INCREMENTS, FROM ONE HOUR THROUGH TWENTY-FOUR HOURS;
- (c) The distribution of minor users who spend more than thirty minutes on the social media platform between the hours of 10 p.m. and 6 a.m., reported in thirty-minute increments;
- (d) On average, how many notifications were sent with respect to the tenth, twenty-fifth, fiftieth, seventy-fifth, ninetieth, ninety-ninth, and ninety-nine and nine-tenths percentiles of minor users during each hour between the hours of 8 a.m. and 3 p.m.;
- (e) On average, how many notifications were sent with respect to the tenth, twenty-fifth, fiftieth, seventy-fifth, ninetieth, ninety-ninth, and ninety-nine and nine-tenths percentiles of minor users during each hour between the hours of 10 p.m. and 6 a.m.;
- (f) THE ONE HUNDRED PIECES OF PUBLIC CONTENT MOST FREQUENTLY VIEWED BY MINOR USERS EACH MONTH, INCLUDING HYPERLINKS TO EACH PIECE OF CONTENT;
- (g) THE TOTAL NUMBER OF MINOR USERS WHO HAVE VIEWED, COMMENTED ON, SHARED, OR OTHERWISE INTERACTED WITH ACTIONED

CONTENT THAT WAS FOUND TO VIOLATE THE SOCIAL MEDIA PLATFORM'S PUBLISHED POLICIES, DISAGGREGATED BY PUBLISHED POLICY VIOLATION TYPE AND BY SUBJECT USE;

- (h) A LIST OF MINOR SAFETY TOOLS MADE AVAILABLE BY THE SOCIAL MEDIA PLATFORM, NOTING WHICH TOOLS ARE ENABLED BY DEFAULT AND THE TOTAL NUMBER AND PERCENTAGE OF MINOR USERS WHO HAVE EACH TOOL ENABLED; AND
- (i) IF THE SOCIAL MEDIA PLATFORM MAKES AVAILABLE THE ABILITY TO LINK A PARENT OR FAMILY ACCOUNT, THE PERCENTAGE OF MINOR USERS WHO HAVE LINKED THEIR ACCOUNT TO SUCH A PARENT OR FAMILY ACCOUNT.
- (2) IN SATISFYING THE REPORTING REQUIREMENT 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.
- 6-1-1606. Timing of reports public disclosures commercially reasonable efforts. (1) The first submission of reports by a social media company made pursuant to section 6-1-1604 (1) and (2) and the first public disclosure of reports by a social media company made pursuant to section 6-1-1605 (1) shall occur no later than one hundred eighty days after the effective date of this part 16, as amended. Thereafter, reports shall be submitted no later than February 1 of each year.
- (2) EACH REPORT SUBMITTED PURSUANT TO SECTION 6-1-1604 (1) AND (2) MAY BE MADE AVAILABLE TO THE PUBLIC AT THE ATTORNEY GENERAL'S DISCRETION.
- (3) In satisfying the reporting requirements described in sections 6-1-1604 and 6-1-1605, a social media company shall make commercially reasonable efforts to identify the age categories of users. For the purposes of this subsection (3), the use of current technology for age estimation, age assurance, advertising targeting, or platform measurement is considered a commercially reasonable effort.

- 6-1-1607. Social media companies and social media platforms removal of users for prohibited activity. (1) EXCEPT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, UPON THE DETECTION BY A SOCIAL MEDIA PLATFORM OR SOCIAL MEDIA COMPANY, OR UPON THE NOTIFICATION TO A SOCIAL MEDIA PLATFORM OR SOCIAL MEDIA COMPANY BY A USER, A PARENT OF A MINOR USER, A VISITOR, OR A COLORADO LAW ENFORCEMENT AGENT, THAT A USER OF A SOCIAL MEDIA PLATFORM ENGAGES IN ONE OR MORE SUBJECT USES, THE SOCIAL MEDIA COMPANY THAT OPERATES THE SOCIAL MEDIA PLATFORM SHALL:
- (a) IN THE CASE OF A NOTIFICATION, DETERMINE WITHIN FORTY-EIGHT HOURS WHETHER IT IS A FALSE REPORT OR ALLEGATION;
- (b) FOR NOTIFICATIONS THAT REQUIRE FURTHER INVESTIGATION, AND FOR ALL INSTANCES OF DETECTION BY A SOCIAL MEDIA PLATFORM OR SOCIAL MEDIA COMPANY, DETERMINE WITHIN TEN DAYS AFTER DETECTION OR NOTIFICATION WHETHER THE USER VIOLATED THE SOCIAL MEDIA PLATFORM'S PUBLISHED POLICIES OR STATE LAW. DURING THIS PERIOD, A SOCIAL MEDIA COMPANY SHALL:
- (I) SUSPEND THE USER'S ACCOUNT SUCH THAT THE USER CANNOT ACCESS OR UTILIZE THE SOCIAL MEDIA PLATFORM; AND
- (II) USE ALL AVAILABLE METHODS AND TECHNOLOGY TO PREVENT THE USER FROM OPERATING, REGISTERING, ESTABLISHING, OR OPENING AN ACCOUNT OR PROFILE ON THE SOCIAL MEDIA PLATFORM;
- (c) If the social media company determines that the user violated the social media platform's published policies or state Law, terminate the user's account on the social media platform within twenty-four hours after the determination is made and use all available methods and technology to prevent the user from operating, registering, establishing, or opening an account or profile on the social media platform; and
- (d) If the social media company determines that the user did not violate the social media platform's published policies or state Law, restore the user's access to the social media platform after such determination is made.

- (2) A SOCIAL MEDIA COMPANY SHALL:
- (a) IMPLEMENT A REVIEW PROCESS ALLOWING A USER TO APPEAL A DETERMINATION DESCRIBED IN SUBSECTION (1) OF THIS SECTION; AND
- (b) REVIEW AN APPEAL AND MAKE A DETERMINATION CONCERNING THE APPEAL WITHIN FOURTEEN CALENDAR DAYS AFTER THE USER REQUESTS AN APPEAL.
- (3) A SOCIAL MEDIA PLATFORM MAY ALLOW A USER TO SELL OR ADVERTISE MEDICAL MARIJUANA OR RETAIL MARIJUANA TO USERS WHO ARE AT LEAST TWENTY-ONE YEARS OF AGE SO LONG AS THE SALE OR ADVERTISING COMPLIES WITH ANY RULES ADOPTED PURSUANT TO SECTION 44-10-203 (3)(a).
- 6-1-1608. Social media contact process search warrants deadline for compliance extension of deadline applicability. (1) A SOCIAL MEDIA COMPANY SHALL ENSURE THAT EACH OF ITS SOCIAL MEDIA PLATFORMS PROVIDES A STREAMLINED PROCESS TO ALLOW COLORADO LAW ENFORCEMENT AGENCIES TO CONTACT THE SOCIAL MEDIA COMPANY, WHICH PROCESS DOES AT LEAST THE FOLLOWING:
- (a) Makes available a staffed hotline for Colorado Law Enforcement agency personnel for purposes of:
- (I) RECEIVING AND RESPONDING TO QUESTIONS ABOUT SEARCH WARRANTS;
  - (II) ACKNOWLEDGING RECEIPT OF A SEARCH WARRANT; AND
- (III) PROVIDING STATUS UPDATES ON SEARCH WARRANT COMPLIANCE TO A REQUESTING COLORADO LAW ENFORCEMENT AGENCY;
- (b) Includes a method to provide regular status updates to a requesting Colorado Law enforcement agency in response to a question pertaining to a search warrant, an acknowledgment of receipt of a search warrant, or the status of fulfilling the request of a search warrant; and
- (c) Provides continuous availability of the process to PAGE 20-SENATE BILL 25-086

## COLORADO LAW ENFORCEMENT AGENCIES.

- (2) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION OR ANY OTHER LAW, INCLUDING SECTION 32 OF ARTICLE II OF THE STATE CONSTITUTION; THE "COLORADO PRIVACY ACT", PART 13 OF THIS ARTICLE 1; SECTION 16-3-301 (4); AND THE "REPRODUCTIVE HEALTH EQUITY ACT", PART 4 OF ARTICLE 6 OF TITLE 25, A SOCIAL MEDIA COMPANY SHALL COMPLY WITH A SEARCH WARRANT WITHIN SEVENTY-TWO HOURS AFTER RECEIVING THE SEARCH WARRANT IF ALL OF THE FOLLOWING APPLY:
- (a) THE SEARCH WARRANT IS PROVIDED TO THE SOCIAL MEDIA COMPANY BY A COLORADO LAW ENFORCEMENT AGENCY;
- (b) THE SUBJECT OF THE SEARCH WARRANT IS INFORMATION ASSOCIATED WITH AN ACCOUNT ON A SOCIAL MEDIA PLATFORM OPERATED BY THE SOCIAL MEDIA COMPANY; AND
- (c) THE INFORMATION IS CONTROLLED BY A USER OF THE SOCIAL MEDIA PLATFORM.
- (3) A COURT MAY REASONABLY EXTEND THE TIME REQUIRED TO COMPLY WITH A SEARCH WARRANT PURSUANT TO SUBSECTION (2) OF THIS SECTION IF THE COURT MAKES A WRITTEN FINDING THAT THE SOCIAL MEDIA COMPANY HAS SHOWN GOOD CAUSE FOR THE EXTENSION AND THAT AN EXTENSION WOULD NOT CAUSE AN ADVERSE RESULT, AS DEFINED IN 18 U.S.C. SEC. 2705 (a)(2).
- (4) THIS SECTION DOES NOT APPLY TO A SOCIAL MEDIA PLATFORM WITH FEWER THAN ONE MILLION DISCRETE MONTHLY USERS.
- 6-1-1609. Violations unfair or deceptive trade practice. A PERSON THAT KNOWINGLY OR RECKLESSLY VIOLATES THIS PART 16 COMMITS A DECEPTIVE TRADE PRACTICE, AS DESCRIBED IN SECTION 6-1-105 (1)(iiii).
- **6-1-1610.** 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 ANY OTHER REMEDIES OR PENALTIES AVAILABLE UNDER LOCAL, STATE, OR FEDERAL LAW.
- **6-1-1611. Severability.** If any provision of this part 16 or the application of this part 16 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.
- **6-1-1612. Rules.** The attorney general may adopt rules for the purpose of carrying out this part 16.
- **SECTION 3.** In Colorado Revised Statutes, 6-1-105, add (1)(iiii) as follows:
- 6-1-105. Unfair or deceptive trade practices definitions. (1) A person engages in a deceptive trade practice when, in the course of the person's business, vocation, or occupation, the person:
- (iiii) Knowingly or recklessly violates part 16 of this article 1.
- **SECTION 4.** Act subject to petition effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; 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 such period, 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 on the date of the official declaration of the vote thereon by the governor.

James Rashad Coleman, Sr.

PRESIDENT OF THE SENATE

Julie McCluskie PEAKER OF THE HOUSE

Esther van Mourik SECRETARY OF

THE SENATE

Vanessa Reilly

CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO