

**Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0534.01 Richard Sweetman x4333

**HOUSE BILL 24-1130**

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**HOUSE SPONSORSHIP**

**Daugherty and Lynch,**

**SENATE SPONSORSHIP**

**Lundeen and Hansen,**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING PROTECTING THE PRIVACY OF AN INDIVIDUAL'S**  
102 **BIOMETRIC DATA.**

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**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 amends the "Colorado Privacy Act" to add protections for an individual's biometric data by requiring a person that, alone or jointly with others, determines the purposes for and means of processing biometric data (controller) to adopt a written policy that:

- Establishes a retention schedule for biometric identifiers;
- Includes a protocol for responding to a breach of security

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.

- of biometric data; and
- Includes guidelines that require the permanent destruction of a biometric identifier by the earliest of certain dates.

The bill also:

- Prohibits a controller from collecting a biometric identifier unless the controller first satisfies certain disclosure and consent requirements;
- Specifies certain prohibited acts and requirements for controllers that collect and use biometric data;
- Requires a controller to allow a consumer to access and update a biometric identifier;
- Restricts an employer's permissible reasons for obtaining an employee's consent for the collection of biometric identifiers; and
- Authorizes the attorney general to promulgate rules to implement the bill.

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

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

4 (a) Businesses increasingly use biometric identifiers to attempt to  
5 verify customer identities, streamline transactions, control access to  
6 secure areas, and maximize revenues;

7 (b) Biometric identifiers are unlike other unique identifiers that  
8 are used to verify identity or to access finances or other sensitive  
9 information because, unlike social security numbers, for example,  
10 biometric identifiers cannot be changed; they are unique to an individual,  
11 and once an individual's biometric identifiers are compromised, the  
12 individual has no recourse, is at heightened risk for identity theft, and  
13 may no longer feel safe participating in biometric-facilitated transactions;

14 (c) The public has grown wary of the use of biometric identifiers  
15 due to recent data breaches that have exposed many individuals' biometric  
16 identifiers, leaving those individuals vulnerable to harm; and

1 (d) Biometric identifiers can be collected without an individual's  
2 knowledge, applied instantaneously to identify the individual in  
3 circumstances where the individual has an expectation of privacy and  
4 anonymity, and used to identify and track the individual's movements,  
5 activities, and associations.

6 (2) The general assembly further finds that:

7 (a) One increasingly prevalent biometric collection and matching  
8 technology, facial recognition technology, has been shown to have higher  
9 rates of misidentification and misclassification when it is used on faces  
10 of color, of women, of children, of the elderly, and of transgender and  
11 nonbinary persons; and

12 (b) This misidentification and misclassification has led to  
13 documented cases of businesses refusing admission or service to  
14 individuals because facial recognition systems incorrectly "matched" the  
15 individuals to photos of suspected shoplifters or other individuals who  
16 had been barred from the premises.

17 (3) Therefore, the general assembly declares that the public  
18 welfare, security, and safety will be served by regulating the collection,  
19 use, safeguarding, handling, storage, retention, and destruction of  
20 biometric identifiers.

21 **SECTION 2.** In Colorado Revised Statutes, **add** 6-1-1314 as  
22 follows:

23 **6-1-1314. Biometric data and biometric identifiers -**  
24 **controllers - duties and requirements - written policy - prohibited**  
25 **acts - right to correct biometric identifiers - right to access biometric**  
26 **identifiers - remedies and civil actions - definitions. (1) AS USED IN**  
27 **THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:**

1 (a) "COLLECT", "COLLECTION", OR "COLLECTING" MEANS TO  
2 ACCESS, ASSEMBLE, BUY, RENT, GATHER, PROCURE, RECEIVE, CAPTURE, OR  
3 OTHERWISE OBTAIN ANY BIOMETRIC IDENTIFIER OR BIOMETRIC DATA  
4 PERTAINING TO A CONSUMER BY ANY MEANS, ONLINE OR OFFLINE,  
5 INCLUDING:

6 (I) ACTIVELY OR PASSIVELY RECEIVING BIOMETRIC IDENTIFIER OR  
7 BIOMETRIC DATA FROM THE CONSUMER OR FROM A THIRD PARTY; AND

8 (II) OBTAINING BIOMETRIC DATA BY OBSERVING THE CONSUMER'S  
9 BEHAVIOR.

10 (b) "EMPLOYEE" MEANS AN INDIVIDUAL WHO IS EMPLOYED  
11 FULL-TIME, PART-TIME, OR ON-CALL OR WHO IS HIRED AS A CONTRACTOR,  
12 SUBCONTRACTOR, INTERN, OR FELLOW.

13 (2) **Written policy required.** (a) A CONTROLLER THAT CONTROLS  
14 OR PROCESSES ONE OR MORE BIOMETRIC IDENTIFIERS SHALL ADOPT A  
15 WRITTEN POLICY THAT:

16 (I) ESTABLISHES A RETENTION SCHEDULE FOR BIOMETRIC  
17 IDENTIFIERS;

18 (II) INCLUDES A PROTOCOL FOR RESPONDING TO A BREACH OF  
19 SECURITY OF BIOMETRIC IDENTIFIERS OR BIOMETRIC DATA, INCLUDING A  
20 PROCESS FOR NOTIFYING A CONSUMER WHEN THE SECURITY OF THE  
21 CONSUMER'S BIOMETRIC IDENTIFIER OR BIOMETRIC DATA HAS BEEN  
22 BREACHED; AND

23 (III) INCLUDES GUIDELINES THAT REQUIRE THE PERMANENT  
24 DESTRUCTION OF A BIOMETRIC IDENTIFIER ON OR BEFORE THE EARLIEST OF  
25 THE FOLLOWING DATES:

26 (A) THE DATE UPON WHICH THE INITIAL PURPOSE FOR COLLECTING  
27 THE BIOMETRIC IDENTIFIER HAS BEEN SATISFIED;

1 (B) ONE YEAR AFTER THE CONSUMER INTERACTED WITH THE  
2 CONTROLLER; OR

3 (C) NO MORE THAN FORTY-FIVE DAYS AFTER RECEIVING A  
4 VERIFIED REQUEST TO DELETE THE BIOMETRIC IDENTIFIER.

5 (b) A CONTROLLER SHALL COMPLY WITH ITS POLICY ADOPTED  
6 PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION UNLESS OTHERWISE  
7 DIRECTED BY:

8 (I) A WARRANT ISSUED BY A COURT OF COMPETENT JURISDICTION  
9 FOR A SPECIFIC CONSUMER OR CONTROLLER UNDER INVESTIGATION OR  
10 FORMALLY CHARGED WITH A CRIME; OR

11 (II) A COMPULSORY REQUEST OR DEMAND ISSUED BY A STATE  
12 AGENCY OR A DISTRICT ATTORNEY PURSUANT TO AN INVESTIGATION OF A  
13 VIOLATION OF THIS PART 13.

14 (c) A CONTROLLER SHALL MAKE ITS POLICY ADOPTED PURSUANT  
15 TO SUBSECTION (2)(a) OF THIS SECTION AVAILABLE TO THE PUBLIC;  
16 EXCEPT THAT A CONTROLLER IS NOT REQUIRED TO MAKE AVAILABLE TO  
17 THE PUBLIC A WRITTEN POLICY THAT:

18 (I) APPLIES ONLY TO CURRENT EMPLOYEES OF THE CONTROLLER;  
19 AND

20 (II) IS USED SOLELY BY EMPLOYEES AND AGENTS OF THE  
21 CONTROLLER FOR THE OPERATION OF THE CONTROLLER.

22 (3) **Collection and retention of biometric identifiers -**  
23 **requirements - prohibited acts.** (a) A CONTROLLER SHALL NOT COLLECT  
24 OR PROCESS A BIOMETRIC IDENTIFIER OF A CONSUMER UNLESS THE  
25 CONTROLLER FIRST:

26 (I) SATISFIES ALL DUTIES REQUIRED BY SECTION 6-1-1308;

27 (II) INFORMS THE CONSUMER OR THE CONSUMER'S LEGALLY

1 AUTHORIZED REPRESENTATIVE IN WRITING THAT A BIOMETRIC IDENTIFIER  
2 IS BEING COLLECTED;

3 (III) INFORMS THE CONSUMER OR THE CONSUMER'S LEGALLY  
4 AUTHORIZED REPRESENTATIVE IN WRITING OF THE SPECIFIC PURPOSE FOR  
5 WHICH A BIOMETRIC IDENTIFIER IS BEING COLLECTED AND THE LENGTH OF  
6 TIME THAT THE CONTROLLER WILL RETAIN THE BIOMETRIC IDENTIFIER;

7 (IV) INFORMS THE CONSUMER OR THE CONSUMER'S LEGALLY  
8 AUTHORIZED REPRESENTATIVE IN WRITING OF THE BUSINESS NAME OF ANY  
9 PROCESSOR TO WHICH THE BIOMETRIC IDENTIFIER WILL BE DISCLOSED,  
10 REDISCLOSED, OR OTHERWISE DISSEMINATED; THE SPECIFIC PURPOSE FOR  
11 WHICH THE BIOMETRIC IDENTIFIER IS BEING SHARED WITH A PROCESSOR;  
12 AND THE LENGTH OF TIME THAT A PROCESSOR WILL RETAIN THE BIOMETRIC  
13 IDENTIFIER; AND

14 (V) OBTAINS THE CONSUMER'S CONSENT OR, IN THE CASE OF THE  
15 BIOMETRIC IDENTIFIER OF A KNOWN CHILD, OBTAINS CONSENT FROM THE  
16 CHILD'S PARENT OR LAWFUL GUARDIAN, AS REQUIRED BY SECTION  
17 6-1-1308 (7).

18 (b) A PROCESSOR SHALL SATISFY ALL THE DUTIES DESCRIBED IN  
19 THIS SUBSECTION (3); EXCEPT THAT A PROCESSOR IS NOT REQUIRED TO  
20 OBTAIN CONSENT DIRECTLY FROM A CONSUMER OR THE CONSUMER'S  
21 LEGALLY AUTHORIZED REPRESENTATIVE IF THE CONTROLLER HAS  
22 ACQUIRED SUCH CONSENT AND HAS DISCLOSED TO THE CONSUMER OR THE  
23 CONSUMER'S LEGALLY AUTHORIZED REPRESENTATIVE THE INFORMATION  
24 DESCRIBED IN SUBSECTIONS (3)(a)(II) AND (3)(a)(III) OF THIS SECTION.

25 (c) A CONTROLLER THAT PROCESSES A CONSUMER'S BIOMETRIC  
26 IDENTIFIER SHALL NOT:

27 (I) SELL, LEASE, OR TRADE THE BIOMETRIC IDENTIFIER WITH ANY

1 ENTITY;

2 (II) PERMIT ANY ENTITY TO WHICH THE BIOMETRIC IDENTIFIER IS  
3 TRANSFERRED TO SELL, LEASE, OR TRADE THE BIOMETRIC IDENTIFIER; OR

4 (III) DISCLOSE, REDISCLOSE, OR OTHERWISE DISSEMINATE THE  
5 BIOMETRIC IDENTIFIER UNLESS:

6 (A) THE CONSUMER OR THE CONSUMER'S LEGALLY AUTHORIZED  
7 REPRESENTATIVE CONSENTS TO THE DISCLOSURE, REDISCLOSURE, OR  
8 OTHER DISSEMINATION;

9 (B) THE DISCLOSURE, REDISCLOSURE, OR OTHER DISSEMINATION  
10 IS REQUESTED OR AUTHORIZED BY THE CONSUMER OR THE CONSUMER'S  
11 LEGALLY AUTHORIZED REPRESENTATIVE FOR THE PURPOSE OF  
12 COMPLETING A FINANCIAL TRANSACTION;

13 (C) THE DISCLOSURE, REDISCLOSURE, OR OTHER DISSEMINATION  
14 IS TO A PROCESSOR AND IS NECESSARY FOR THE PURPOSE FOR WHICH THE  
15 BIOMETRIC IDENTIFIER WAS COLLECTED AND TO WHICH THE CONSUMER OR  
16 THE CONSUMER'S LEGALLY AUTHORIZED REPRESENTATIVE CONSENTED;

17 (D) THE DISCLOSURE, REDISCLOSURE, OR OTHER DISSEMINATION  
18 IS REQUIRED BY STATE OR FEDERAL LAW; OR

19 (E) THE DISCLOSURE, REDISCLOSURE, OR OTHER DISSEMINATION  
20 IS REQUIRED PURSUANT TO A WARRANT ISSUED BY A COURT OF  
21 COMPETENT JURISDICTION FOR A CONSUMER OR CONTROLLER UNDER  
22 INVESTIGATION OR FORMALLY CHARGED WITH A CRIME OR PURSUANT TO  
23 A COMPULSORY REQUEST OR DEMAND ISSUED BY A STATE AGENCY OR A  
24 DISTRICT ATTORNEY PURSUANT TO AN INVESTIGATION OF A VIOLATION OF  
25 THIS PART 13.

26 (d) A CONTROLLER SHALL NOT:

27 (I) REFUSE TO PROVIDE A GOOD OR SERVICE TO A CONSUMER,

1     BASED ON THE CONSUMER'S REFUSAL TO CONSENT TO THE CONTROLLER'S  
2     COLLECTION, USE, DISCLOSURE, TRANSFER, SALE, RETENTION, OR  
3     PROCESSING OF A BIOMETRIC IDENTIFIER, UNLESS THE CONSUMER  
4     CONSENTS TO ALLOW THE CONTROLLER TO COLLECT, USE, DISCLOSE,  
5     TRANSFER, SELL, RETAIN, OR PROCESS A BIOMETRIC IDENTIFIER UNLESS  
6     THE COLLECTION, USE, DISCLOSURE, TRANSFER, SALE, RETENTION, OR  
7     PROCESSING OF THE BIOMETRIC IDENTIFIER IS NECESSARY TO PROVIDE THE  
8     GOOD OR SERVICE; ■■■

9             (II) CHARGE A DIFFERENT PRICE OR RATE FOR A GOOD OR SERVICE  
10     OR PROVIDE A DIFFERENT LEVEL OF QUALITY OF A GOOD OR SERVICE TO  
11     ANY CONSUMER WHO EXERCISES THE CONSUMER'S RIGHTS UNDER THIS  
12     PART 13; OR

13             (III) PURCHASE A BIOMETRIC IDENTIFIER UNLESS THE CONTROLLER  
14     PAYS THE CONSUMER FOR THE COLLECTION OF THE CONSUMER'S  
15     BIOMETRIC IDENTIFIER, THE PURCHASE IS UNRELATED TO THE PROVISION  
16     OF A PRODUCT OR SERVICE TO THE CONSUMER, AND THE CONTROLLER HAS  
17     OBTAINED CONSENT AS DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION.

18             (e) A CONTROLLER SHALL STORE, TRANSMIT, AND PROTECT FROM  
19     DISCLOSURE ALL BIOMETRIC IDENTIFIERS USING THE REASONABLE  
20     STANDARD OF CARE WITHIN THE CONTROLLER'S INDUSTRY. IF NO SUCH  
21     STANDARD EXISTS, A CONTROLLER SHALL STORE, TRANSMIT, AND PROTECT  
22     FROM DISCLOSURE ALL BIOMETRIC IDENTIFIERS IN A MANNER THAT IS  
23     EQUAL TO OR MORE PROTECTIVE THAN THE MANNER IN WHICH THE  
24     CONTROLLER STORES, TRANSMITS, AND PROTECTS OTHER CONFIDENTIAL  
25     INFORMATION.

26             (4) **Right to update biometric identifiers.** AT THE REQUEST OF  
27     A CONSUMER OR A CONSUMER'S LEGALLY AUTHORIZED REPRESENTATIVE,



1 A CONTROLLER THAT COLLECTS THE CONSUMER'S BIOMETRIC IDENTIFIER  
2 SHALL UPDATE THE BIOMETRIC IDENTIFIER AS REQUESTED BY THE  
3 CONSUMER. THE CONTROLLER SHALL COMPLETE THE UPDATE AND DELETE  
4 ANY REPLACED DATA WITHIN SIXTY DAYS AFTER RECEIVING THE REQUEST.

5 (5) **Right to access biometric identifiers - applicability -**  
6 **definitions.** (a) EXCEPT AS DESCRIBED IN SUBSECTION (5)(b) OF THIS  
7 SECTION, AT THE REQUEST OF A CONSUMER OR A CONSUMER'S LEGALLY  
8 AUTHORIZED REPRESENTATIVE, A CONTROLLER THAT COLLECTS THE  
9 CONSUMER'S BIOMETRIC IDENTIFIER SHALL DISCLOSE TO THE CONSUMER,  
10 FREE OF CHARGE, THE CATEGORY OR DESCRIPTION OF THE CONSUMER'S  
11 BIOMETRIC IDENTIFIER AND THE FOLLOWING INFORMATION:

12 (I) THE SOURCE FROM WHICH THE CONTROLLER COLLECTED THE  
13 BIOMETRIC IDENTIFIER;

14 (II) THE PURPOSE FOR WHICH THE CONTROLLER USED THE  
15 BIOMETRIC IDENTIFIER AND ANY ASSOCIATED PERSONAL DATA;

16 (III) THE IDENTITY OF ANY THIRD PARTY WITH WHICH THE  
17 CONTROLLER SHARED OR SHARES THE BIOMETRIC IDENTIFIER AND THE  
18 PURPOSES FOR SHARING; AND

19 (IV) THE CATEGORY OR A DESCRIPTION OF THE SPECIFIC  
20 BIOMETRIC IDENTIFIERS THAT THE CONTROLLER DISCLOSES TO THIRD  
21 PARTIES.

22 (b) THE REQUIREMENTS OF SUBSECTION (5)(a) OF THIS SECTION  
23 APPLY ONLY TO:

24 (I) A SOLE PROPRIETORSHIP, A PARTNERSHIP, A LIMITED LIABILITY  
25 COMPANY, A CORPORATION, AN ASSOCIATION, OR ANOTHER LEGAL ENTITY  
26 THAT:

27 (A) CONDUCTS BUSINESS IN COLORADO OR PRODUCES OR

1 DELIVERS COMMERCIAL PRODUCTS OR SERVICES THAT ARE MARKETED TO  
2 COLORADO RESIDENTS;

3 (B) COLLECTS BIOMETRIC IDENTIFIERS OR HAS BIOMETRIC  
4 IDENTIFIERS COLLECTED ON ITS BEHALF; AND

5 (C) EITHER COLLECTS OR PROCESSES THE PERSONAL DATA OF ONE  
6 HUNDRED THOUSAND INDIVIDUALS OR MORE DURING A CALENDAR YEAR  
7 OR COLLECTS AND PROCESSES THE PERSONAL DATA OF TWENTY-FIVE  
8 THOUSAND INDIVIDUALS OR MORE AND DERIVES REVENUE FROM, OR  
9 RECEIVES A DISCOUNT ON THE PRICE OF GOODS OR SERVICES FROM, THE  
10 SALE OF PERSONAL DATA;

11 (II) A CONTROLLER THAT CONTROLS OR IS CONTROLLED BY  
12 ANOTHER CONTROLLER AND THAT SHARES COMMON BRANDING WITH THE  
13 OTHER CONTROLLER. AS USED IN THIS SUBSECTION (5)(b)(II):

14 (A) "COMMON BRANDING" MEANS A SHARED NAME, SERVICE  
15 MARK, OR TRADEMARK THAT A CONSUMER WOULD REASONABLY  
16 UNDERSTAND TO INDICATE THAT TWO OR MORE ENTITIES ARE COMMONLY  
17 OWNED.

18 (B) "CONTROL" MEANS THE OWNERSHIP OF, CONTROL OF, OR  
19 POWER TO VOTE MORE THAN TWENTY-FIVE PERCENT OR MORE OF THE  
20 OUTSTANDING SHARES OF ANY CLASS OF VOTING SECURITY OF A  
21 CONTROLLER; CONTROL IN ANY MANNER OVER THE ELECTION OF A  
22 MAJORITY OF THE DIRECTORS OF A CONTROLLER OR OF INDIVIDUALS  
23 EXERCISING SIMILAR FUNCTIONS; OR THE POWER TO EXERCISE, DIRECTLY  
24 OR INDIRECTLY, A CONTROLLING INFLUENCE OVER THE MANAGEMENT OF  
25 A CONTROLLER.

26 (III) A JOINT VENTURE OR PARTNERSHIP CONSISTING OF NO MORE  
27 THAN TWO BUSINESSES THAT SHARE CONSUMERS' PERSONAL DATA WITH

1 EACH OTHER.

2 (6) Use of consent by employers. (a) AN EMPLOYER MAY  
3 REQUIRE AS A CONDITION OF EMPLOYMENT THAT AN EMPLOYEE OR A  
4 PROSPECTIVE EMPLOYEE CONSENT TO ALLOWING THE EMPLOYER TO  
5 COLLECT AND PROCESS THE EMPLOYEE'S OR THE PROSPECTIVE EMPLOYEE'S  
6 BIOMETRIC IDENTIFIER ONLY TO:

7 (I) PERMIT ACCESS TO SECURE PHYSICAL LOCATIONS AND SECURE  
8 ELECTRONIC HARDWARE AND SOFTWARE APPLICATIONS; EXCEPT THAT AN  
9 EMPLOYER SHALL NOT OBTAIN THE EMPLOYEE'S OR PROSPECTIVE  
10 EMPLOYEE'S CONSENT TO RETAIN BIOMETRIC DATA THAT IS USED FOR  
11 CURRENT EMPLOYEE LOCATION TRACKING OR THE TRACKING OF HOW  
12 MUCH TIME THE EMPLOYEE SPENDS USING A HARDWARE OR SOFTWARE  
13 APPLICATION; OR

14 (II) RECORD THE COMMENCEMENT AND CONCLUSION OF THE  
15 EMPLOYEE'S FULL WORK DAY, INCLUDING MEAL BREAKS AND REST BREAKS  
16 IN EXCESS OF THIRTY MINUTES.

17 (b) AN EMPLOYER MAY COLLECT AND PROCESS AN EMPLOYEE'S OR  
18 PROSPECTIVE EMPLOYEE'S BIOMETRIC IDENTIFIER FOR USES OTHER THAN  
19 THOSE DESCRIBED IN SUBSECTION (6)(a) OF THIS SECTION ONLY WITH THE  
20 EMPLOYEE'S OR PROSPECTIVE EMPLOYEE'S CONSENT. AN EMPLOYER MAY  
21 NOT REQUIRE THAT AN EMPLOYEE OR PROSPECTIVE EMPLOYEE CONSENT  
22 TO SUCH COLLECTION OR PROCESSING AS A CONDITION OF EMPLOYMENT  
23 OR RETALIATE AGAINST AN EMPLOYEE OR PROSPECTIVE EMPLOYEE WHO  
24 DOES NOT CONSENT TO SUCH COLLECTION OR PROCESSING.

25 (c) SO LONG AS CONSENT THAT IS OBTAINED FOR COLLECTION AND  
26 PROCESSING AS DESCRIBED IN SUBSECTION (6)(a) OF THIS SECTION  
27 SATISFIES THE DEFINITION OF CONSENT PROVIDED IN SECTION 6-1-1303 (5),

1 CONSENT IS CONSIDERED TO BE FREELY GIVEN AND VALID FOR THE LIMITED  
2 PURPOSES DESCRIBED IN SUBSECTION (6)(a) OF THIS SECTION.

3 (7) **Rules.** THE DEPARTMENT OF LAW MAY PROMULGATE RULES  
4 FOR THE IMPLEMENTATION OF THIS SECTION, INCLUDING RULES  
5 PROMULGATED IN CONSULTATION WITH THE OFFICE OF INFORMATION  
6 TECHNOLOGY AND THE DEPARTMENT OF REGULATORY AGENCIES  
7 ESTABLISHING APPROPRIATE SECURITY STANDARDS FOR BIOMETRIC  
8 IDENTIFIERS AND BIOMETRIC DATA THAT ARE MORE STRINGENT THAN THE  
9 REQUIREMENTS DESCRIBED IN THIS SECTION.

10 **SECTION 3.** In Colorado Revised Statutes, 6-1-1303, **add** (2.2)  
11 and (2.4) as follows:

12 **6-1-1303. Definitions.** As used in this part 13, unless the context  
13 otherwise requires:

14 (2.2) "BIOMETRIC DATA" MEANS ONE OR MORE BIOMETRIC  
15 IDENTIFIERS THAT ARE USED OR INTENDED TO BE USED, SINGLY OR IN  
16 COMBINATION WITH EACH OTHER OR WITH OTHER PERSONAL DATA, FOR  
17 IDENTIFICATION PURPOSES.

18 (2.4) (a) "BIOMETRIC IDENTIFIER" MEANS DATA GENERATED BY  
19 THE TECHNOLOGICAL PROCESSING, MEASUREMENT, OR ANALYSIS OF A  
20 CONSUMER'S BIOLOGICAL, PHYSICAL, OR BEHAVIORAL CHARACTERISTICS,  
21 WHICH DATA CAN BE PROCESSED FOR THE PURPOSE OF UNIQUELY  
22 IDENTIFYING AN INDIVIDUAL. "BIOMETRIC IDENTIFIER" INCLUDES:

- 23 (I) A FINGERPRINT;
- 24 (II) A VOICEPRINT;
- 25 (III) A SCAN OR RECORD OF AN EYE RETINA OR IRIS;
- 26 (IV) A FACIAL MAP, FACIAL GEOMETRY, OR FACIAL TEMPLATE;
- 27 AND

1 (V) OTHER UNIQUE BIOLOGICAL, PHYSIOLOGICAL, OR BEHAVIORAL  
2 PATTERNS OR CHARACTERISTICS.

3 (b) "BIOMETRIC DATA" DOES NOT INCLUDE THE FOLLOWING TYPES  
4 OF DATA UNLESS THE DATA ARE USED FOR IDENTIFICATION PURPOSES:

5 (I) A DIGITAL OR PHYSICAL PHOTOGRAPH;

6 (II) AN AUDIO OR VOICE RECORDING; OR

7 (III) ANY DATA GENERATED FROM A DIGIT.

8 SECTION 4. In Colorado Revised Statutes, 6-1-1304, amend (1);  
9 and add (6) as follows:

10 6-1-1304. Applicability of part. (1) Except as specified in  
11 subsection (2) of this section, this part 13 applies to a controller that:

12 (a) (I) Conducts business in Colorado or produces or delivers  
13 commercial products or services that are intentionally targeted to  
14 residents of Colorado; and

15 ~~(b)~~ (II) Satisfies one or both of the following thresholds:

16 ~~(H)~~ (A) Controls or processes the personal data of one hundred  
17 thousand consumers or more during a calendar year; or

18 ~~(H)~~ (B) Derives revenue or receives a discount on the price of  
19 goods or services from the sale of personal data and processes or controls  
20 the personal data of twenty-five thousand consumers or more; OR

21 (b) CONTROLS OR PROCESSES ANY AMOUNT OF BIOMETRIC  
22 IDENTIFIERS OR BIOMETRIC DATA REGARDLESS OF THE AMOUNT OF  
23 BIOMETRIC IDENTIFIERS OR BIOMETRIC DATA CONTROLLED OR PROCESSED  
24 ANNUALLY; EXCEPT THAT A CONTROLLER THAT MEETS THE  
25 QUALIFICATIONS OF THIS SUBSECTION (1)(b) BUT DOES NOT MEET THE  
26 QUALIFICATIONS OF SUBSECTION (1)(a) OF THIS SECTION SHALL COMPLY  
27 WITH THIS PART 13 ONLY FOR THE PURPOSES OF A BIOMETRIC IDENTIFIER

1     OR BIOMETRIC DATA THAT THE CONTROLLER COLLECTS AND PROCESSES.

2           (6) NOTHING IN THIS PART 13 SHALL BE CONSTRUED TO IMPACT  
3     THE ADMISSION OR DISCOVERY OF A BIOMETRIC IDENTIFIER IN ANY ACTION  
4     OF ANY KIND IN ANY COURT OR BEFORE ANY TRIBUNAL, BOARD, OR  
5     AGENCY.

6           **SECTION 5. Act subject to petition - effective date -**  
7     **applicability.** (1) This act takes effect July 1, 2025; except that, if a  
8     referendum petition is filed pursuant to section 1 (3) of article V of the  
9     state constitution against this act or an item, section, or part of this act  
10    within the ninety-day period after final adjournment of the general  
11    assembly, then the act, item, section, or part will not take effect unless  
12    approved by the people at the general election to be held in November  
13    2024 and, in such case, will take effect July 1, 2025, or on the date of the  
14    official declaration of the vote thereon by the governor, whichever is  
15    later.

16           (2) This act applies to the collection, retention, and use of  
17    biometric identifiers on and after the applicable effective date of this act.