

**HB 184**

# **The Government Use of Artificial Intelligence Act**

Introduced in the 2024 Regular Session


Sponsors: Representatives Sariñana, Serrato, Chandler, Chasey

What HB 184 would do.

- ▶ **Create the Government Use of Artificial Intelligence Transparency Act.**

- ▶ Require each state agency to annually submit an inventory of the agency's artificial intelligence systems to the department of information technology.

- ▶ Require the department of information technology to annually provide an aggregate agency inventory report to the governor, legislative finance committee, and the interim committee that focuses on science and technology.



- ▶ Require the department of information technology to annually assess artificial intelligence systems for:

- ▶ Sources and types of data used;

- ▶ Accuracy; and

- ▶ Bias

- ▶ Add a section to the Procurement Code requiring contracts for physical or software technology products or services subject to the Act to include a requirement for transparency by the vendor sufficient to allow the product to be assessed by the department of information technology.

*HB 184 would provide transparency  
in government uses of Artificial  
Intelligence.*

# Colorado's SB24-205

## The Colorado Artificial Intelligence Act

Passed in the 2024 Regular Session

Goes into effect February 2026

Primary Sponsors: Senator Robert Rodriguez and Representative Brianna Titone



Recognized as *the first comprehensive artificial intelligence (AI) legislation in the United States.*

The Act creates duties for **developers** and **deployers** to use reasonable care to protect **consumers** from any known or reasonably foreseeable risks of **algorithmic discrimination** arising from the intended and contracted uses of **high-risk AI systems**.

Recognized as “comprehensive” because:

Colorado’s approach places responsibility for assessing AI products for algorithmic discrimination and for disclosing risks of algorithmic discrimination, on those who develop or deploy the product--whether a private or government entity.

“Developer” means a person doing business in the state that develops or intentionally and substantially modifies an artificial intelligence system.

“Deployer” means a person doing business in the state that deploys a high-risk artificial intelligence system.

“Deploy” means to use a high-risk artificial intelligence system.

# Duties of Developers include:

Must disclose any known or reasonably foreseeable risks of algorithmic discrimination arising from the intended uses of a high-risk AI system to the Colorado Attorney General and to all known deployers or other developers of the system within 90 days if:

- ▶ The developer discovers the system has been deployed and has caused or is reasonably likely to have caused algorithmic discrimination; or
- ▶ The developer receives a credible report from a deployer that the system has caused algorithmic discrimination.

## Duties of Deployers include:

- ▶ Must conduct annual impact assessments;
- ▶ Must notify the Colorado Attorney General that a high-risk AI system they deployed has caused algorithmic discrimination within 90 days after discovering that discrimination.

# Enforcement

The Colorado Attorney General has exclusive enforcement authority to address violations.

# Enforcement

Violations of the Act constitute unfair trade practices under Colorado's Unfair or Deceptive Trade Practices Act.



# Enforcement

Penalties include fines and injunctive relief.

# Enforcement

There is no private right of action.

# Enforcement

If a developer or deployer has complied with all of the Act's substantive obligations, there is a rebuttable presumption that they used reasonable care to avoid discriminatory decisions via a high-risk AI system.

# Critiques

- ▶ The legislation has loopholes that need to be closed, such as allowing companies to unilaterally withhold information or hide evidence of discrimination by claiming that the information is a trade secret.
- ▶ Enforcement provisions need to be strengthened.
- ▶ The law relies too heavily on self-assessment and self-reporting.

## Comments by *Consumer Reports* Policy Analyst:

“We applaud Governor Polis for signing this bill into law and the Colorado General Assembly for working to advance this key piece of legislation. Colorado is the first state in the country to extend baseline protections to its citizens when it comes to high-risk AI-decision technology.”

“Colorado stood firm against pushback from tech industry lobbyists. Consumers shouldn’t be guinea pigs for tech companies’ unbridled experimentation. This new law will establish a sorely needed floor of protections for Coloradans. Right now, consumers are totally in the dark about the AI software companies use to help decide which Coloradans get a rental apartment, insurance, a spot in a top school, or screened out of a job. We know that AI-decision technology makes mistakes and can be biased. If strengthened, this law should shed a bit of light on how AI helps make high-stakes decisions that shape our lives.”

# Comparison of Key Concepts

**New Mexico's HB 184 (Introduced)**

**Colorado's SB24-205 (Enacted)**

# “Artificial Intelligence”

- ▶ **New Mexico:** Means any technology, including machine learning, that uses data to train an algorithm or predictive model for the purpose of enabling a computer system or service to autonomously perform a task, including visual perception, language processing or speech recognition, that is normally associated with human intelligence or perception.
- ▶ **Colorado:** Incorporates definition into definition of “artificial intelligence system.”

# “Artificial Intelligence System”

- ▶ **New Mexico:** Means an application, a data system, hardware, software, a tool or a utility that operates in whole or in part by using artificial intelligence.
- ▶ **Colorado:** Means any machine-based system that, for any explicit or implicit objective, infers from the inputs the system receives how to generate outputs, including content, decisions, predictions or recommendations, that can influence physical or virtual environments.



# Colorado: “High Risk Artificial Intelligence System”

Means any artificial intelligence system that, when deployed, makes, or is a substantial factor in making, a consequential decision.

The definition contains some express exclusions, like:

- ▶ AI systems intended to perform narrow procedural tasks or to test decision-making patterns, and
- ▶ Certain technologies, like anti-malware, spreadsheets, and firewalls unless the technology, when deployed, makes, or is a substantial factor in making, a consequential decision.

# “Consequential decision”

## **New Mexico:**

Means a decision by an agency regarding:

- ▶ The denial, eligibility, provision, withholding of or access to government benefits, opportunities or services for a person; or
- ▶ The imposition of punitive actions on a person;

## **Colorado:**

Means a decision that has a material legal or similarly significant effect on the provision or denial to any consumer of, or the cost or terms of:

- ▶ Education enrollment or an education opportunity;
- ▶ Employment or an employment opportunity;
- ▶ A financial or lending service;
- ▶ An essential government service;
- ▶ Health-care services;
- ▶ Housing;
- ▶ Insurance; or
- ▶ A legal service.

# New Mexico: “Bias”

- ▶ Means consequential decision results that may constitute an unlawful discriminatory practice pursuant to Section 28-1-7 NMSA 1978 (The Human Rights Act);

# Colorado: “Algorithmic Discrimination “

MEANS ANY CONDITION IN WHICH THE USE OF AN ARTIFICIAL INTELLIGENCE SYSTEM RESULTS IN AN UNLAWFUL DIFFERENTIAL TREATMENT OR IMPACT THAT DISFAVORS AN INDIVIDUAL OR GROUP OF INDIVIDUALS ON THE BASIS OF:

- ▶ THEIR ACTUAL OR PERCEIVED AGE
- ▶ COLOR
- ▶ DISABILITY
- ▶ ETHNICITY
- ▶ GENETIC INFORMATION
- ▶ LIMITED PROFICIENCY IN THE ENGLISH LANGUAGE
- ▶ NATIONAL ORIGIN
- ▶ RACE
- ▶ RELIGION
- ▶ REPRODUCTIVE HEALTH
- ▶ SEX
- ▶ VETERAN STATUS
- ▶ OR OTHER CLASSIFICATION PROTECTED UNDER THE LAWS OF THIS STATE OR FEDERAL LAW.

- ▶ **New Mexico's HB 184** would provide for government transparency only and does not include an enforcement mechanism specific to the Act.
- ▶ **Colorado's SB 24-205** is now law and provides a comprehensive legal framework that defines responsibilities and accountability for any developer or deployer of AI products, including both private and government entities.