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STATE OF COLORADO
DEPARTMENT OF LAW

DEPARTMENT OF LAW
CY 2026 REGULATORY AGENDA

Pursuant to § 2-7-203(2)(a)(IV), C.R.S., this document contains the Colorado Department of Law regulatory agenda for calendar year (“CY”) 2025 and details new rules or revisions to existing rules expected to be proposed in CY 2026.

PEACE OFFICERS STANDARDS AND TRAINING (P.O.S.T.)

The following rules are promulgated pursuant to § 24-31-303(1)(g), C.R.S., which authorizes POST to promulgate rules and regulations deemed necessary by the POST Board for the certification of applicants to serve as peace officers or reserve peace officers; § 24-31-303(1)(l), C.R.S., which authorizes POST to promulgate rules deemed necessary by the Board concerning annual in-service training requirements for certified peace officers, including but not limited to, evaluation of the training program and processes to ensure substantial compliance by law enforcement agencies, departments, and individual peace officers; § 24-31-303(1)(m), C.R.S., which grants the Board the power and duty to adopt and promulgate, under the provisions of § 24-4-103, C.R.S. rules as the Board may deem necessary or proper to carry out the provisions and purposes of this article; § 24-31-304(4)(b), C.R.S. which requires POST to promulgate rules deemed necessary by the Board concerning the procedures for the granting of permission to enroll in a training academy; and § 24-31-305(2.7)(4), C.R.S., which requires POST to promulgate rules regarding the procedure for applying for and granting variances pursuant to this subsection.

HB 25-1136 requires POST to create and maintain a public-facing peace officer database and specifies criteria for inclusion in the database, reporting procedures for law enforcement agencies, processes for the appeal of a database entry, and removal from the database. The statute also requires the Board to consider a peace officer’s whistleblower status in an appeal of a database entry. These rules carry out the statutory directives of § 24-31-321, C.R.S., and the Board is authorized to promulgate them under § 24-31-303(1)(m), C.R.S. because they are necessary and proper to carry out the provisions and purposes of the article.

1. Rule 1:

Proposed Rule Amendments and Purpose:

- a. Redefine “Disqualifying incident” to clarify unlawful physical force and excessive or unconstitutional physical force
- b. Define “Employer”
- c. Define “Whistleblower”

Contemplated Schedule for Adoption:

Fourth quarter of 2025.

Listing of Persons and Parties Affected:

Peace officers, including those applying for peace officer certification and those currently employed as certified peace officers, law enforcement academy staff, and law enforcement agencies, will be affected by the rule amendments.

2. Rule 5:

Proposed Rule Amendments and Purpose:

- a. Addition of new section “Appeals for Certain Types of Database Reports” which updates appeal process for peace officer database entries.
- b. Capitalization of the work “Director”

Contemplated Schedule for Adoption:

Fourth quarter of 2025.

Listing of Persons and Parties Affected:

Peace officers, including those applying for peace officer certification and those currently employed as certified peace officers, law enforcement academy staff, and law enforcement agencies, will be affected by the rule amendments.

3. Rule 7:

Proposed Rule Amendments and Purpose:

- a. Addition of § 24-31-321, C.R.S.
- b. Clarification of Variance Request requirements for database entries.
- c. Adding POST’s ability to consider whistleblower status during appeals of database entries.

Contemplated Schedule for Adoption:

Fourth quarter of 2025.

Listing of Persons and Parties Affected:

Peace officers, including those applying for peace officer certification and those currently employed as certified peace officers, law enforcement academy staff, and law enforcement agencies, will be affected by the rule amendments.

4. Rule 10:

Proposed Rule Amendments and Purpose:

- a. Addition to allow POST certifications to remain active for peace officers working in a non-sworn capacity as long as annual POST training is maintained.
- b. Clarifying outcome of failure to complete the annual in-service training.

Contemplated Schedule for Adoption:

Fourth quarter of 2025.

Listing of Persons and Parties Affected:

Peace officers, including those applying for peace officer certification and those currently

employed as certified peace officers, law enforcement academy staff, and law enforcement agencies, will be affected by the rule amendments.

5. Rule 11:

Proposed Rule Amendments and Purpose:

- a. Establish “Federal Reciprocity Pilot Program” (July 2025 – December 2026) that will allow federal officers and military police to possibly qualify for provisional certification without meeting the “substantial equivalence” usually required.
- b. Requiring hiring agencies to conduct a gap analysis comparing POST standards with applicants’ training. Documentation must be submitted to POST.

Contemplated Schedule for Adoption:

Fourth quarter of 2025.

Listing of Persons and Parties Affected:

Peace officers, including those applying for peace officer certification and those currently employed as certified peace officers, law enforcement academy staff, and law enforcement agencies, will be affected by the rule amendments.

6. Rule 12:

Proposed Rule Amendments and Purpose:

- a. Addition of the word “and” to clarify both (2) hours of training in anti-bias; community policing; situational de-escalation; and proper holds and restraints and (1) hour of improving first responder interactions with persons with disabilities; and issues related to missing and murdered indigenous persons must be completed together upon issuance of a reserve certification.

Contemplated Schedule for Adoption:

Fourth quarter of 2025.

Listing of Persons and Parties Affected:

Peace officers, including those applying for peace officer certification and those currently employed as certified peace officers, law enforcement academy staff, and law enforcement agencies, will be affected by the rule amendments.

7. Rule 14:

Proposed Rule Amendments and Purpose:

- a. Addition of the term “shall be” in order to clarify the requirement of being fingerprinted when enrolling in a basic or reserve academy.
- b. Specifies the requirement for the enrollment advisory form to be submitted to POST along with other enrollment documents.
- c. Requires the enrollment roster to be due one week prior to academy start.

Contemplated Schedule for Adoption:

Fourth quarter of 2025.

Listing of Persons and Parties Affected:

Law enforcement academy staff will be affected by the rule amendments.

8. Rule 15:

Proposed Rule Amendments and Purpose:

- a. Addition of section on cheating. States that recording or attempting to record POST exam will result in the invalidation of that test score and a prohibition on future examination attempts. Action may also result in an entry on the national decertification index as misconduct.

Contemplated Schedule for Adoption:

Fourth quarter of 2025.

Listing of Persons and Parties Affected:

Peace officers, including those applying for peace officer certification and those currently employed as certified peace officers, law enforcement academy staff, and law enforcement agencies, will be affected by this proposed rulemaking.

9. Rule 17:

Proposed Rule Amendments and Purpose:

- a. Expanded reporting requirements to be by employing agencies and formerly employing agencies.
- b. Adding that employing or formerly employing organization must report when a peace officer is charged with a criminal offense that could result in suspension or certification.

Contemplated Schedule for Adoption:

Fourth quarter of 2025.

Listing of Persons and Parties Affected:

Peace officers facing revocation or suspension proceedings in front of the POST Hearing Officer and the attorneys representing them will be affected by the rule amendments.

10. Rule 21:

Proposed Rule Amendments and Purpose:

- a. Added, the requirement that specifies the enrollment roster must be received by POST no later than one week prior to the start of each academy session.
- b. Also clarifies that all other documents “must be” received at POST electronically by the day after the academy commences.

Contemplated Schedule for Adoption:

Fourth quarter of 2025.

Listing of Persons and Parties Affected:

Peace officers, including those applying for peace officer certification and those currently employed as certified peace officers, law enforcement academy staff, and law enforcement agencies, will be affected by this proposed rulemaking.

11. Rule 23:

Proposed Rule Amendments and Purpose:

- a. Date changed from January 1, 2025, to July 1, 2027, for all assistant skills instructors for firearms to complete a 16-hour red dot sight POST approved instructor course.
- b. Date changed from January 1, 2025, to July 1, 2027, for all current full skill instructors and applicants for full skills instructors to complete a 16-hour red dot sight instructor course.

Contemplated Schedule for Adoption:

Fourth quarter of 2025.

Listing of Persons and Parties Affected:

Peace officers, including those applying for peace officer certification and those currently employed as certified peace officers, law enforcement academy staff, and law enforcement agencies, will be affected by this proposed rulemaking.

12. Rule 31:

Proposed Rule Amendments and Purpose:

- a. Reconfiguration of lettering (I) (a) (b) & (II) (a) (b)
- b. Addition of (III). Stating that documents described in § 24-31-321, C.R.S., are protected and the release of said documents by anyone other than the reporting organization may result in the releasing party to be fined up to \$10,000 per occurrence.
- c. Addition of (IV). Stating that there shall be fees for knowingly or willfully submitting false/inaccurate information to the peace officer database. Up to \$5,000 for first offense and up to \$10,000 for a second.
- d. Reconfiguration of lettering and correction of capitalization errors.
- e. Added the clarification of “For each day in violation” for any other violation of a POST Board rule. First offence: up to \$100 per employed peace officer (per day) for agencies/up to \$300 per individual certificate holder. Second offence or subsequent offence: up to \$200 per employed peace officer (per day)/up to \$600 per individual certificate holder.
- f. Addition of (G) detailing agencies failure to disclose an applicant’s files to a requesting hiring agency within sex days of POST contact will result in a loss of POST Board funding and/or possible fines from the Attorney General
- g. Addition of (I) detailing assessment of fees or other barriers to releasing applicant files may also be found by POST director as a violation and subject to administrative sanctions.
- h. Addition of “Suspension from POST grant funding or activities” as well as fines to violations found under Rule 31.
- i. Number/lettering reconfiguration.

Contemplated Schedule for Adoption:

Fourth quarter of 2025.

Listing of Persons and Parties Affected:

Peace officers, including those applying for peace officer certification and those currently employed as certified peace officers, law enforcement academy staff, and law enforcement agencies, will be affected by this proposed rulemaking.

13. Rule 32:

Proposed Rule Amendments and Purpose:

- a. Addition of section 24-31-321 C.R.S. on (a) for POST database maintaining.
- b. Clarifying that termination for cause by the peace officer's employer will result in appearance on database.
- c. Clarifying that resignation or retirement while under investigation by the peace officer's employing organization or another law enforcement agency in which the alleged misconduct, if sustained, would more likely than not result in being entered into the database.
- d. Clarifies resignation or retirement following an incident that leads to the opening of an investigation by the peace officer's employing organization or another law enforcement agency in which the alleged misconduct, if sustained, would more likely than not result in being entered into the database, within six months after the peace officer's resignation or retirement.
- e. Clarifies that being "charged with" a crime could result in revocation or suspension of certificate pursuant to sections 24-31-305 or -904, C.R.S.,
- f. Addition of credibility disclosure actions: Knowingly making false statements or omission in official records, testimony, or investigations; demonstrating bias based on race, religion, ethnicity, gender, sexual orientation, age, disability, national origin, or any other protected class; tampering with or fabricating evidence; conviction of crimes involving dishonesty.
- g. Addition of reporting & accountability provisions: employers (current or former) may report incidents to POST; may create entries if it has a reasonable belief an entry is required; agency executives must certify accuracy of submitted information; failure to submit or falsify information may result in sanctions under Rule 31 and referral for criminal investigation; agencies must provide POST with relevant documents on request; POST may subpoena records and recover costs if needed; records submitted remain the property of the employing organization and are not subject to public release.
- h. Addition of a few changes for appeals and removal or negative entries on database: Peace officers may seek review of their status by presenting new evidence under Rule 7; POST must consider an officer's whistleblower status during appeals; final employer determinations (including appeals) will be used to decide removal requests; POST will remove entries when an officer no longer meets statutory requirements, or upon notice from the reporting agency that the entry was made in error (with documentation).

Contemplated Schedule for Adoption:

Fourth quarter of 2025.

Listing of Persons and Parties Affected:

Peace officers, including those applying for peace officer certification and those currently employed as certified peace officers, law enforcement academy staff, and law enforcement agencies, will be affected by this proposed rulemaking.

CONSUMER PROTECTION

Colorado Privacy Act Rulemaking 2025

Proposed Rule and Purpose:

The Colorado Privacy Act ("CPA") authorizes the Attorney General to "promulgate Rules for the purpose of carrying out" the CPA, C.R.S. § 6-1-1313(1). Senate Bill 24-041 and 25-276 added

provisions that strengthened personal data protections for minors and for sensitive data, respectively.

Senate Bill 24-041 amends the CPA to add §§ 6-1-1305.5, 6-1-1308.5, and 6-1-1309.5, C.R.S. For the purposes of these sections, Minors means a person under the age of eighteen (18). Section 6-1-1305.5 sets forth certain obligations of processors related to the data of minors. Section 6-1-1308.5 requires controllers that offer any online service, product, or feature to a consumer whom the controller actually knows or willfully disregards is a minor to use reasonable care to avoid any heightened risk of harm to minors caused by the online service, product, or feature. Controllers who meet specific obligations, including obtaining consent before engaging in targeted advertising to a minor, selling the minor's data, profiling the minor, or using any system design feature to significantly increase, sustain, or extend a minor's use of the online service, product, or feature receive a rebuttable presumption that they have used reasonable care. Section 6-1-1309.5, C.R.S. requires that controllers that offer any online service, product, or feature to a consumer whom such controller actually knows or willfully disregards is a minor to conduct certain data protection assessments if there is a heightened risk of harm to minors.

Senate Bill 25-276 amends the CPA to add Precise Geolocation Data to the defined categories of sensitive data and clarifies the controller duty to obtain consent prior to the processing or sale of sensitive data.

The Attorney General will adopt amendments to the Colorado Privacy Act Rules (“the CPA Rules”) are for the purpose of carrying out the CPA, specifically modifying the CPA Rules to be consistent with the CPA as amended by Senate Bill 24-041 and 25-276. Specifically, rules that seek to clarify how to determine if a Controller willfully disregards that a consumer is a minor as contemplated in § 6-1-1308.5, C.R.S. and considerations for determining what is a system design feature that significantly increases, sustains, or extends a minor's use of an online service, product, or feature and is subject to the consent requirement as contemplated in C.R.S. § 6-1-1308.5. Additionally, revisions to the rules to remove language that is no longer relevant given this statutory change.

The Attorney General will seek input from individual Coloradans, stakeholders, experts, advocacy groups, and other members of the public during the rulemaking process.

Statutory Basis:

§ 6-1-1313(1), C.R.S.

Contemplated Schedule for Adoption:

Rules are anticipated to be adopted in the second half of 2025.

Listing of Persons and Parties Affected:

Private and public entities subject to the Colorado Privacy Act; Colorado residents and consumers.

Online Dating Safety Rulemaking 2025

Proposed Rule and Purpose:

Senate Bill 24-011 pertains to the safety of online dating services and apps. It adds § 6-1-731.5, C.R.S. which requires, in part, that covered online dating services have and submit to the Attorney General's Office a public safety policy and an annual report concerning member safety and

compliance with statute's safety policy requirements. This report must include information required by any rules from the Attorney General. Section 6-1-731.5(4.5), C.R.S. requires the Attorney General to promulgate rules to carry out the bill's requirements.

The Attorney General will adopt rules for the purpose of carrying out S.B. 24-011, specifically rules which outline the requirement elements of the required annual report, the process for submitting the report, and they process for submitting a safety policy URL.

Statutory Basis:

§ 6-1-731.5(4.5), C.R.S.

Contemplated Schedule for Adoption:

Rules are anticipated to be adopted in the second half of 2025.

Listing of Persons and Parties Affected:

Online dating services operating in Colorado; Colorado users of those services.

Training Repayment Agreement Provision Rulemaking 2025

Proposed Rule and Purpose:

The Colorado Restrictive Employment Agreements Act ("REAA") authorizes the Attorney General to "promulgate rules necessary to implement and enforce subsection (3)(a) of this section." § 8-2-113(9)(b), C.R.S. Section (3)(a) provides that a provision is not a prohibited covenant if that provision is "providing for an employer's recovery of the expense of educating and training a worker where the training is distinct from normal, on-the-job training and satisfies any other requirements established by the attorney general, by rule, regarding the transferability of the training or credentialing that is available to the employee as a result of the training." § 8-2-113(3)(a), C.R.S..

Statutory Basis:

§ 8-2-113(3)(a), C.R.S.

§ 8-2-113(9)(b), C.R.S

Contemplated Schedule for Adoption:

Rules are anticipated to be adopted in the second half of 2025.

Listing of Persons and Parties Affected:

Employers who use provisions covered by Colo. Rev. Stat. Ann. § 8-2-113(3)(a) and employees subject to those provisions.

Deceptive or Misleading Pricing Practices 2026 Rulemaking

Proposed Rule and Purpose:

House Bill 25-1090 amended the Colorado Consumer Protection Act to prohibit deceptive or misleading pricing practices and require sellers to clearly disclose the total price of goods, services, or properties inclusive of all mandatory fees. The bill also restricts the types of fees landlords may charge tenants and identifies violations as deceptive trade practices subject to enforcement under the CCPA.

The Attorney General may adopt rules to clarify the scope and application of these requirements, including definitions, disclosure standards, and potential exemptions for certain business practices or sectors, consistent with statutory authority.

Statutory Basis:

§ 6-1-737(7), C.R.S.

Contemplated Schedule for Adoption:

Rules are anticipated to be proposed in the second half of 2026.

Listing of Persons and Parties Affected:

Sellers and service providers operating in Colorado, including landlords, property managers, and food service establishments; and Colorado consumers.