

One More New Year's Party – Colorado's Stakeholder Process Begins

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Newly enacted Colorado Statutes section 10-3-1104.9 requires the Colorado Division of Insurance to hold stakeholder meetings to consider insurers' use of external consumer data and information sources, as well as algorithms and predictive models using such information. The first stakeholder meeting will be held on February 17, 2022, and will focus on underwriting practices in life insurance. A goal of the meeting is to determine how insurers should test and demonstrate to the division that their use of consumer data and algorithms is not unfairly discriminatory.

As we have [previously discussed](#), section 10-3-1104.9 prohibits the use of external consumer data and information sources, and algorithms and predictive models based on such data, in a way that unfairly discriminates based on race, color, national or ethnic origin, religion, sex, sexual orientation, disability, gender identity, or gender expression. Moreover, section 10-3-1104.9 imposes reporting and governance requirements on insurers. See also "[Insurers Grapple With Proxy Bias Problem in AI Use](#)" for further discussion.

We will continue to monitor Colorado's activity as it engages in the stakeholder process and promulgates rules with respect to the use of external consumer data, information sources, and algorithms.

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