

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0522.01 Duane Gall x4335

HOUSE BILL 20-1286

HOUSE SPONSORSHIP

Garnett and Williams D., Kraft-Tharp, McKean, Snyder

SENATE SPONSORSHIP

Story,

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE REGULATION OF FANTASY
102 CONTEST OPERATORS, AND, IN CONNECTION THEREWITH,
103 IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE
104 2019 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY
105 AGENCIES.

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/>.)

Sunset Process - House Business Affairs and Labor Committee. The bill implements the recommendations of the department

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

of regulatory agencies' sunset review and report of the "Fantasy Contests Act" by:

- ! Extending the repeal date of the regulatory provisions until September 1, 2027 (**sections 1 and 2** of the bill);
- ! Transferring regulatory authority over fantasy contest operators from the director of the division of professions and occupations in the department of regulatory agencies to the director of the division of gaming in the department of revenue (**sections 2 through 12**); and
- ! Requiring small fantasy contest operators (i.e., those with 7,500 or fewer active customer accounts in Colorado) to undergo annual audits by an independent third party and submit the results to the department of revenue, as larger operators are currently required to do (**section 2**).

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal**
3 (19)(a)(X); and **add** (28)(a)(III) as follows:

4 **24-34-104. General assembly review of regulatory agencies**
5 **and functions for repeal, continuation, or reestablishment - legislative**
6 **declaration - repeal.** (19) (a) The following agencies, functions, or both,
7 are scheduled for repeal on September 1, 2020:

8 ~~(X) The regulation of fantasy contest operators by the director of~~
9 ~~the division of professions and occupations in the department pursuant to~~
10 ~~sections 12-125-104 to 12-125-108, 12-125-110, and 12-125-111;~~

11 (28) (a) The following agencies, functions, or both, are scheduled
12 for repeal on September 1, 2027:

13 (III) THE REGULATION OF FANTASY CONTEST OPERATORS BY THE
14 DIRECTOR OF THE DIVISION OF GAMING IN THE DEPARTMENT OF REVENUE
15 PURSUANT TO PART 16 OF ARTICLE 30 OF TITLE 44.

16 **SECTION 2.** In Colorado Revised Statutes, **add with amended**
17 **and relocated provisions** part 16 to article 30 of title 44 as follows:

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PART 16

FANTASY CONTESTS

44-30-1601. [Formerly 12-125-101] Short title. The short title of this ~~article 125~~ PART 16 is the "Fantasy Contests Act".

44-30-1602. [Formerly 12-125-103] Definitions. As used in this ~~article 125~~ PART 16, unless the context otherwise requires:

(1) "Confidential information" means information related to the play of a fantasy contest by fantasy contest players obtained as a result of or by virtue of a person's employment.

(2) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF GAMING OR THE DIRECTOR'S DESIGNEE.

~~(2)~~ (3) "Entry fee" means cash or cash equivalents that are required to be paid by a fantasy contest player to a fantasy contest operator in order to participate in a fantasy contest.

~~(3)~~ (4) "Fantasy contest" means a fantasy or simulated game or contest in which:

(a) The value of all prizes and awards offered to winning participants is established and made known to the participants in advance of the contest;

(b) All winning outcomes reflect the relative knowledge and skill of the participants and are determined predominantly by accumulated statistical results of the performance of athletes in fully completed sporting events; except that a sporting event that has been called or suspended due to weather or any other natural or unforeseen event is considered fully completed; and

(c) Winning outcomes are not based on randomized or historical events or on the score, point spread, or any performance of any single

1 actual sports team or combination of the teams or solely on any single
2 performance of an individual athlete in any single actual sporting event.

3 ~~(4)~~ (5) "Fantasy contest operator" means a person or entity that
4 offers fantasy contests with an entry fee for a cash prize to members of
5 the public.

6 ~~(5)~~ (6) "Fantasy contest player" means a person who participates
7 in a fantasy contest with an entry fee offered by a fantasy contest
8 operator.

9 ~~(6)~~ (7) "Small fantasy contest operator" means a fantasy contest
10 operator that has no more than seven thousand five hundred fantasy
11 contest players in Colorado with active accounts who participate in
12 fantasy contests with an entry fee.

13 **44-30-1603. [Formerly 12-125-104] Rules - procedures -**
14 **continuity of provisions and enforcement actions - repeal.** (1) (a) The
15 director OF THE DIVISION OF GAMING shall promulgate reasonable rules for
16 the ADMINISTRATION AND ENFORCEMENT OF THIS PART 16, INCLUDING
17 RULES GOVERNING THE identification, licensing, and fingerprinting of
18 applicants for licensure.

19 (b) (I) ANY RULES OF THE DIRECTOR OF THE DIVISION OF
20 PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF REGULATORY
21 AGENCIES IN EFFECT ON SEPTEMBER 1, 2020, UNDER ARTICLE 125 OF TITLE
22 12 CONTINUE IN EFFECT THEREAFTER AS THOUGH THEY HAD BEEN
23 PROMULGATED BY THE DIRECTOR OF THE DIVISION OF GAMING UNDER THIS
24 PART 16. REFERENCES IN ANY SUCH RULE TO THE DIRECTOR OF THE
25 DIVISION OF PROFESSIONS AND OCCUPATIONS ARE DEEMED TO REFER TO
26 THE DIRECTOR OF THE DIVISION OF GAMING.

27 (II) THIS SUBSECTION (1)(b) WILL BE REPEALED IF THE DIRECTOR

1 OF THE DIVISION OF GAMING PROMULGATES RULES PURSUANT TO
2 SUBSECTION (1)(a) OF THIS SECTION AND THE RULES TAKE EFFECT. THE
3 DIRECTOR OF THE DIVISION OF GAMING SHALL NOTIFY THE REVISOR OF
4 STATUTES IN WRITING OF THE DATE ON WHICH THE CONDITION SPECIFIED
5 IN THIS SUBSECTION (1)(b)(II) HAS OCCURRED BY E-MAILING THE NOTICE
6 TO REVISOROFSTATUTES.GA@STATE.CO.US. THIS SUBSECTION (1)(b) IS
7 REPEALED, EFFECTIVE UPON THE DATE IDENTIFIED IN THE NOTICE THAT
8 THE RULES TAKE EFFECT OR, IF THE NOTICE DOES NOT SPECIFY THAT DATE,
9 UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES.

10 (2) (a) ~~For purposes of Any hearing, investigation, accusation, or~~
11 ~~other matter coming before the director pursuant to this article 125,~~
12 ~~section 12-20-403 (2) and (3) apply~~ INITIATED BY OR PENDING BEFORE
13 THE DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS AS OF
14 SEPTEMBER 1, 2020, UNDER ARTICLE 125 OF TITLE 12 CONTINUES
15 THEREAFTER AS THOUGH INITIATED BY OR PENDING BEFORE THE DIRECTOR
16 OF THE DIVISION OF GAMING UNDER THIS PART 16. IN ANY SUCH MATTER,
17 REFERENCES IN PLEADINGS OR OTHER DOCUMENTS TO THE DIRECTOR OF
18 THE DIVISION OF PROFESSIONS AND OCCUPATIONS ARE DEEMED TO REFER
19 TO THE DIRECTOR OF THE DIVISION OF GAMING.

20 (b) THIS SUBSECTION (2) WILL BE REPEALED IF THE DIRECTOR OF
21 THE DIVISION OF GAMING RESOLVES ALL MATTERS SPECIFIED IN
22 SUBSECTION (2)(a) OF THIS SECTION AND ALL APPLICABLE JUDICIAL
23 REVIEW OF THE MATTERS HAVE BEEN FINALIZED. THE DIRECTOR OF THE
24 DIVISION OF GAMING SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING
25 OF THE DATE ON WHICH THE CONDITION SPECIFIED IN THIS SUBSECTION
26 (2)(b) HAS OCCURRED BY E-MAILING THE NOTICE TO
27 REVISOROFSTATUTES.GA@STATE.CO.US. THIS SUBSECTION (2) IS

1 REPEALED, EFFECTIVE UPON THE DATE IDENTIFIED IN THE NOTICE THAT
2 THE CONDITION HAS OCCURRED OR, IF THE NOTICE DOES NOT SPECIFY THAT
3 DATE, UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES.

4 **44-30-1604. [Formerly 12-125-105] Registration.** (1) On and
5 after ~~July 1, 2017~~ SEPTEMBER 1, 2020, an entity shall not operate as a
6 small fantasy contest operator unless the entity is registered with the
7 director. On and after ~~July 1, 2017~~ SEPTEMBER 1, 2020, an individual who
8 is not operating through an entity shall not operate as a small fantasy
9 contest operator unless the individual is registered with the director.

10 (2) A small fantasy contest operator is subject to all of the
11 provisions of this ~~article 125~~ PART 16; except that:

12 (a) A small fantasy contest operator need only be registered, not
13 licensed, in order to offer fantasy contests for a fee, ~~a small fantasy~~
14 ~~contest operator is not subject to the requirements of section 12-125-107~~
15 ~~(2) regarding an annual audit~~; and a small fantasy operator is subject to
16 section ~~12-125-106 (3)~~ 44-30-1605 (3); and

17 (b) The director shall:

18 (I) Establish a registration process for small fantasy contest
19 operators; and

20 (II) Not initiate an investigation of a potential violation of this
21 ~~article 125~~ PART 16 by a small fantasy contest operator except upon the
22 filing of a complaint with the director that the director reasonably
23 believes warrants investigation.

24 **44-30-1605. [Formerly 12-125-106] Licensing.** (1) (a) On and
25 after ~~July 1, 2017~~ SEPTEMBER 1, 2020, an entity shall not operate as a
26 fantasy contest operator unless the entity is licensed by the director. On
27 and after ~~July 1, 2017~~ SEPTEMBER 1, 2020, an individual who is not

1 operating through an entity shall not operate as a fantasy contest operator
2 unless the individual is licensed as a fantasy contest operator by the
3 director.

4 (b) An applicant for licensure must pay license, renewal, and
5 reinstatement fees established by the director consistent with section
6 ~~12-20-105~~ 44-30-203 and other authorities. ~~A license issued pursuant to~~
7 ~~this article 125 is subject to the renewal, expiration, reinstatement, and~~
8 ~~delinquency fee provisions specified in section 12-20-202 (1) and (2). A~~
9 ~~person that continues to practice once a license has expired is subject to~~
10 ~~the penalties provided in this article 125 and section 12-20-202 (1)~~ THE
11 DIRECTOR SHALL TRANSMIT ALL FEES COLLECTED TO THE STATE
12 TREASURER, WHO SHALL CREDIT THEM TO THE SPORTS BETTING FUND
13 CREATED IN SECTION 44-30-1509.

14 (2) Applications for licensure as a fantasy contest operator must:

15 (a) Be verified by the oath or affirmation of the person or persons
16 as the director may prescribe;

17 (b) Be made to the director on forms prepared and furnished by
18 the director; and

19 (c) Set forth such information as the director may require to
20 enable the director to determine whether an applicant meets the
21 requirements for licensure under this ~~article 125~~ PART 16. The
22 information must include:

23 (I) The name and address of the applicant;

24 (II) If a partnership, the names and addresses of all of the partners,
25 and if a corporation, association, or other organization, the names and
26 addresses of the president, vice president, secretary, and managing
27 officer, together with all other information deemed necessary by the

1 director; and

2 (III) A designation of the responsible party who is the agent for
3 the licensee for all communications with the director.

4 (3) (a) An applicant may not be eligible for licensure or
5 registration as a fantasy contest operator or licensure renewal if the
6 applicant or any of its officers, directors, or general partners has been
7 convicted of or has entered a plea of nolo contendere or guilty to a felony.

8 (b) The director is governed by section 24-5-101 in considering
9 the conviction or plea of nolo contendere to a felony for any individual
10 subject to a criminal history record check pursuant to subsection (4) of
11 this section.

12 (4) With the submission of an application for a license granted
13 pursuant to this section, each applicant and its officers, directors, and
14 general partners shall submit a complete set of his or her fingerprints to
15 the Colorado bureau of investigation for the purpose of conducting
16 fingerprint-based criminal history record checks. The Colorado bureau of
17 investigation shall forward the fingerprints to the federal bureau of
18 investigation for the purpose of conducting fingerprint-based criminal
19 history record checks. A person who has previously submitted
20 fingerprints for state or local licensing purposes may request the use of
21 the fingerprints on file. The director shall require a name-based criminal
22 history record check, as defined in section 22-2-119.3 (6)(d), for a person
23 who has twice submitted to a fingerprint-based criminal history record
24 check and whose fingerprints are unclassifiable or when the results of a
25 fingerprint-based criminal history record check of a person performed
26 pursuant to this subsection (4) reveal a record of arrest without a
27 disposition. The director shall use the information resulting from the

1 fingerprint-based or name-based criminal history record check to
2 investigate and determine whether an applicant is qualified to hold a
3 license pursuant to this section. The director may verify the information
4 an applicant is required to submit. The applicant shall pay the costs
5 associated with the fingerprint-based criminal history record check to the
6 Colorado bureau of investigation. The applicant is responsible for the
7 costs associated with a name-based criminal history record check.

8 (5) A fantasy contest operator shall not conduct, operate, or offer
9 a fantasy contest that:

10 (a) Utilizes:

11 (I) Video or mechanical reels or symbols or any other depictions
12 of slot machines, poker, blackjack, craps, or roulette; or

13 (II) Any device that qualifies as or replicates games that constitute
14 limited gaming under section 9 of article XVIII of the Colorado
15 constitution; or

16 (b) Includes a university, college, high school, or youth sporting
17 event.

18 **44-30-1606. [Formerly 12-125-107] Consumer protections.**

19 (1) A fantasy contest operator, including a small fantasy contest operator,
20 shall implement commercially reasonable procedures for fantasy contests
21 with an entry fee, which procedures are designed to:

22 (a) Prevent employees of the fantasy contest operator, including
23 a small fantasy contest operator, and relatives living in the same
24 household as the employees, from competing in any fantasy contests
25 offered by any fantasy contest operator in which the operator offers a cash
26 prize;

27 (b) Prevent sharing of confidential information that could affect

1 the fantasy contest play with third parties until the information is made
2 publicly available;

3 (c) Verify that a fantasy contest player in such a fantasy contest is
4 eighteen years of age or older;

5 (d) Ensure that individuals who participate or officiate in a game
6 or contest that is the subject of such a fantasy contest will be restricted
7 from entering such a fantasy contest that is determined, in whole or in
8 part, on the accumulated statistical results of a team of individuals in the
9 game or contest in which they are a player or official;

10 (e) Allow individuals to restrict themselves from entering such a
11 fantasy contest upon request and provide reasonable steps to prevent the
12 person from entering the fantasy contests offered by the fantasy contest
13 operator, including a small fantasy contest operator;

14 (f) Disclose the number of entries that a fantasy contest player
15 may submit to each such fantasy contest, provide reasonable steps to
16 prevent players from submitting more than the allowable number, and, in
17 any contest involving at least one hundred one entries, not allow a player
18 to submit more than the lesser of three percent of all entries or one
19 hundred fifty entries;

20 (g) Segregate fantasy contest player funds from operational funds
21 and maintain a reserve in the form of cash, cash equivalents, an
22 irrevocable letter of credit, a bond, or a combination thereof, in the
23 amount of the deposits made to the accounts of fantasy contest players for
24 the benefit and protection of the funds held in the accounts;

25 (h) Distinguish highly experienced players and beginner players
26 and ensure that highly experienced players are conspicuously identified
27 as such to all players;

1 (i) Prohibit the use of scripts in fantasy contests that give a player
2 an unfair advantage over other players and make all authorized scripts
3 readily available to all fantasy contest players;

4 (j) Clearly and conspicuously disclose all rules that govern its
5 contests, including the material terms of each promotional offer at the
6 time the offer is advertised; and

7 (k) Use technologically reasonable measures to limit each fantasy
8 contest player to one active account with that operator.

9 (2) A fantasy contest operator, INCLUDING A SMALL FANTASY
10 CONTEST OPERATOR, offering fantasy contests in this state shall:

11 (a) Contract with a third party to annually perform an independent
12 audit, consistent with the standards established by the Public Company
13 Accounting Oversight Board, to ensure compliance with this ~~article 125~~
14 PART 16; and

15 (b) Submit the results of the audit to the director.

16 **44-30-1607. [Formerly 12-125-108] Duty to maintain records.**
17 Each fantasy contest operator shall keep daily records of its operations
18 and shall maintain the records for at least three years. The records must
19 sufficiently detail all financial transactions to determine compliance with
20 the requirements of this ~~article 125~~ PART 16 and must be available for
21 audit and inspection by the director during the fantasy contest operator's
22 regular business hours.

23 **44-30-1608. [Formerly 12-125-109] Authorization to conduct**
24 **fantasy contests.** (1) Fantasy contests are authorized and may be
25 conducted by a fantasy contest operator at a licensed gaming
26 establishment. ~~as that term is defined in section 44-30-103 (18).~~ A
27 gaming retailer ~~as that term is defined in section 44-30-103 (27),~~ may

1 conduct fantasy contests if the gaming retailer is licensed as a fantasy
2 contest operator.

3 (2) Fantasy contests are authorized and may be conducted by a
4 fantasy contest operator at a licensed facility at which pari-mutuel
5 wagering, as ~~that term is~~ defined in section 44-32-102 (18), may occur.
6 An operator of a class B track, as ~~that term is~~ defined in section
7 44-32-102 (3), may conduct fantasy contests if the operator is licensed as
8 a fantasy contest operator.

9 (3) A fantasy contest conducted in compliance with this ~~article~~
10 ~~125~~ PART 16 does not violate article 10 or 10.5 of title 18.

11 **44-30-1609. [Formerly 12-125-110] Grounds for discipline.**

12 (1) The director may take disciplinary action ~~as authorized in section~~
13 ~~12-20-404~~ against a licensee or registrant if the fantasy contest operator,
14 including a small fantasy contest operator:

15 (a) Violates any order of the director, any provision of this ~~article~~
16 ~~125~~, an applicable provision of article 20 of this title 12 PART 16, or the
17 rules established under this ~~article 125~~ PART 16;

18 (b) Fails to meet the requirements for licensure under this ~~article~~
19 ~~125~~ PART 16; or

20 (c) Uses fraud, misrepresentation, or deceit in applying for or
21 attempting to apply for licensure or registration or otherwise in operating
22 or offering to operate a fantasy contest.

23 (2) If it appears to the director, based upon credible evidence as
24 presented in a written complaint, that a person is operating or offering to
25 operate a fantasy contest without having obtained a registration or license,
26 the director may issue an order to cease and desist the activity. The
27 director shall set forth in the order the statutes and rules alleged to have

1 been violated, the facts alleged to have constituted the violation, and the
2 requirement that all unauthorized practices immediately cease. Within ten
3 days after service of the order to cease and desist pursuant to this
4 subsection (2), the person may request a hearing on the question of
5 whether acts or practices in violation of this ~~article 125~~ PART 16 have
6 occurred. The hearing shall be conducted pursuant to section 24-4-105.

7 **44-30-1610. [Formerly 12-125-111] Civil fines.** In addition to any
8 other remedy provided by law, a fantasy contest operator, or an employee
9 or agent thereof, who violates this ~~article 125~~ PART 16 is subject to a civil
10 fine of not more than one thousand dollars for each such violation, which
11 the state treasurer shall credit to the ~~general~~ SPORTS BETTING fund
12 CREATED IN SECTION 44-30-1509. The director may file a civil action to
13 collect the fine.

14 **44-30-1611. [Formerly 12-125-112] Applicability.** This ~~article~~
15 ~~125~~ PART 16 applies to conduct occurring on or after ~~July 1, 2017~~
16 SEPTEMBER 1, 2020.

17 **44-30-1612. [Formerly 12-125-113] Repeal of part - subject to**
18 **review.** This ~~article 125~~ PART 16 is repealed, effective September 1, ~~2020~~
19 2027. Before the repeal, this ~~article 125~~ PART 16 is scheduled for review
20 in accordance with section 24-34-104.

21 **SECTION 3.** In Colorado Revised Statutes, 44-30-1501, **amend**
22 (3) as follows:

23 **44-30-1501. Definitions - rules.** Definitions applicable to this part
24 15 also appear in section 44-30-103 and article 1 of this title 44. As used
25 in this part 15, unless the context otherwise requires:

26 (3) "Fantasy sports activity" means the conduct of, or participation
27 in, a fantasy contest as defined in section ~~12-125-103 (3)~~ 44-30-1602 (4).

1 **SECTION 4.** In Colorado Revised Statutes, 44-30-1509, **amend**
2 (1), (6), and (7) as follows:

3 **44-30-1509. Sports betting fund - creation - rules - definitions.**

4 (1) (a) There is hereby created, in the state treasury, the sports betting
5 fund, referred to in this section as the "fund". The initial appropriation to
6 the division for sports betting regulation and all subsequent revenues of
7 the division derived from sports betting activity AND THE REGULATION OF
8 FANTASY CONTEST OPERATORS UNDER PART 16 OF THIS ARTICLE 30,
9 including license fees, fines and penalties, and collection of the sports
10 betting tax, shall be deposited into the fund. All expenses of the division
11 related to sports betting AND FANTASY CONTEST regulation, including the
12 expenses of investigation and prosecution relating to sports betting AND
13 THE REGULATION OF FANTASY CONTEST OPERATORS, shall be paid from
14 the fund.

15 (b) All money paid into the fund is continuously appropriated for
16 the purposes of implementing this part 15 AND PART 16 OF THIS ARTICLE
17 30. Payment shall be made upon proper presentation of a voucher
18 prepared by the commission in accordance with other statutes governing
19 payments of liabilities incurred on behalf of the state and shall not be
20 conditioned on any appropriation by the general assembly. Receipt of the
21 payment constitutes spending authority by the division.

22 (6) The division shall be operated so that, after the initial state
23 appropriation, its administration of this part 15 AND PART 16 OF THIS
24 ARTICLE 30 is financially self-sustaining.

25 (7) No claim for the payment of any expense of the division
26 relating to administering this part 15 OR PART 16 OF THIS ARTICLE 30 can
27 be made unless it is against the fund. No other money of the state shall be

1 used or obligated to pay the expenses of the division or commission
2 related to sports betting OR FANTASY SPORTS ACTIVITY.

3 **SECTION 5. Repeal of relocated and nonrelocated provisions**
4 **in this act.** In Colorado Revised Statutes, **repeal** article 125 of title 12;
5 except that 12-125-102 is not relocated.

6 **SECTION 6.** In Colorado Revised Statutes, 12-20-204, **repeal**
7 (2)(b) as follows:

8 **12-20-204. Regulator's rule-making authority.** (2) Subsection
9 (1) of this section does not apply to the following:

10 (b) ~~Article 125 of this title 12 concerning fantasy contests;~~

11 **SECTION 7.** In Colorado Revised Statutes, 12-20-402, **amend**
12 (4) as follows:

13 **12-20-402. Immunity.** (4) This section does not apply to articles
14 ~~125,~~ 140, 150, and 250 of this title 12 concerning ~~fantasy contests,~~
15 nontransplant tissue banks, passenger tramways, and naturopathic
16 doctors, respectively.

17 **SECTION 8.** In Colorado Revised Statutes, 12-20-404, **repeal**
18 (1)(c)(II)(A), (1)(d)(II)(C), (2)(b)(I), (3)(c)(II), and (5)(b)(I) as follows:

19 **12-20-404. Disciplinary actions - regulator powers -**
20 **disposition of fines.** (1) **General disciplinary authority.** If a regulator
21 determines that an applicant, licensee, certificate holder, or registrant has
22 committed an act or engaged in conduct that constitutes grounds for
23 discipline or unprofessional conduct under a part or article of this title 12
24 governing the particular profession or occupation, the regulator may:

25 (c) (II) A regulator is not authorized under this subsection (1)(c)
26 to impose a fine on a licensee, certificate holder, or registrant regulated
27 under the following:

1 (A) ~~Article 125 of this title 12 concerning fantasy contests;~~

2 (d) (II) A regulator is not authorized under this subsection (1)(d)
3 to refuse to renew the license, certification, or registration of a licensee,
4 certificate holder, or registrant regulated under the following:

5 (C) ~~Article 125 of this title 12 concerning fantasy contests;~~

6 (2) **Deferral precluded.** (b) This subsection (2) does not apply
7 to the following:

8 (I) ~~Article 125 of this title 12 concerning fantasy contests;~~

9 (3) **Waiting period after revocation or surrender.** (c) This
10 subsection (3) does not apply to the following:

11 (II) ~~Article 125 of this title 12 concerning fantasy contests;~~

12 (5) **Confidential letter of concern.** (b) This subsection (5) does
13 not apply to the following:

14 (I) ~~Article 125 of this title 12 concerning fantasy contests;~~

15 **SECTION 9.** In Colorado Revised Statutes, 12-20-405, **amend**
16 (6) as follows:

17 **12-20-405. Cease-and-desist orders.** (6) This section does not
18 apply to articles ~~125~~, 140 and 150 of this title 12 concerning ~~fantasy~~
19 ~~contests~~, nontransplant tissue banks and passenger tramways,
20 respectively.

21 **SECTION 10.** In Colorado Revised Statutes, 12-20-406, **repeal**
22 (3)(c) as follows:

23 **12-20-406. Injunctive relief.** (3) This section does not apply to
24 the following:

25 (c) ~~Article 125 of this title 12 concerning fantasy contests;~~

26 **SECTION 11.** In Colorado Revised Statutes, 12-20-408, **repeal**
27 (2)(a) as follows:

1 **12-20-408. Judicial review.** (2) A district court of competent
2 jurisdiction has initial jurisdiction to review all final actions and orders
3 of a regulator that are subject to judicial review and shall conduct the
4 judicial review proceedings in accordance with section 24-4-106 (3) for
5 the following:

6 (a) ~~Article 125 of this title 12 concerning fantasy contests;~~

7 **SECTION 12.** In Colorado Revised Statutes, 44-30-203, **amend**
8 (2) introductory portion; and **add** (2)(a.5) as follows:

9 **44-30-203. Director - qualification - powers and duties.** (2) In
10 addition to the duties imposed upon the director elsewhere in this part 2
11 and in ~~part 15~~ PARTS 15 AND 16 of this article 30, the director shall:

12 (a.5) SUPERVISE AND ADMINISTER THE REGULATION OF FANTASY
13 CONTEST OPERATORS IN ACCORDANCE WITH PART 16 OF THIS ARTICLE 30;

14 **SECTION 13. Act subject to petition - effective date.** This act
15 takes effect September 1, 2020; except that, if a referendum petition is
16 filed pursuant to section 1 (3) of article V of the state constitution against
17 this act or an item, section, or part of this act within the ninety-day period
18 after final adjournment of the general assembly, then the act, item,
19 section, or part will not take effect unless approved by the people at the
20 general election to be held in November 2020 and, in such case, will take
21 effect on the date of the official declaration of the vote thereon by the
22 governor.