

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 22-0882.01 Richard Sweetman x4333

HOUSE BILL 22-1402

HOUSE SPONSORSHIP

Garnett,

SENATE SPONSORSHIP

(None),

House Committees

Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO PROMOTE RESPONSIBLE GAMING, AND, IN**
102 **CONNECTION THEREWITH, CREATING THE RESPONSIBLE GAMING**
103 **GRANT PROGRAM, ESTABLISHING FUNDING MECHANISMS TO**
104 **SUPPORT THE GRANT PROGRAM, AND MAKING AN**
105 **APPROPRIATION.**

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>.)

Section 1 of the bill creates the responsible gaming grant program (grant program) in the department of revenue to promote responsible

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.

gaming in the state. The Colorado limited gaming control commission (gaming commission), in collaboration with the behavioral health administration, is required to administer the grant program and award grants to eligible applicants from money in the responsible gaming grant program cash fund (cash fund), which is also created in the bill. An "eligible applicant" means an agency of the state government, a local government, or, with certain exceptions, a nonprofit organization.

The gaming commission, in collaboration with the behavioral health administration, is required to promulgate rules to implement the grant program. At a minimum, the rules must specify the time frames for applying for grants, the form of the grant program application, and the time frames for distributing grant money. To receive a grant, an eligible applicant must submit an application that includes the following information:

- The amount of grant money requested by the eligible applicant;
- How the eligible applicant will spend the grant money to address problem gaming or increase awareness of responsible gaming;
- Information concerning any current or past projects in which the eligible applicant has participated and that addressed responsible gaming or problem gaming; and
- Any other information required by rules promulgated by the gaming commission.

In reviewing applications, the gaming commission, in collaboration with the behavioral health administration, is required to consider certain criteria, and grantees may use grant money only for the purposes for which the grant money is awarded.

On or before September 1, 2023, and on or before September 1 each year thereafter, each grantee must submit a report to the gaming commission concerning the use of grant money. On or before December 1, 2023, and on or before December 1 each year thereafter for the duration of the grant program, the gaming commission must submit a summarized report to the legislative committees of reference.

The grant program is repealed, effective September 1, 2032. Before the repeal, the grant program is scheduled for a sunset review by the department of regulatory agencies.

Section 1 also requires the division of gaming (gaming division), on and after January 1, 2023, to operate a program to exclude certain individuals from all or certain gaming activities in the state. The gaming division must operate the exclusion program in accordance with rules promulgated by the gaming commission.

Section 2 requires retail gaming licensees, sports betting operators, and internet sports betting operators (licensees) to annually submit a report to the director of the gaming division, which report describes the

efforts of the licensee in the preceding year to promote responsible gaming via advertising and other promotional methods and the licensee's plans concerning such promotional efforts in the current state fiscal year.

Section 3 requires that on December 31, 2023, and on December 31 each year thereafter, any money credited to the wagering revenue recipients hold-harmless fund and not distributed within 2 years after being credited to the hold-harmless fund be transferred, as authorized by the gaming commission, to the cash fund.

Section 4 requires that, for the 2022-23 state fiscal year and each state fiscal year thereafter, \$2.5 million be transferred from the state share of the limited gaming fund to the cash fund.

Section 5 requires the general assembly, for the 2022-23 state fiscal year, and for each state fiscal year thereafter, to appropriate \$200,000 from the lottery fund to the state lottery division (division) to be expended by the division to pay for efforts to promote responsible gaming in the state.

Section 6 limits the total amount of free bets that may be deducted on and after January 1, 2023, for the purpose of calculating the net sports betting proceeds of a sports betting operator or internet sports betting operator.

Under current law, the Colorado lottery commission is required to promulgate rules that include the method for selling tickets or shares and the method to be used for selling instant scratch game tickets. **Section 7** removes a requirement that such rules must require all such sales to be on a cash-only basis.

Section 8 concerns the sunset repeal of the grant program, and **section 9** excludes the cash fund from the statutory limitation on uncommitted reserves. **Section 10** removes existing language concerning individuals who are required by the gaming commission to be excluded or ejected from any licensed gaming establishment, which language is rendered redundant by the bill's new exclusion language. **Sections 11 and 12** make conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add with amended**
3 **and relocated provisions** part 17 to article 30 of title 44 as follows:

4 **PART 17**

5 **MEASURES TO PROMOTE RESPONSIBLE GAMING**

6 **44-30-1701. Definitions.** AS USED IN THIS PART 17, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

1 (1) "BEHAVIORAL HEALTH ADMINISTRATION" MEANS THE
2 BEHAVIORAL HEALTH ADMINISTRATION ESTABLISHED PURSUANT TO
3 SECTION 27-60-203 (5)(a).

4 (2) (a) "ELIGIBLE APPLICANT" MEANS:

5 (I) AN AGENCY OF THE STATE GOVERNMENT;

6 (II) A LOCAL GOVERNMENT; AND

7 (III) EXCEPT AS DESCRIBED IN SUBSECTION (2)(b) OF THIS SECTION,
8 A NONPROFIT ORGANIZATION.

9 (b) "ELIGIBLE APPLICANT" DOES NOT INCLUDE A NONPROFIT
10 ORGANIZATION OR A PUBLIC OR PRIVATE NONPROFIT FOUNDATION THAT IS:

11 (I) AFFILIATED WITH A PERSON LICENSED UNDER THIS ARTICLE 30;

12 OR

13 (II) FUNDAMENTALLY OPPOSED TO GAMING.

14 (3) "FUND" MEANS THE RESPONSIBLE GAMING GRANT PROGRAM
15 CASH FUND CREATED IN SECTION 44-30-1702 (8).

16 (4) "GRANT PROGRAM" MEANS THE RESPONSIBLE GAMING GRANT
17 PROGRAM CREATED IN SECTION 44-30-1702 (1).

18 (5) "LOCAL GOVERNMENT" MEANS A CITY, A COUNTY, OR A CITY
19 AND COUNTY.

20 **44-30-1702. Responsible gaming grant program - creation -**
21 **rules - application process - cash fund created - repeal.** (1) THE
22 RESPONSIBLE GAMING GRANT PROGRAM IS HEREBY CREATED IN THE
23 DEPARTMENT TO PROMOTE RESPONSIBLE GAMING AND ADDRESS PROBLEM
24 GAMING IN THE STATE.

25 (2) (a) THE COMMISSION, IN COLLABORATION WITH THE
26 BEHAVIORAL HEALTH ADMINISTRATION, SHALL ADMINISTER THE GRANT
27 PROGRAM AND SHALL AWARD GRANTS AS PROVIDED IN THIS SECTION.

1 GRANTS SHALL BE PAID OUT OF THE FUND.

2 (b) THE COMMISSION MAY SEEK, ACCEPT, AND EXPEND GIFTS,
3 GRANTS, AND DONATIONS FOR THE PURPOSES OF THE GRANT PROGRAM.
4 ANY MONEY RECEIVED AS GIFTS, GRANTS, AND DONATIONS BY THE
5 COMMISSION SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO
6 SHALL CREDIT THE MONEY TO THE FUND.

7 (3) THE COMMISSION, IN COLLABORATION WITH THE BEHAVIORAL
8 HEALTH ADMINISTRATION, SHALL PROMULGATE SUCH RULES AS ARE
9 REQUIRED IN THIS SECTION AND SUCH ADDITIONAL RULES AS MAY BE
10 NECESSARY TO IMPLEMENT THE GRANT PROGRAM. AT A MINIMUM, THE
11 RULES MUST SPECIFY THE TIME FRAMES FOR APPLYING FOR GRANTS, THE
12 FORM OF THE GRANT PROGRAM APPLICATION, AND THE TIME FRAMES FOR
13 DISTRIBUTING GRANT MONEY.

14 (4) TO RECEIVE A GRANT, AN ELIGIBLE APPLICANT MUST SUBMIT
15 AN APPLICATION TO THE COMMISSION IN ACCORDANCE WITH RULES
16 PROMULGATED BY THE COMMISSION. AT A MINIMUM, THE APPLICATION
17 MUST INCLUDE THE FOLLOWING INFORMATION:

18 (a) THE AMOUNT OF GRANT MONEY REQUESTED BY THE ELIGIBLE
19 APPLICANT;

20 (b) HOW THE ELIGIBLE APPLICANT WILL SPEND THE GRANT MONEY
21 TO ADDRESS PROBLEM GAMING OR INCREASE AWARENESS OF RESPONSIBLE
22 GAMING;

23 (c) INFORMATION CONCERNING ANY CURRENT OR PAST PROJECTS
24 IN WHICH THE ELIGIBLE APPLICANT HAS PARTICIPATED AND THAT
25 ADDRESSED RESPONSIBLE GAMING OR PROBLEM GAMING; AND

26 (d) ANY OTHER INFORMATION REQUIRED BY RULES PROMULGATED
27 BY THE COMMISSION PURSUANT TO SUBSECTION (3) OF THIS SECTION.

1 (5) THE COMMISSION SHALL REVIEW THE APPLICATIONS RECEIVED
2 PURSUANT TO THIS SECTION. IN AWARDING GRANTS, THE COMMISSION, IN
3 COLLABORATION WITH THE BEHAVIORAL HEALTH ADMINISTRATION, SHALL
4 CONSIDER THE FOLLOWING CRITERIA:

5 (a) THE CURRENT NEEDS OF THE STATE RELATING TO RESPONSIBLE
6 OR PROBLEM GAMING;

7 (b) THE OVERALL IMPACT THAT A PROPOSED GRANT MAY HAVE ON
8 RESPONSIBLE OR PROBLEM GAMING;

9 (c) THE AMOUNT OF MONEY AVAILABLE IN THE FUND;

10 (d) THE AMOUNT OF GRANT MONEY REQUESTED BY EACH ELIGIBLE
11 APPLICANT;

12 (e) WHETHER THE ELIGIBLE APPLICANT INTENDS TO USE GRANT
13 MONEY FOR ANY OF THE FOLLOWING PURPOSES:

14 (I) PREVENTION OR EDUCATION SERVICES CONCERNING GAMBLING
15 ADDICTION;

16 (II) CERTIFICATION OF GAMBLING ADDICTION COUNSELORS;

17 (III) PUBLIC AWARENESS OF SERVICES CONCERNING GAMBLING
18 ADDICTION;

19 (IV) TREATMENT OF GAMBLING ADDICTION DISORDERS;

20 (V) RECOVERY SERVICES; OR

21 (VI) DATA REPORTING AND DATA SYSTEMS; AND

22 (f) ANY OTHER CRITERIA ESTABLISHED BY RULES PROMULGATED
23 BY THE COMMISSION PURSUANT TO SUBSECTION (3) OF THIS SECTION.

24 (6) GRANTEE SHALL USE GRANT MONEY ONLY FOR THE PURPOSES
25 FOR WHICH THE GRANT MONEY IS AWARDED.

26 (7) (a) ON OR BEFORE SEPTEMBER 1, 2023, AND ON OR BEFORE
27 SEPTEMBER 1 EACH YEAR THEREAFTER THROUGH THE YEAR FOLLOWING

1 THE YEAR AFTER WHICH A GRANTEE FULLY EXPENDS ITS GRANT MONEY,
2 EACH GRANTEE SHALL SUBMIT A REPORT TO THE COMMISSION. AT A
3 MINIMUM, THE REPORT MUST INCLUDE THE FOLLOWING INFORMATION:

4 (I) AN INDICATION OF WHETHER THE GRANTEE ACHIEVED THE
5 OBJECTIVES THAT THE GRANTEE DESCRIBED IN ITS APPLICATION FOR A
6 GRANT;

7 (II) AN EVALUATION OF THE RESULTS OF THE GRANTEE'S
8 GRANT-FUNDED PROJECT;

9 (III) A DESCRIPTION OF THE IMPACT OF THE GRANTEE'S USE OF
10 GRANT MONEY ON THE COMMUNITY WITH REGARD TO RESPONSIBLE OR
11 PROBLEM GAMING;

12 (IV) THE TOTAL AMOUNT OF GRANT MONEY RECEIVED AND THE
13 TOTAL AMOUNT OF GRANT MONEY EXPENDED BY THE GRANTEE; AND

14 (V) ANY OTHER INFORMATION THAT IS REQUIRED BY RULES
15 PROMULGATED BY THE COMMISSION PURSUANT TO SUBSECTION (3) OF THIS
16 SECTION.

17 (b) ON OR BEFORE DECEMBER 1, 2023, AND ON OR BEFORE
18 DECEMBER 1 EACH YEAR THEREAFTER FOR THE DURATION OF THE GRANT
19 PROGRAM, THE COMMISSION SHALL SUBMIT A SUMMARIZED REPORT TO
20 THE PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE
21 OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND HUMAN
22 SERVICES COMMITTEE OF THE SENATE, OR TO ANY SUCCESSOR
23 COMMITTEES, AND TO THE BEHAVIORAL HEALTH ADMINISTRATION
24 CONCERNING THE GRANT PROGRAM. AT A MINIMUM, THE REPORT MUST
25 INCLUDE THE FOLLOWING INFORMATION:

26 (I) THE TOTAL NUMBER OF GRANTS, AND THE TOTAL AMOUNT OF
27 GRANT MONEY, AWARDED BY THE GRANT PROGRAM IN THE PRECEDING

1 STATE FISCAL YEAR;

2 (II) THE IDENTITY OF EACH GRANTEE AND THE TOTAL AMOUNT OF
3 GRANT MONEY AWARDED TO EACH GRANTEE IN THE PRECEDING STATE
4 FISCAL YEAR;

5 (III) THE INFORMATION REPORTED BY EACH GRANTEE PURSUANT
6 TO SUBSECTIONS (7)(a)(II) AND (7)(a)(III) OF THIS SECTION; AND

7 (IV) FINANCIAL STATEMENTS CONCERNING THE STATUS OF, AND
8 ACTIVITIES CONCERNING, THE FUND.

9 (c) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
10 REPORTING REQUIREMENT SET FORTH IN SUBSECTION (7)(b) OF THIS
11 SECTION CONTINUES UNTIL THE GRANT PROGRAM REPEALS PURSUANT TO
12 SUBSECTION (9) OF THIS SECTION.

13 (8) (a) THE RESPONSIBLE GAMING GRANT PROGRAM CASH FUND IS
14 HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF:

15 (I) MONEY TRANSFERRED TO THE FUND FROM THE WAGERING
16 REVENUE RECIPIENTS HOLD-HARMLESS FUND PURSUANT TO SECTION
17 44-30-1509 (2)(c)(IV);

18 (II) MONEY TRANSFERRED TO THE FUND FROM THE LIMITED
19 GAMING FUND PURSUANT TO SECTION 44-30-701 (2)(a)(VI.5);

20 (III) ANY GIFTS, GRANTS, AND DONATIONS RECEIVED PURSUANT
21 TO SUBSECTION (2)(b) OF THIS SECTION; AND

22 (IV) ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
23 APPROPRIATE OR TRANSFER TO THE FUND.

24 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
25 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
26 FUND TO THE FUND. ANY MONEY REMAINING IN THE FUND AT THE END OF
27 A FISCAL YEAR REMAINS IN THE FUND.

1 (c) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
2 DEPARTMENT FOR USE BY THE COMMISSION FOR THE PURPOSES DESCRIBED
3 IN THIS SECTION. ANY MONEY THAT IS AWARDED AS A GRANT TO ANY
4 STATE AGENCY IS FURTHER CONTINUOUSLY APPROPRIATED TO THE STATE
5 AGENCY FOR USE BY THE STATE AGENCY CONSISTENT WITH THIS SECTION.

6 (d) THE COMMISSION MAY EXPEND MONEY FROM THE FUND TO PAY
7 THE DIRECT AND INDIRECT ADMINISTRATIVE EXPENSES INCURRED BY THE
8 COMMISSION IN ADMINISTERING THE GRANT PROGRAM; EXCEPT THAT THE
9 TOTAL AMOUNT OF MONEY EXPENDED BY THE COMMISSION PURSUANT TO
10 THIS SUBSECTION (8)(d) IN A STATE FISCAL YEAR MAY NOT EXCEED FIVE
11 PERCENT OF THE TOTAL AMOUNT OF GRANT MONEY AWARDED BY THE
12 COMMISSION IN THAT STATE FISCAL YEAR.

13 (e) ON AUGUST 31, 2032, THE STATE TREASURER SHALL TRANSFER
14 ALL UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND ON THAT
15 DATE TO THE GENERAL FUND.

16 (9) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2032.
17 BEFORE THE REPEAL, THE GRANT PROGRAM IS SCHEDULED FOR REVIEW IN
18 ACCORDANCE WITH SECTION 24-34-104.

19 **44-30-1703. Exclusion of certain individuals from**
20 **participation in gaming activities - duties of division - mechanism for**
21 **self-exclusion - confidential records - rules. (1) (a) ON AND AFTER**
22 **JANUARY 1, 2023, THE DIVISION SHALL OPERATE A PROGRAM TO:**

23 (I) EXCLUDE THE FOLLOWING INDIVIDUALS FROM PARTICIPATION
24 IN GAMING ACTIVITIES IN THE STATE:

25 (A) INDIVIDUALS WHO HAVE VOLUNTARILY REQUESTED TO BE
26 EXCLUDED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION; AND

27 (B) INDIVIDUALS WHO ARE REQUIRED BY THE COMMISSION TO BE

1 EXCLUDED OR EJECTED FROM ANY LICENSED GAMING ESTABLISHMENT
2 PURSUANT TO SUBSECTION (3) OR (4) OF THIS SECTION; AND

3 (II) EXCLUDE FROM CERTAIN SPORTS BETTING INDIVIDUALS WHO
4 ARE PROHIBITED FROM PLACING WAGERS ON CERTAIN SPORTING EVENTS
5 PURSUANT TO SECTION 44-30-1502.

6 (b) THE DIVISION SHALL OPERATE THE PROGRAM IN ACCORDANCE
7 WITH RULES PROMULGATED BY THE COMMISSION PURSUANT TO THIS
8 SECTION.

9 (2) (a) THE DIVISION SHALL INCLUDE IN THE PROGRAM DESCRIBED
10 IN SUBSECTION (1) OF THIS SECTION MECHANISMS BY WHICH INDIVIDUALS
11 MAY REQUEST TO BE EXCLUDED FROM PARTICIPATION IN GAMING
12 ACTIVITIES IN THE STATE, AS DESCRIBED IN SUBSECTION (1)(a)(I)(A) OF
13 THIS SECTION. THE MECHANISMS MUST INCLUDE THE RECEIPT OF SUCH
14 REQUESTS BY THE DIVISION IN WRITTEN, ELECTRONIC, AND TELEPHONIC
15 FORM.

16 (b) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
17 PERSONAL IDENTIFYING INFORMATION OF THE FOLLOWING INDIVIDUALS IS
18 CONFIDENTIAL AND IS NOT SUBJECT TO THE REQUIREMENTS OF THE
19 "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24:

20 (I) INDIVIDUALS WHO REQUEST TO BE EXCLUDED FROM
21 PARTICIPATION IN GAMING ACTIVITIES IN THE STATE PURSUANT TO
22 SUBSECTION (2)(a) OF THIS SECTION; AND

23 (II) INDIVIDUALS WHO ARE PROHIBITED FROM PLACING WAGERS ON
24 CERTAIN SPORTING EVENTS PURSUANT TO SECTION 44-30-1502 AND ARE
25 THEREFORE EXCLUDED FROM CERTAIN SPORTS BETTING PURSUANT TO
26 SUBSECTION (1)(a)(II) OF THIS SECTION.

27 (3) [Formerly 44-30-1001 (2)] The commission ~~may~~ SHALL by

1 rule provide for the establishment of a list of persons who are to be
2 excluded or ejected from any licensed gaming establishment, including
3 any person whose presence in the establishment is determined to pose a
4 threat to the interest of the state ~~of Colorado~~ or to licensed gaming. ~~or~~
5 ~~both~~. In making the determination for exclusion, the commission may
6 consider any of the following:

7 (a) Prior conviction of a felony, a misdemeanor involving moral
8 turpitude, or a violation of the ~~gaming~~ laws OR GAMING RULES of any
9 OTHER state, the United States or any of its possessions or territories,
10 ~~including~~ OR AN Indian ~~tribes~~ TRIBE;

11 (b) A violation, AN attempt to violate, or A conspiracy to violate
12 the provisions of this article 30 relating to:

13 (I) The failure to disclose an interest in a gaming establishment for
14 which the person must obtain a license or TO make disclosures to the
15 commission; or

16 (II) Intentional evasion of fees or taxes;

17 (III) A reputation that would adversely affect public confidence
18 and trust that the gaming industry is free from criminal or corruptive
19 influences;

20 (IV) Prior exclusion or ejection FROM A GAMING ESTABLISHMENT
21 under the LAWS OR gaming rules of any other state, the United States OR
22 any of its possessions or territories, or an Indian tribe; ~~that regulates~~
23 ~~gaming~~; OR

24 (V) Career or professional offenders or associates of career or
25 professional offenders and any others as defined by rule of the
26 commission.

27 (c) **[Formerly 44-30-1001 (3)]** If the name and description of any

1 person is placed on the ~~exclusion~~ list OF PERSONS TO BE EXCLUDED OR
2 EJECTED DESCRIBED IN THIS SUBSECTION (3), the commission shall serve
3 notice of that action upon the person by ~~at least one of the following~~
4 ~~means:~~

- 5 (a) ~~By~~ personal service,
- 6 (b) by certified mail to the last-known address of the person, or
- 7 (c) by publication in one or more official newspapers in Teller and
8 Gilpin counties IN Colorado. A person placed upon the exclusion AND
9 EJECTION list may contest that action by filing a written protest with the
10 commission, and the COMMISSION SHALL HEAR THE protest ~~shall be heard~~
11 ~~by the commission~~ as a contested case.

12 (d) [Formerly 44-30-1001 (4)] The commission may impose
13 sanctions upon any licensee in accordance with the provisions of this
14 article 30 if the licensee KNOWINGLY fails to exclude or eject from the
15 licensed premises any person placed by the commission on the list of
16 persons to be excluded or ejected from licensed gaming establishments
17 PURSUANT TO THIS SUBSECTION (3), which sanctions may include ~~but not~~
18 ~~be limited to,~~ suspension, revocation, limitation, modification, denial, or
19 restriction of any license.

20 (4) [Formerly 44-30-1002] (a) The commission, by rule, and
21 notwithstanding the provisions of ~~section 44-30-1001~~ SUBSECTION (3) OF
22 THIS SECTION, may list persons to be excluded or ejected from any
23 licensed gaming establishment ~~effective October 1, 1991,~~ if the
24 commission finds that listing the persons on an emergency basis is
25 necessary to avoid danger to the public safety and if the public confidence
26 and trust would be maintained only if the persons ~~were~~ ARE listed on such
27 an emergency basis.

1 (b) Notwithstanding the provisions of section 24-4-103 (6), the
2 listing of ~~persons~~ A PERSON to be excluded or ejected pursuant to this
3 ~~section~~ SUBSECTION (4) expires one year after the adoption of the list,
4 unless the provisions of ~~section 44-30-1001~~ SUBSECTION (3) OF THIS
5 SECTION are followed for permanent listing.

6 (c) With respect to the finding of danger to public safety, the
7 commission shall consider whether ~~the persons have~~ A PERSON HAS been
8 listed on the list of persons TO BE excluded or ejected under the laws and
9 gaming rules of the states of Nevada, New Jersey, OR South Dakota ~~and~~
10 OR any other states; the United States OR its territories or possessions; or
11 ~~any~~ AN Indian tribe. ~~regulating gaming.~~

12 (d) Any rule adopted pursuant to this ~~section~~ SUBSECTION (4) shall
13 be followed within thirty days after the emergency listing by the
14 procedures set forth in ~~section 44-30-1001~~ SUBSECTION (3) OF THIS
15 SECTION. A listing pursuant to this ~~section~~ SUBSECTION (4) must be
16 vacated upon the conclusion of the rule-making proceeding initiated
17 under ~~section 44-30-1001~~ SUBSECTION (3) OF THIS SECTION if a
18 ~~determination is made by~~ the commission DETERMINES that a person
19 should not have been placed on the list of persons to be excluded or
20 ejected.

21 (5) ON OR BEFORE NOVEMBER 1, 2022, THE COMMISSION SHALL
22 PROMULGATE RULES FOR THE OPERATION OF THE PROGRAM DESCRIBED IN
23 SUBSECTIONS (1) AND (2) OF THIS SECTION. THE RULES MUST INCLUDE THE
24 ESTABLISHMENT OF A LIST OF INDIVIDUALS TO BE EXCLUDED OR EJECTED
25 FROM ALL GAMING ACTIVITIES IN THE STATE PURSUANT TO SUBSECTION
26 (1)(a) OF THIS SECTION, WHICH LIST IS ACCESSIBLE TO ALL LICENSED
27 GAMING OPERATORS, INCLUDING SPORTS BETTING OPERATORS AND

1 INTERNET SPORTS BETTING OPERATORS.

2 **SECTION 2.** In Colorado Revised Statutes, **add** 44-30-531 as
3 follows:

4 **44-30-531. Responsible gaming - advertising and promotional**
5 **efforts - reports of certain licensees required - confidential records.**

6 (1) ON OR BEFORE OCTOBER 1, 2023, AND ON OR BEFORE OCTOBER 1
7 EACH YEAR THEREAFTER, THE FOLLOWING LICENSEES SHALL SUBMIT TO
8 THE DIRECTOR A REPORT THAT DESCRIBES THE EFFORTS OF THE LICENSEE
9 IN THE PRECEDING STATE FISCAL YEAR TO PROMOTE RESPONSIBLE GAMING
10 IN THE STATE VIA ADVERTISING AND OTHER PROMOTIONAL METHODS AND
11 THE LICENSEE'S PLANS CONCERNING SUCH PROMOTIONAL EFFORTS IN THE
12 CURRENT STATE FISCAL YEAR:

13 (a) RETAIL LICENSEES, AS DESCRIBED IN SECTION 44-30-501 (1)(c);

14 (b) SPORTS BETTING OPERATORS, AS DEFINED IN SECTION
15 44-30-1501 (11); AND

16 (c) INTERNET SPORTS BETTING OPERATORS, AS DEFINED IN SECTION
17 44-30-1501 (5).

18 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A REPORT
19 SUBMITTED TO THE DIRECTOR PURSUANT TO SUBSECTION (1) OF THIS
20 SECTION IS CONFIDENTIAL AND IS NOT SUBJECT TO THE REQUIREMENTS OF
21 THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE
22 24.

23 **SECTION 3.** In Colorado Revised Statutes, 44-30-1509, **amend**
24 (2)(d) and (2)(e); and **add** (2)(c)(IV) as follows:

25 **44-30-1509. Sports betting fund - wagering revenue recipients**
26 **hold-harmless fund - creation - rules - definitions - repeal.** (2) From
27 the money in the sports betting fund, to the extent the unexpended and

1 unencumbered balance in the fund so permits, the state treasurer shall:

2 (c) Third, transfer an amount equal to six percent of the full fiscal
3 year sports betting tax revenues to the wagering revenue recipients
4 hold-harmless fund, referred to in this section as the "hold-harmless
5 fund", which is hereby created in the state treasury, from which the state
6 treasurer shall make disbursements as directed by the commission as
7 follows:

8 (IV) ON DECEMBER 31, 2023, AND ON DECEMBER 31 OF EACH
9 YEAR THEREAFTER, THE STATE TREASURER SHALL TRANSFER ANY MONEY
10 CREDITED TO THE HOLD-HARMLESS FUND AND NOT DISBURSED WITHIN
11 TWO YEARS AFTER THE DATE ON WHICH THE MONEY IS CREDITED TO THE
12 HOLD-HARMLESS FUND, AS AUTHORIZED BY THE COMMISSION, TO THE
13 RESPONSIBLE GAMING GRANT PROGRAM CASH FUND CREATED IN SECTION
14 44-30-1702 (8).

15 (d) (I) Fourth, transfer one hundred thirty thousand dollars
16 annually to the office of behavioral health in the department of human
17 services, to be used as follows:

18 ~~(H)~~ (A) Thirty thousand dollars for the operation of a crisis hotline
19 for gamblers by Rocky Mountain Crisis Partners or its successor
20 organization; and

21 ~~(H)~~ (B) One hundred thousand dollars for prevention, education,
22 treatment, and workforce development by, and including the payment of
23 salaries of, counselors certified in the treatment of gambling disorders.

24 (II) THIS SUBSECTION (2)(d) IS REPEALED, EFFECTIVE DECEMBER
25 31, 2023.

26 (e) ~~(F)~~ ~~Fifth~~ FOURTH, transfer all remaining unexpended and
27 unencumbered money in the fund to the water plan implementation cash

1 fund created in section 37-60-123.3.

2 **SECTION 4.** In Colorado Revised Statutes, 44-30-701, **amend**
3 (2)(a)(VI) and (2)(a)(VII); and **add** (2)(a)(VI.5) as follows:

4 **44-30-701. Limited gaming fund - created - repeal.**
5 (2) (a) Except as provided in subsection (2)(b) or (2)(c) of this section,
6 at the end of the 2012-13 state fiscal year and at the end of each state
7 fiscal year thereafter, the state treasurer shall transfer the state share as
8 follows:

9 (VI) Five hundred thousand dollars to the Colorado office of film,
10 television, and media operational account cash fund created in section
11 24-48.5-116, for the operation of the Colorado office of film, television,
12 and media, for the performance-based incentive for film production in
13 Colorado as specified in section 24-48.5-116, and for the Colorado office
14 of film, television, and media loan guarantee program as specified in
15 section 24-48.5-115; ~~and~~

16 (VI.5) FOR THE 2022-23 STATE FISCAL YEAR AND EACH STATE
17 FISCAL YEAR THEREAFTER, TWO MILLION FIVE HUNDRED THOUSAND
18 DOLLARS TO THE RESPONSIBLE GAMING GRANT PROGRAM CASH FUND
19 CREATED IN SECTION 44-30-1702 (8); AND

20 (VII) Any amount of the state share that exceeds the transfers
21 specified in subsections (2)(a)(I) to ~~(2)(a)(VI)~~ (2)(a)(VI.5) of this section
22 shall be transferred to the general fund.

23 **SECTION 5.** In Colorado Revised Statutes, 44-40-111, **add** (1.5)
24 as follows:

25 **44-40-111. Lottery fund - creation - definitions.** (1.5) FOR THE
26 2022-23 STATE FISCAL YEAR, AND FOR EACH STATE FISCAL YEAR
27 THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE TWO

1 HUNDRED THOUSAND DOLLARS FROM THE LOTTERY FUND TO THE DIVISION
2 TO COVER EXPENSES RELATING TO THE DIVISION'S EFFORTS TO PROMOTE
3 RESPONSIBLE GAMING IN THE STATE.

4 **SECTION 6.** In Colorado Revised Statutes, 44-30-1501, **amend**
5 (7) as follows:

6 **44-30-1501. Definitions - rules - repeal.** Definitions applicable
7 to this part 15 also appear in section 44-30-103 and article 1 of this title
8 44. As used in this part 15, unless the context otherwise requires:

9 (7) (a) "Net sports betting proceeds" means the total amount of all
10 bets placed by players in a sports betting operation or internet sports
11 betting operation, ~~excluding free bets~~, less all payments to players, LESS
12 FREE BETS AS DESCRIBED IN SUBSECTIONS (7)(b) AND (7)(c) OF THIS
13 SECTION, and less all excise taxes paid pursuant to federal law. Payments
14 to players include all payments of cash premiums, merchandise, or any
15 other thing of value.

16 (b) (I) UNTIL JANUARY 1, 2023, WHEN DETERMINING THE FREE
17 BETS DEDUCTION USED FOR CALCULATING "NET SPORTS BETTING
18 PROCEEDS" EACH MONTH, AS DESCRIBED IN SUBSECTION (7)(a) OF THIS
19 SECTION, A SPORTS BETTING OPERATOR OR INTERNET SPORTS BETTING
20 OPERATOR MAY:

21 (A) INCLUDE ALL FREE BETS PLACED BY PLAYERS WITH THE SPORTS
22 BETTING OPERATOR OR INTERNET SPORTS BETTING OPERATOR; AND

23 (B) CARRY FORWARD ANY UNUSED FREE BET CREDITS
24 ACCUMULATED ON OR BEFORE NOVEMBER 30, 2022.

25 (II) THIS SUBSECTION (7)(b) IS REPEALED, EFFECTIVE JULY 1, 2023.

26 (c) (I) ON AND AFTER JANUARY 1, 2023, WHEN DETERMINING THE
27 FREE BETS DEDUCTION USED FOR CALCULATING "NET SPORTS BETTING

1 PROCEEDS" EACH MONTH, AS DESCRIBED IN SUBSECTION (7)(a) OF THIS
2 SECTION, A SPORTS BETTING OPERATOR OR INTERNET SPORTS BETTING
3 OPERATOR SHALL INCLUDE ONLY A PORTION OF THE TOTAL FREE BETS
4 PLACED BY PLAYERS WITH THE SPORTS BETTING OPERATOR OR INTERNET
5 SPORTS BETTING OPERATOR, AS FOLLOWS:

6 (A) ON AND AFTER JANUARY 1, 2023, THROUGH JUNE 30, 2024, NO
7 MORE THAN TWO AND ONE-HALF PERCENT OF THE TOTAL AMOUNT OF ALL
8 BETS PLACED BY PLAYERS WITH THAT SPORTS BETTING OPERATOR OR
9 INTERNET SPORTS BETTING OPERATOR EACH MONTH;

10 (B) ON AND AFTER JULY 1, 2024, THROUGH JUNE 30, 2025, NO
11 MORE THAN TWO AND ONE-FOURTH PERCENT OF THE TOTAL AMOUNT OF
12 ALL BETS PLACED BY PLAYERS WITH THAT SPORTS BETTING OPERATOR OR
13 INTERNET SPORTS BETTING OPERATOR EACH MONTH;

14 (C) ON AND AFTER JULY 1, 2025, THROUGH JUNE 30, 2026, NO
15 MORE THAN TWO PERCENT OF THE TOTAL AMOUNT OF ALL BETS PLACED BY
16 PLAYERS WITH THAT SPORTS BETTING OPERATOR OR INTERNET SPORTS
17 BETTING OPERATOR EACH MONTH; AND

18 (D) ON AND AFTER JULY 1, 2026, NO MORE THAN ONE AND
19 THREE-QUARTERS PERCENT OF THE TOTAL AMOUNT OF ALL BETS PLACED
20 BY PLAYERS WITH THAT SPORTS BETTING OPERATOR OR INTERNET SPORTS
21 BETTING OPERATOR EACH MONTH.

22 (II) FOR THE PURPOSES OF SUBSECTION (7)(c)(I) OF THIS SECTION,
23 A SPORTS BETTING OPERATOR OR INTERNET SPORTS BETTING OPERATOR
24 SHALL NOT:

25 (A) CARRY OVER TO THE NEXT MONTH ANY FREE BETS PLACED IN
26 EXCESS OF THE DEDUCTION ALLOWED FOR ANY MONTH; OR

27 (B) CARRY FORWARD ANY UNUSED FREE BET CREDITS

1 ACCUMULATED BEFORE JANUARY 1, 2023.

2 **SECTION 7.** In Colorado Revised Statutes, 44-40-109, **amend**
3 (2) introductory portion, (2)(g), (3)(a) introductory portion, and (3)(a)(I)
4 as follows:

5 **44-40-109. Commission - powers and duties - rules.** (2) Except
6 as provided in subsection (3) of this section, rules promulgated pursuant
7 to subsection (1) of this section ~~shall~~ **MUST** include: ~~but shall not be~~
8 ~~limited to, the following:~~

9 (g) The method to be used in selling tickets or shares; ~~but all sales~~
10 ~~shall be on a cash-only basis;~~

11 (3) (a) The commission shall promulgate rules pursuant to
12 subsection (1) of this section for the general administration of all instant
13 scratch games. The rules ~~shall~~ **MUST** include: ~~but shall not be limited to:~~

14 (I) The method to be used in selling instant scratch game tickets;
15 ~~but all sales shall be on a cash-only basis;~~

16 **SECTION 8.** In Colorado Revised Statutes, 24-34-104, **add**
17 (33)(a)(III) as follows:

18 **24-34-104. General assembly review of regulatory agencies**
19 **and functions for repeal, continuation, or reestablishment - legislative**
20 **declaration - repeal.** (33) (a) The following agencies, functions, or both,
21 are scheduled for repeal on September 1, 2032:

22 (III) THE RESPONSIBLE GAMING GRANT PROGRAM CREATED IN
23 SECTION 44-30-1702.

24 **SECTION 9.** In Colorado Revised Statutes, 24-75-402, **add**
25 (5)(vv) as follows:

26 **24-75-402. Cash funds - limit on uncommitted reserves -**
27 **reduction in the amount of fees - exclusions.** (5) Notwithstanding any

1 provision of this section to the contrary, the following cash funds are
2 excluded from the limitations specified in this section:

3 (vv) THE RESPONSIBLE GAMING GRANT PROGRAM CASH FUND
4 CREATED IN SECTION 44-30-1702 (8).

5 **SECTION 10. Repeal of relocated provisions.** In Colorado
6 Revised Statutes, **repeal** part 10 of article 30 of title 44.

7 **SECTION 11.** In Colorado Revised Statutes, 18-20-112, **amend**
8 (1) and (2) as follows:

9 **18-20-112. Unlawful entry by excluded and ejected persons.**

10 (1) It is unlawful for any person whose name is on the list promulgated
11 by the Colorado limited gaming control commission pursuant to ~~section~~
12 ~~44-30-1001 or 44-30-1002~~ SECTION 44-30-1703 (3) OR (4) to enter the
13 licensed premises of a limited gaming licensee.

14 (2) It is unlawful for any person whose name is on the list
15 promulgated by the Colorado limited gaming control commission
16 pursuant to ~~section 44-30-1001 or 44-30-1002~~ SECTION 44-30-1703 (3) OR
17 (4) to have any personal pecuniary interest, direct or indirect, in any
18 limited gaming licensee, licensed premises, establishment, or business
19 involved in or with limited gaming or in the shares in any corporation,
20 association, or firm licensed pursuant to article 30 of title 44.

21 **SECTION 12.** In Colorado Revised Statutes, 44-30-827, **amend**
22 (1) and (2) as follows:

23 **44-30-827. Unlawful entry by excluded and ejected persons.**

24 (1) It is unlawful for any person whose name is on the list promulgated
25 by the commission pursuant to ~~section 44-30-1001 or 44-30-1002~~
26 SECTION 44-30-1703 (3) OR (4) to enter the licensed premises of a limited
27 gaming licensee.

1 (2) It is unlawful for any person whose name is on the list
2 promulgated by the commission pursuant to ~~section 44-30-1001 or~~
3 ~~44-30-1002~~ SECTION 44-30-1703 (3) OR (4) to have any personal
4 pecuniary interest, direct or indirect, in any limited gaming licensee,
5 licensed premises, establishment, or business involved in or with limited
6 gaming or in the shares in any corporation, association, or firm licensed
7 pursuant to this article 30.

8 **SECTION 13. Appropriation.** For the 2022-23 state fiscal year,
9 \$200,000 is appropriated to the department of revenue for use by the
10 lottery division. This appropriation is from the lottery fund created in
11 section 44-40-111 (1), C.R.S. To implement this act, the division may use
12 this appropriation for marketing and communications.

13 **SECTION 14. Act subject to petition - effective date.**

14 (1) Except as otherwise provided in subsection (2) of this section, this act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly; except
17 that, if a referendum petition is filed pursuant to section 1 (3) of article V
18 of the state constitution against this act or an item, section, or part of this
19 act within such period, then the act, item, section, or part will not take
20 effect unless approved by the people at the general election to be held in
21 November 2022 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.

23 (2) Section 44-30-1509 (2)(e), Colorado Revised Statutes, as
24 amended in section 3 of this act, takes effect January 1, 2024.