

CHAPTER 218

REVENUE - ACTIVITIES REGULATION

SENATE BILL 26-163

BY SENATOR(S) Roberts, Kipp, Marchman, Snyder, Coleman;
also REPRESENTATIVE(S) Smith, Duran, Sirota, Titone.

AN ACT

CONCERNING THE REGULATION OF GAMBLING ACTIVITIES IN THE STATE, AND, IN CONNECTION THEREWITH, EXPANDING THE SCOPE OF THE LICENSING DUTIES THAT THE COLORADO LIMITED GAMING CONTROL COMMISSION MAY DELEGATE TO THE DIVISION OF GAMING, ALLOWING INDIVIDUALS TO VOLUNTARILY EXCLUDE THEMSELVES FROM SPORTS BETTING IN THE STATE, AND ALLOWING THE DIRECTOR OF THE DIVISION OF GAMING TO APPROVE OPTIONAL WAGERS AND MINOR MODIFICATIONS FOR CERTAIN TABLE GAMES.

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

SECTION 1. In Colorado Revised Statutes, **amend** 44-30-507 as follows:

44-30-507. Delegation of licensing duties.

The commission, at its discretion, may delegate licensing duties described in this ~~part 5~~ ARTICLE 30 to the division.

SECTION 2. In Colorado Revised Statutes, 44-30-204, **amend** (1)(b) as follows:

44-30-204. Investigator - peace officers.

(1) All investigators of the division and their supervisors, including the director and the executive director, have all the powers of any peace officer to:

(b) Inspect, examine, investigate, hold, or impound any premises IN THE STATE where:

(I) Limited gaming or sports betting is conducted;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(II) AN INVESTIGATOR OR SUPERVISOR SUSPECTS THAT UNLICENSED GAMING OR UNLICENSED SPORTS BETTING IS CONDUCTED;

(III) THERE ARE any devices or equipment designed for or used in limited gaming or sports betting; ~~and~~ OR

(IV) THERE ARE any books ~~and~~ OR records THAT ARE RELATED in any way ~~connected with any limited~~ TO gaming or sports betting; ~~activity;~~

SECTION 3. In Colorado Revised Statutes, 44-30-818, **amend** (2) as follows:

44-30-818. Approval of rules for certain games.

(2) A licensee shall not offer poker, blackjack, craps, or roulette, OR ANY OTHER SUCH GAME, or any variation game of poker, blackjack, craps, or roulette, OR ANY OTHER SUCH GAME, without prior approval of the game by the ~~commission, except as specifically authorized in the commission's rules regarding field trials of new games or technology~~ DIVISION.

SECTION 4. In Colorado Revised Statutes, 44-30-1703, **amend** (1)(a) introductory portion, (1)(a)(II), (2)(a), and (2)(b)(I) as follows:

44-30-1703. Exclusion of certain individuals from participation in gaming activities and sports betting - duties of division - mechanism for self-exclusion - confidential records - rules.

(1) (a) ~~On and after January 1, 2023;~~ The division shall operate a program to:

(II) Exclude from certain sports betting individuals who:

(A) Are prohibited from placing wagers on certain sporting events pursuant to section 44-30-1502; OR

(B) VOLUNTARILY REQUEST TO BE EXCLUDED FROM SPORTS BETTING IN THE STATE PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION.

(2) (a) The division shall include in the program described in subsection (1) of this section mechanisms by which individuals may request to be excluded from participation in gaming activities in the state, as described in subsection (1)(a)(I)(A) of this section, OR FROM SPORTS BETTING IN THE STATE, AS DESCRIBED IN SUBSECTION (1)(a)(II)(B) OF THIS SECTION. The mechanisms must include the receipt of such requests by the division in written, electronic, and telephonic form.

(b) Notwithstanding any other provision of law, the personal identifying information of the following individuals is confidential and is not subject to the requirements of the "Colorado Open Records Act", part 2 of article 72 of title 24:

(I) Individuals who request to be excluded from participation in gaming activities OR SPORTS BETTING in the state pursuant to subsection (2)(a) of this section; and

SECTION 5. In Colorado Revised Statutes, **amend** 44-32-102 as follows:

44-32-102. Definitions - rules.

As used in this article 32, unless the context otherwise requires:

(1) "Applicant" means ~~an individual applying~~ A PERSON SUBMITTING AN APPLICATION for a license, permit, or registration or the renewal of a license, permit, or registration granted by the ~~division~~ COMMISSION pursuant to this article 32. EACH BUSINESS OWNER, BUSINESS OFFICER, BUSINESS DIRECTOR, OR BUSINESS MANAGER APPLYING FOR A BUSINESS LICENSE IS CONSIDERED AN APPLICANT.

(2) "BACKGROUND INVESTIGATION" MEANS AN INQUIRY INTO THE PERSONAL HISTORY, CHARACTER, REPUTATION, ASSOCIATIONS, PERSONAL AND PROFESSIONAL RECORD, CRIMINAL HISTORY, CIVIL LITIGATION HISTORY, AND FINANCIAL HISTORY AND ACTIVITIES OF AN APPLICANT TO ESTABLISH THE APPLICANT'S SUITABILITY TO BECOME A LICENSEE.

~~(1.5)~~ (3) "Breakage" means the odd cents by which the amount payable on each dollar wagered in a pari-mutuel pool exceeds a multiple of ten cents.

(4) "BUSINESS DIRECTOR" MEANS AN INDIVIDUAL APPOINTED TO OVERSEE THE DAILY OPERATIONS OF THE BUSINESS AT THE DIRECTION OF THE BUSINESS OFFICER. ADDITIONALLY, THIS INDIVIDUAL HAS THE AUTHORITY TO HIRE AND DISMISS STAFF MEMBERS AND MAKE FINANCIAL DECISIONS ON BEHALF OF THE BUSINESS.

(5) "BUSINESS LICENSE" MEANS A LICENSE THAT IS ISSUED BY THE DIVISION AND THAT IS REQUIRED FOR INDIVIDUALS, COMPANIES, INSTITUTIONS, ASSOCIATIONS, OR CORPORATIONS TO LAWFULLY ENGAGE IN, OPERATE, OR SUPPORT COMMERCIAL RACING ACTIVITIES. BUSINESS LICENSES ARE CATEGORIZED AS FOLLOWS:

(a) "MAJOR BUSINESS LICENSE" REFERS TO THE FOLLOWING LICENSES ISSUED BY THE COMMISSION: ASSOCIATION OFF-TRACK BETTING, AFFILIATED OFF-TRACK BETTING, AND TOTALISATOR COMPANIES.

(b) "MINOR BUSINESS LICENSE" REFERS TO THE FOLLOWING LICENSES ISSUED BY THE COMMISSION: CONCESSION OPERATOR, FEED SUPPLIER, OFF-TRACK BETTING FACILITY, PHOTO FINISH BUSINESS, RACING CLUB, SATELLITE CORPORATION, TIP SHEET OPERATOR (INDEPENDENT), TRAINING TRACK, TACK SHOP, AND VIDEO OPERATOR.

(c) "OUT-OF-STATE ADVANCED DEPOSITS WAGERING LICENSE" REFERS TO A LICENSE ISSUED BY THE COMMISSION TO ANY OUT-OF-STATE ENTITY THAT ENGAGES WITH THE COLORADO HORSE RACING INDUSTRY FOR THE PURPOSES OF PARI-MUTUEL WAGERING.

(6) "BUSINESS MANAGER" MEANS AN INDIVIDUAL WHO OVERSEES A BUSINESS'S DAILY OPERATIONS BY WORKING WITH AND MANAGING OTHER STAFF MEMBERS. ADDITIONALLY, THIS INDIVIDUAL HAS THE AUTHORITY TO HIRE AND DISMISS STAFF MEMBERS AND MAKE FINANCIAL DECISIONS ON BEHALF OF THE BUSINESS.

(7) "BUSINESS OFFICER" MEANS AN INDIVIDUAL APPOINTED TO AN EXECUTIVE POSITION OF A BUSINESS, SUCH AS A CHIEF EXECUTIVE OFFICER, CHIEF OPERATING

OFFICER, CHIEF FINANCIAL OFFICER, CHIEF TECHNOLOGY OFFICER, CHIEF MARKETING OFFICER, CHIEF INFORMATION OFFICER, CHIEF HUMAN RESOURCES OFFICER, OR CHIEF COMPLIANCE OFFICER.

(8) "BUSINESS OWNER" MEANS A PERSON THAT OWNS MORE THAN FIVE PERCENT OF A BUSINESS THAT IS APPLYING FOR A BUSINESS LICENSE.

~~(2)~~ (9) (a) "Class A track" means a track, located within the state of Colorado, at which a race meet of horses is conducted and that is not a class B track.

(b) "Class A track" includes a reopening class A track that has not run a meet within the past three years. Such class A track may begin to operate as a simulcast facility after the commission has approved its application for simulcasting and its application for race dates to hold a race meet within the following twelve months. Applications submitted to the commission ~~shall~~ MUST include a provision for the establishment of a purse fund that complies with this article 32 and the rules of the commission.

~~(3)~~ (10) "Class B track" means a track, located within the state of Colorado, at which a race meet of horses, consisting of thirty or more race days, is being conducted or was being conducted during the immediately preceding twelve months.

~~(4)~~ (11) "Commission" means the Colorado racing commission created in part 3 of this article 32.

~~(5) Repealed.~~

~~(6)~~ (12) "Director" means the director of the division of racing events.

~~(7)~~ (13) "Division" means the division of racing events created in part 2 of this article 32.

~~(8)~~ (14) "Horse track" means either a class A track or a class B track.

~~(9)~~ (15) "Host track" means either an in-state host track or an out-of-state host track.

~~(10)~~ (16) "In-state host track" means a track, located within the state of Colorado, at which a race meet of horses is conducted.

~~(11)~~ (17) (a) "In-state simulcast facility" means:

(I) A class A or class B horse track at which a licensee has held within the preceding twelve months or is licensed and scheduled to hold within the following twelve months a race meet of at least the duration required of a class A or class B track for the purpose of handling pari-mutuel wagers as authorized by this article 32; or

(II) An additional facility that is operated by and is the responsibility of the licensee of a class B horse track, located in Colorado, and used for the handling of

wagers placed on simulcast races received by the track or facility. The number of additional facilities cannot exceed the total number of facilities licensed to hold a race meet in 2003 plus one additional facility per licensee as authorized under this article 32.

(b) If an additional facility is jointly owned or operated as a simulcast facility by two or more licensees, the additional facility ~~shall be~~ is deemed to be one of the additional simulcast facilities of only one of the licensees, as designated in writing to the commission.

(c) The commission, for good cause, may grant a licensed class A ~~horse~~ track permission to receive simulcast races at an alternate location within five miles of its track during the times when the track is not in operation.

~~(12)~~ (18) "Interstate common pool" means a pari-mutuel pool established at one location, usually but not necessarily at a host track, within which pool are combined comparable pari-mutuel pools of one or more simulcast facilities upon a race run at the host track for purposes of establishing payoff prices in the various states. There may be simulcast facilities in more than one state simultaneously combining pari-mutuel pools into the common pool of the host track. Where permitted by the laws and rules of the states in which the host track and the simulcast facilities are located and with the concurrence of the host track, the combined pari-mutuel pool may be established on a regional or other basis between two or more simulcast facilities and need not involve a merger into the host track's pari-mutuel pool. In such instances, one of the simulcast facilities shall serve as if it were the host track for the purposes of holding the common pool and calculating payoffs. The interstate common pool shall be as specified in the written simulcast racing agreement between the host track and the person operating the simulcast facility receiving the simulcast races.

~~(13)~~ (19) "Intrastate common pool" means a pari-mutuel pool, established for an in-state host track, that includes wagers made at the in-state host track as well as wagers made at in-state simulcast facilities on simulcast races of live races run at the in-state host track.

~~(13.3)~~ (20) "Key occupational license" means a license THAT IS issued by the division AND THAT IS required for an individual who exercises significant ~~influence over decisions affecting a business~~ DECISION-MAKING, MANAGEMENT, OR FINANCIAL INFLUENCE OVER A BUSINESS THAT IS licensed with the commission pursuant to section 44-32-504. A "KEY OCCUPATIONAL LICENSE" IS REQUIRED FOR THE FOLLOWING LICENSED POSITIONS: GENERAL MANAGER, ASSISTANT GENERAL MANAGER, ASSOCIATION VETERINARIAN, DIRECTOR OF RACING, RACING SECRETARY, CORPORATE DIRECTOR, SECURITY DIRECTOR, ASSOCIATION STEWARD, CORPORATE OFFICER, MUTUEL MANAGER, AND TOTALISATOR OPERATOR.

~~(13.7)~~ (21) "License" means a license granted by the division pursuant to this article 32.

~~(14)~~ (22) (a) "Licensee" means:

(I) ~~any~~ A person holding a current, valid race meet license issued pursuant to section 44-32-505; ~~and~~

(II) ~~any~~ A person holding a current, valid license or registration issued by the commission pursuant to sections 44-32-503 and 44-32-504; AND

(III) AN EMPLOYEE, AN AGENT, OR A REPRESENTATIVE OF A PERSON DESCRIBED IN SUBSECTION (22)(a)(I) OR (22)(a)(II) OF THIS SECTION.

(b) The commission, by rule, shall determine which occupational categories shall be licensed and which shall be registered. Except in connection with the licensing of race meets, the term "license" includes a registration and "applicant" includes an applicant for a registration.

~~(15)~~ (23) "Out-of-state host track" means a track, located within a state other than Colorado, that is licensed or otherwise properly authorized under the laws of the state to conduct live races of horses and to broadcast the races as simulcast races and that broadcasts the simulcast races to an in-state simulcast facility.

~~(16)~~ (24) "Out-of-state simulcast facility" means a track or other facility, located within a jurisdiction other than Colorado, at which pari-mutuel wagers are placed or accepted, either in person or electronically, on simulcast races pursuant to proper authorization under the laws of the jurisdiction.

~~(17)~~ (25) "Pari-mutuel pool" means a wagering pool into which pari-mutuel wagers on a live race or on a simulcast race are taken.

~~(18)~~ (26) "Pari-mutuel wagering" means a form of wagering on the outcome of horse races in which those who wager purchase tickets of various denominations on one or more horses from one or more pools and all like wagers from each race are pooled and the winning ticket holders are paid prizes from the pool in amounts proportional to the total receipts in the pool minus deductions authorized by statute.

~~(19)~~ (27) "Person" means ~~any~~ AN individual, A partnership, A firm, A corporation, or AN association.

~~(20)~~ (28) (a) "Race meet", OR "MEET", means ~~any~~ A live exhibition of racing involving horses registered within their breed, conducted at a track located within the state of Colorado and operated by a licensee under a license granted pursuant to section 44-32-505, where the pari-mutuel system of wagering is used.

(b) "RACE MEET" OR "MEET" INCLUDES THE TOTAL, CONTINUOUS PERIOD DURING WHICH A RACING ASSOCIATION OR TRACK PREMISES IS UNDER THE FULL REGULATORY JURISDICTION OF THE DIVISION, WHICH PERIOD ENCOMPASSES:

(I) THE LIVE RACING PERIOD, WHICH IS ALL LICENSED DAYS APPROVED BY THE COMMISSION FOR THE CONDUCT OF LIVE, COMPETITIVE HORSE RACING;

(II) THE PREMEET REGULATORY PERIOD, WHICH IS THE ENTIRE PERIOD COMMENCING ON THE FIRST DAY THE LICENSED TRACK PREMISES ARE MADE AVAILABLE FOR OR UTILIZED FOR RECEIVING HORSES, CONDUCTING OFFICIAL

REGULATED TRAINING, OR PERFORMING OFFICIAL PREMEET REGULATORY INSPECTIONS, WHICHEVER OCCURS EARLIEST; AND

(III) THE POST-MEET REGULATORY PERIOD, WHICH IS SEVEN CALENDAR DAYS IMMEDIATELY FOLLOWING AND INCLUDING THE FINAL LICENSED DAY OF LIVE RACING CONDUCTED BY A RACING ASSOCIATION FOR THE CALENDAR YEAR.

(29) "REGISTRATION OCCUPATIONAL LICENSE" MEANS A LICENSE THAT IS ISSUED BY THE DIVISION TO AN INDIVIDUAL WHO HAS SHORT-TERM COMMITMENTS TO PERFORM SERVICES FOR A TRACK OR RACE MEET. A "REGISTRATION OCCUPATIONAL LICENSE" IS VALID FOR NO LONGER THAN NINETY DAYS AND IS REQUIRED BY THE FOLLOWING TEMPORARY LICENSED POSITIONS: ANNOUNCER, CONCESSION EMPLOYEE, NURSE OR EMERGENCY MEDICAL TECHNICIAN, OFFICE PERSONNEL, RACING CLUB ASSOCIATION, TRACK SHOP EMPLOYEE, TEMPORARY TOTE OPERATOR, TEMPORARY TOTE TECHNICIAN, USER, AND VIDEO TECHNICIAN.

~~(21)~~ (30) "Simulcast facility" means either an in-state simulcast facility or an out-of-state simulcast facility.

~~(22)~~ (31) "Simulcast race" means a live, audio-visual broadcast that is:

(a) Transmitted simultaneously with either:

(I) The performance of a live race of horses by an out-of-state host track; or

(II) The performance of a live race of horses by an in-state host track; and

(b) Received by a simulcast facility.

~~(23)~~ (32) "Source market fee" means a licensing fee, assessed by the director pursuant to section 44-32-202 (3)(h), in lieu of taxes and fees otherwise payable under this article 32, payable by persons outside of Colorado who conduct pari-mutuel wagering on simulcast races and who accept wagers from Colorado residents at out-of-state simulcast facilities.

~~(23.5)~~ (33) "Support occupational license" means a license THAT IS ISSUED BY THE DIVISION AND required for an individual regulated by the division who is not subject to a key occupational license or an occupational registration license. A "SUPPORT OCCUPATIONAL LICENSE" IS REQUIRED BY THE FOLLOWING LICENSED POSITIONS: ANIMAL TATTOOER, ASSISTANT RACING SECRETARY, AUTHORIZED AGENT, CLERK OF SCALES, CLOCKER, CORPORATE AGENT, DIRECTOR OF SIMULCASTING, EXERCISE RIDER, GROOM, BOOKKEEPER, HORSE IDENTIFIER, JOCKEY, APPRENTICE JOCKEY, JOCKEY AGENT, JOCKEY VALET, MAINTENANCE, MONEY ROOM MANAGER, ASSISTANT MUTUEL MANAGER, MUTUEL EMPLOYEE, FACILITY OFF-TRACK BETTING MANAGER, OFF-TRACK BETTING MANAGER, ASSISTANT OFF-TRACK BETTING MANAGER, OUTFRIDER, OWNER, VIDEO OPERATOR, OWNER/ASSISTANT TRAINER, OWNER/TRAINER, ASSISTANT TRAINER, PADDOCK JUDGE, PHOTO OPERATOR, PLACING JUDGE, PLANT OR TRACK SUPERINTENDENT, PLATER, PONY PERSON, PRIVATE VETERINARIAN, RESTAURANT EMPLOYEE, SECURITY GUARD, STABLE SUPERVISOR, STARTER, ASSISTANT STARTER, TOTALISATOR TECHNICIAN, TRACK SUPERVISOR, TRAINER, AND

ANY SIMILAR ROLES OR LICENSE TYPES THAT ARE NOT SUBJECT TO A KEY OCCUPATIONAL LICENSE OR AN OCCUPATIONAL REGISTRATION LICENSE.

~~(24)~~ (34) "Track" or "racetrack" means a track that is located within the state of Colorado and at which a race meet of horses is conducted under a license granted pursuant to section 44-32-505.

SECTION 6. In Colorado Revised Statutes, **amend** 16-2.5-123 as follows:

16-2.5-123. Director of the division of gaming - gaming investigator.

The director of the division of gaming in the department of revenue, THE DIRECTOR'S DESIGNEE, or a gaming investigator in the department of revenue is a peace officer while engaged in the performance of ~~his or her~~ THEIR duties whose primary authority ~~shall be~~ IS as stated in section 44-30-204 OR 44-32-203 (1) and ~~shall also include~~ INCLUDES the enforcement of all laws of the state of Colorado and who may be certified by the P.O.S.T. board.

SECTION 7. In Colorado Revised Statutes, 8-40-301, **amend** (8) as follows:

8-40-301. Scope of term "employee" - definition.

(8) For the purposes of articles 40 to 47 of this title 8, "employee" excludes any person who performs services for more than one employer at a race meet as defined by ~~section 44-32-102 (20)~~ IN SECTION 44-32-102 (28) or at a horse track as defined by ~~section 44-32-102 (8)~~ SECTION 44-32-102 (14).

SECTION 8. In Colorado Revised Statutes, 26-2-104, **amend** (2)(a)(II) introductory portion, (2)(a)(II)(A), and (2)(h)(I)(A) as follows:

26-2-104. Public assistance programs - automatic enrollment - electronic benefits transfer service - joint reports with department of revenue - signs - rules - definitions.

(2) (a) (II) Only those businesses that offer products or services related to the purpose of the public assistance benefits ~~are allowed to~~ MAY participate in the electronic benefits transfer service through the use of point-of-sale terminals. Clients shall not be allowed to access cash benefits through the electronic benefits transfer service from automated teller machines in this state located in:

(A) Licensed gaming establishments as defined in section 44-30-103 (18), in-state simulcast facilities as defined in ~~section 44-32-102 (11)~~ SECTION 44-32-102 (17), tracks for racing as defined in ~~section 44-32-102 (24)~~ SECTION 44-32-102 (34), or commercial bingo facilities as defined in section 24-21-602 (11);

(h) (I) On or before January 1, 2016, the department of revenue shall adopt rules pursuant to the "State Administrative Procedure Act", article 4 of title 24, that relate to a client's use of automated teller machines at locations where the use is prohibited. The rules must apply to the following establishments:

(A) Licensed gaming establishments as defined in section 44-30-103 (18), in-state simulcast facilities as defined in ~~section 44-32-102 (11)~~ SECTION 44-32-102 (17), and tracks for racing as defined in ~~section 44-32-102 (24)~~ SECTION 44-32-102 (34);

SECTION 9. In Colorado Revised Statutes, **amend** 38-13-218 as follows:

38-13-218. Property held by racetracks - inapplicability.

This article 13 does not apply to any intangible unclaimed property held by a racetrack, as defined in ~~section 44-32-102 (24)~~ SECTION 44-32-102 (34).

SECTION 10. In Colorado Revised Statutes, 44-30-1609, **amend** (2) as follows:

44-30-1609. Authorization to conduct fantasy contests.

(2) Fantasy contests are authorized and may be conducted by a fantasy contest operator at a licensed facility at which pari-mutuel wagering, as defined in ~~section 44-32-102 (18)~~ SECTION 44-32-102 (26), may occur. An operator of a class B track, as defined in ~~section 44-32-102 (3)~~ SECTION 44-32-102 (10), may conduct fantasy contests if the operator is licensed as a fantasy contest operator.

SECTION 11. In Colorado Revised Statutes, 44-32-202, **amend** (3)(h)(II) as follows:

44-32-202. Director - qualifications - powers and duties - rules.

(3) The director, as administrative head of the division, shall direct and supervise all administrative and technical activities of the division. In addition to the duties imposed upon the director elsewhere in this article 32, it shall be the director's duty:

(h) (II) In establishing and adjusting the source market fee defined in ~~section 44-32-102 (23)~~ SECTION 44-32-102 (32), the director may allocate a portion of the fee to be credited to any horse purse trust account established in accordance with section 44-32-702 (1)(f) if the director determines that such an allocation is necessary to maintain a sufficient and competitive purse structure. The total fee paid under this section must not exceed the limit set forth in section 44-32-501 (2)(d).

SECTION 12. In Colorado Revised Statutes, 44-32-501, **amend** (3.5) as follows:

44-32-501. Regulation of race meets and racing-related businesses - additional facilities - rules.

(3.5) An additional facility, as described in ~~section 44-32-102 (11)(a)(II)~~ SECTION 44-32-102 (17)(a)(II), must not be located within fifty miles of any class B horse track operated by another licensee without the written consent of the other licensee. The commission shall establish by rule the means of obtaining the consent.

SECTION 13. In Colorado Revised Statutes, 44-32-603, **amend** (1) as follows:

44-32-603. Duration of meets.

(1) It is unlawful to conduct any race meet at which wagering is permitted except under the provisions of this article 32. It is lawful to conduct pari-mutuel wagering on live horse races that are part of a race meet licensed and conducted under this article 32. The duration of a horse race meet at a class B track is as specified in ~~section 44-32-102 (3)~~ SECTION 44-32-102 (10); except that the commission may prescribe a lesser number of race days in the event of unforeseen circumstances or acts of God.

SECTION 14. In Colorado Revised Statutes, 44-33-103, **amend** (1) as follows:

44-33-103. Definitions.

As used in this article 33, unless the context otherwise requires:

(1) "Licensee" means a licensee as defined in ~~section 44-32-102 (14)~~ SECTION 44-30-501 (22), an operator or retail gaming licensee under section 44-30-501 (1)(b) or (1)(c), an internet sports betting operator as defined in section 44-30-1501 (5), or a sports betting operator as defined in section 44-30-1501 (11).

SECTION 15. In Colorado Revised Statutes, 44-32-503, **amend** (4)(a) as follows:

44-32-503. Rules of commission - licensing - record check.

(4) (a) With the submission of an application for a key occupational license, ~~or a support occupational license, A MAJOR BUSINESS LICENSE, A MINOR BUSINESS LICENSE, OR AN OUT-OF-STATE ADVANCED DEPOSITS WAGERING LICENSE granted pursuant to this article 32, each applicant shall submit a set of fingerprints to the commission. The commission shall submit the fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation. Only the actual costs of the record check must be borne by the applicant. Nothing in this subsection (4) precludes the commission from making further inquiries into the background of the applicant.~~ THE COMMISSION SHALL REQUIRE THE APPLICANT'S FINGERPRINTS TO BE TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY, THE DIVISION OF RACING EVENTS, OR ANY THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COMMISSION SHALL AUTHORIZE THE ENTITY TAKING THE APPLICANT'S FINGERPRINTS TO SUBMIT, AND THE ENTITY SHALL SUBMIT, THE COMPLETE SET OF THE APPLICANT'S FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION. THE COLORADO BUREAU OF INVESTIGATION, ACTING AS THE STATE IDENTIFICATION BUREAU, SHALL FORWARD THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO ENSURE APPLICANT ELIGIBILITY, PROTECT PUBLIC SAFETY, AND MAINTAIN THE INTEGRITY OF LICENSED PROFESSIONS. UPON COMPLETION OF THE NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK, THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN THE RESULTS OF ITS CRIMINAL HISTORY RECORD CHECK TO THE COMMISSION, AND THE COMMISSION IS THE DESIGNATED GOVERNMENTAL AGENCY AUTHORIZED TO RECEIVE AND SCREEN THE RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION'S CRIMINAL HISTORY

RECORD CHECK TO DETERMINE THE APPLICANT'S SUITABILITY FOR EMPLOYMENT OR LICENSING. THE APPLICANT IS RESPONSIBLE FOR PAYING THE COST OF THE RECORD CHECK. NOTHING IN THIS SUBSECTION (4) PRECLUDES THE COMMISSION FROM MAKING FURTHER INQUIRIES INTO THE BACKGROUND OF AN APPLICANT.

SECTION 16. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 29, 2026