

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 20-0522.01 Duane Gall x4335

**HOUSE BILL 20-1286**

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**HOUSE SPONSORSHIP**

**Garnett and Williams D.**, Kraft-Tharp, McKean, Snyder, Bird, Neville

**SENATE SPONSORSHIP**

**Story and Cooke,**

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**House Committees**

Business Affairs & Labor  
Appropriations

**Senate Committees**

State, Veterans, & Military Affairs  
Appropriations

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**A BILL FOR AN ACT**

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

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**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.*

HOUSE  
3rd Reading Unamended  
June 5, 2020

HOUSE  
Amended 2nd Reading  
June 4, 2020

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**).


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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)** 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 

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

14 **PART 16**  
15 **FANTASY CONTESTS**

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

1           **44-30-1602. [Formerly 12-125-102] Applicability of common**  
2 **provisions.** ~~Articles PARTS 1 and 20 3 of this title 12~~ ARTICLE 30 apply,  
3 according to their terms, to this ~~article 125~~ PART 16 UNLESS THE CONTEXT  
4 OTHERWISE REQUIRES.

5           **44-30-1603. [Formerly 12-125-103] Definitions.** As used in this  
6 ~~article 125~~ PART 16, unless the context otherwise requires:

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

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

12           ~~(2)~~ (3) "Entry fee" means cash or cash equivalents that are  
13 required to be paid by a fantasy contest player to a fantasy contest  
14 operator in order to participate in a fantasy contest.

15           ~~(3)~~ (4) "Fantasy contest" means a fantasy or simulated game or  
16 contest in which:

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

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

26           (c) Winning outcomes are not based on randomized or historical  
27 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 **44-30-1604. [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 **44-30-1605. [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)~~ **44-30-1606 (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 **44-30-1606. [Formerly 12-125-106] Licensing - rules.** (1)(a) On  
25 and after ~~July 1, 2017~~ SEPTEMBER 1, 2020, an entity shall not operate as  
26 a 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. NOTWITHSTANDING ANY PROVISION OF THIS PART 16 TO THE  
4 CONTRARY, THE DIRECTOR SHALL ISSUE A LICENSE TO OPERATE AS A  
5 FANTASY CONTEST OPERATOR TO ANY ENTITY OR INDIVIDUAL THAT, AS OF  
6 AUGUST 30, 2020, HELD A VALID LICENSE ISSUED BY THE DEPARTMENT OF  
7 REGULATORY AGENCIES TO OPERATE AS A FANTASY CONTEST OPERATOR.

8 (b) An applicant for licensure must pay license, renewal, and  
9 reinstatement fees established by the director consistent with section  
10 ~~12-20-105 44-30-203~~ and other authorities. ~~A license issued pursuant to~~  
11 ~~this article 125 is subject to the renewal, expiration, reinstatement, and~~  
12 ~~delinquency fee provisions specified in section 12-20-202 (1) and (2). A~~  
13 ~~person that continues to practice once a license has expired is subject to~~  
14 ~~the penalties provided in this article 125 and section 12-20-202 (1)~~ THE  
15 DIRECTOR MAY PROMULGATE REASONABLE RULES PERTAINING TO THE  
16 RENEWAL, EXPIRATION, AND REINSTATEMENT OF LICENSES. THE DIRECTOR  
17 SHALL TRANSMIT ALL FEES COLLECTED TO THE STATE TREASURER, WHO  
18 SHALL CREDIT THEM TO THE SPORTS BETTING FUND CREATED IN SECTION  
19 44-30-1509.

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

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

23 (b) Be made to the director on forms prepared and furnished by  
24 the director; and

25 (c) Set forth such information as the director may require to  
26 enable the director to determine whether an applicant meets the  
27 requirements for licensure under this ~~article 125~~ PART 16. The

1 information must include:

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

3 (II) If a partnership, the names and addresses of all of the partners,  
4 and if a corporation, association, or other organization, the names and  
5 addresses of the president, vice president, secretary, and managing  
6 officer, together with all other information deemed necessary by the  
7 director; and

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

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

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

18 (4) With the submission of an application for a license granted  
19 pursuant to this section, each applicant and its officers, directors, and  
20 general partners shall submit a complete set of his or her fingerprints to  
21 the Colorado bureau of investigation for the purpose of conducting  
22 fingerprint-based criminal history record checks. The Colorado bureau of  
23 investigation shall forward the fingerprints to the federal bureau of  
24 investigation for the purpose of conducting fingerprint-based criminal  
25 history record checks. A person who has previously submitted  
26 fingerprints for state or local licensing purposes may request the use of  
27 the fingerprints on file. The director shall require a name-based criminal



1 history record check, as defined in section 22-2-119.3 (6)(d), for a person  
2 who has twice submitted to a fingerprint-based criminal history record  
3 check and whose fingerprints are unclassifiable or when the results of a  
4 fingerprint-based criminal history record check of a person performed  
5 pursuant to this subsection (4) reveal a record of arrest without a  
6 disposition. The director shall use the information resulting from the  
7 fingerprint-based or name-based criminal history record check to  
8 investigate and determine whether an applicant is qualified to hold a  
9 license pursuant to this section. The director may verify the information  
10 an applicant is required to submit. The applicant shall pay the costs  
11 associated with the fingerprint-based criminal history record check to the  
12 Colorado bureau of investigation. The applicant is responsible for the  
13 costs associated with a name-based criminal history record check.

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

16 (a) Utilizes:

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

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

22 (b) Includes a ~~university, college, high school or youth sporting~~  
23 ~~event.~~

24 **44-30-1607. [Formerly 12-125-107] Consumer protections.**

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

1 (a) Prevent employees of the fantasy contest operator, including  
2 a small fantasy contest operator, and relatives living in the same  
3 household as the employees, from competing in any fantasy contests  
4 offered by any fantasy contest operator in which the operator offers a cash  
5 prize; EXCEPT THAT ANY OF SUCH INDIVIDUALS MAY PLAY IN A PRIVATE  
6 CONTEST ON A FANTASY CONTEST PLATFORM IN WHICH THE INDIVIDUAL'S  
7 RELEVANT AFFILIATION TO THE FANTASY CONTEST OPERATOR IS  
8 DISCLOSED TO ALL OTHER PLAYERS;

9 (b) Prevent sharing of confidential information that could affect  
10 the fantasy contest play with third parties until the information is made  
11 publicly available;

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

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

19 (e) Allow individuals to restrict themselves from entering such a  
20 fantasy contest upon request and provide reasonable steps to prevent the  
21 person from entering the fantasy contests offered by the fantasy contest  
22 operator, including a small fantasy contest operator;

23 (f) Disclose the number of entries that a fantasy contest player  
24 may submit to each such fantasy contest, provide reasonable steps to  
25 prevent players from submitting more than the allowable number, and, in  
26 any contest involving at least one hundred one entries, not allow a player  
27 to submit more than the lesser of three percent of all entries or one

1 hundred fifty entries;

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

7 (h) Distinguish highly experienced players and beginner players  
8 and ensure that highly experienced players are conspicuously identified  
9 as such to all players;

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

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

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

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

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

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

25 **44-30-1608. [Formerly 12-125-108] Duty to maintain records.**  
26 Each fantasy contest operator shall keep daily records of its operations  
27 and shall maintain the records for at least three years. The records must

1 sufficiently detail all financial transactions to determine compliance with  
2 the requirements of this ~~article 125~~ PART 16 and must be available for  
3 audit and inspection by the director during the fantasy contest operator's  
4 regular business hours.

5 **44-30-1609. [Formerly 12-125-109] Authorization to conduct**  
6 **fantasy contests.** (1) Fantasy contests are authorized and may be  
7 conducted by a fantasy contest operator at a licensed gaming  
8 establishment. ~~as that term is defined in section 44-30-103 (18).~~ A  
9 gaming retailer ~~as that term is defined in section 44-30-103 (27),~~ may  
10 conduct fantasy contests if the gaming retailer is licensed as a fantasy  
11 contest operator.

12 (2) Fantasy contests are authorized and may be conducted by a  
13 fantasy contest operator at a licensed facility at which pari-mutuel  
14 wagering, ~~as that term is defined in section 44-32-102 (18),~~ may occur.  
15 An operator of a class B track, ~~as that term is defined in section~~  
16 ~~44-32-102 (3),~~ may conduct fantasy contests if the operator is licensed as  
17 a fantasy contest operator.

18 (3) A fantasy contest conducted in compliance with this ~~article~~  
19 ~~125~~ PART 16 does not violate article 10 or 10.5 of title 18.

20 **44-30-1610. [Formerly 12-125-110] Grounds for discipline.**

21 (1) The director may ~~take disciplinary action as authorized in section~~  
22 ~~12-20-404~~ SUSPEND, REVOKE, OR REFUSE TO RENEW THE LICENSE OR  
23 REGISTRATION OF OR IMPOSE AN ADMINISTRATIVE FINE against a licensee  
24 or registrant if the fantasy contest operator, including a small fantasy  
25 contest operator:

26 (a) Violates any order of the director, any provision of this ~~article~~  
27 ~~125,~~ an applicable provision of article 20 of this title 12 PART 16, or the

1 rules established under this ~~article 125~~ PART 16;

2 (b) Fails to meet the requirements for licensure under this ~~article~~  
3 ~~125~~ PART 16; or

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

7 (2) If it appears to the director, based upon credible evidence as  
8 presented in a written complaint, that a person is operating or offering to  
9 operate a fantasy contest without having obtained a registration or license,  
10 the director may issue an order to cease and desist the activity. The  
11 director shall set forth in the order the statutes and rules alleged to have  
12 been violated, the facts alleged to have constituted the violation, and the  
13 requirement that all unauthorized practices immediately cease. Within ten  
14 days after service of the order to cease and desist pursuant to this  
15 subsection (2), the person may request a hearing on the question of  
16 whether acts or practices in violation of this ~~article 125~~ PART 16 have  
17 occurred. The hearing shall be conducted pursuant to section 24-4-105.

18 **44-30-1611. [Formerly 12-125-111] Civil fines.** In addition to any  
19 other remedy provided by law, a fantasy contest operator, or an employee  
20 or agent thereof, who violates this ~~article 125~~ PART 16 is subject to a civil  
21 fine of not more than one thousand dollars for each such violation, which  
22 the state treasurer shall credit to the ~~general~~ SPORTS BETTING fund  
23 CREATED IN SECTION 44-30-1509. The director may file a civil action to  
24 collect the fine.

25 **44-30-1612. [Formerly 12-125-112] Applicability.** This ~~article~~  
26 ~~125~~ PART 16 applies to conduct occurring on or after ~~July 1, 2017~~  
27 SEPTEMBER 1, 2020.

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**SECTION 3.** In Colorado Revised Statutes, 44-30-1501, **amend**

(3) as follows:

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

(3) "Fantasy sports activity" means the conduct of, or participation in, a fantasy contest as defined in section ~~12-125-103 (3)~~ 44-30-1603 (4).

**SECTION 4.** In Colorado Revised Statutes, 44-30-1509, **amend**

(1), (6), and (7) as follows:

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

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

(b) All money paid into the fund is continuously appropriated for the purposes of implementing this part 15 AND PART 16 OF THIS ARTICLE 30. Payment shall be made upon proper presentation of a voucher prepared by the commission in accordance with other statutes governing payments of liabilities incurred on behalf of the state and shall not be

1 conditioned on any appropriation by the general assembly. Receipt of the  
2 payment constitutes spending authority by the division.

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

6 (7) No claim for the payment of any expense of the division  
7 relating to administering this part 15 OR PART 16 OF THIS ARTICLE 30 can  
8 be made unless it is against the fund. No other money of the state shall be  
9 used or obligated to pay the expenses of the division or commission  
10 related to sports betting OR FANTASY SPORTS ACTIVITY.

11 **SECTION 5. Repeal of relocated and nonrelocated provisions**  
12 **in this act.** In Colorado Revised Statutes, **repeal** article 125 of title 12;  
13 except that 12-125-113 is not relocated.

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

16 **12-20-204. Regulator's rule-making authority.** (2) Subsection  
17 (1) of this section does not apply to the following:

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

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

21 **12-20-402. Immunity.** (4) This section does not apply to articles  
22 ~~125,~~ 140, 150, and 250 of this title 12 concerning ~~fantasy contests,~~  
23 nontransplant tissue banks, passenger tramways, and naturopathic  
24 doctors, respectively.

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

27 **12-20-404. Disciplinary actions - regulator powers -**

1 **disposition of fines. (1) General disciplinary authority.** If a regulator  
2 determines that an applicant, licensee, certificate holder, or registrant has  
3 committed an act or engaged in conduct that constitutes grounds for  
4 discipline or unprofessional conduct under a part or article of this title 12  
5 governing the particular profession or occupation, the regulator may:

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

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

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

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

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

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

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

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

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

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

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

25 **12-20-405. Cease-and-desist orders.** (6) This section does not  
26 apply to articles ~~125~~, 140 and 150 of this title 12 concerning ~~fantasy~~  
27 ~~contests~~, nontransplant tissue banks and passenger tramways,



1 respectively.

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

4 **12-20-406. Injunctive relief.** (3) This section does not apply to  
5 the following:

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

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

9 **12-20-408. Judicial review.** (2) A district court of competent  
10 jurisdiction has initial jurisdiction to review all final actions and orders  
11 of a regulator that are subject to judicial review and shall conduct the  
12 judicial review proceedings in accordance with section 24-4-106 (3) for  
13 the following:

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

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

17 **44-30-203. Director - qualification - powers and duties.** (2) In  
18 addition to the duties imposed upon the director elsewhere in this part 2  
19 and in ~~part 15~~ PARTS 15 AND 16 of this article 30, the director shall:

20 (a.5) SUPERVISE AND ADMINISTER THE REGULATION OF FANTASY  
21 CONTEST OPERATORS IN ACCORDANCE WITH PART 16 OF THIS ARTICLE 30,  
22 INCLUDING THE ESTABLISHMENT OF FEES FOR REGISTRATION OF SMALL  
23 FANTASY CONTEST OPERATORS UNDER SECTION 44-30-1605 AND FEES FOR  
24 LICENSING, RENEWAL, AND REINSTATEMENT OF LICENSES OF FANTASY  
25 CONTEST OPERATORS UNDER SECTION 44-30-1606;

26 **SECTION 13. Appropriation - adjustment to the 2020 long bill.**  
27 To implement this act, the cash funds appropriation from the division of

1 professions and occupations cash fund created in section 12-20-105 (3),  
2 C.R.S., made in the annual general appropriation act for the 2020-21 state  
3 fiscal year to the department of regulatory agencies for use by the division  
4 of professions and occupations is decreased by \$11,252, and the related  
5 FTE is decreased by 0.2 FTE.

6 **SECTION 14. Safety clause.** The general assembly hereby finds,  
7 determines, and declares that this act is necessary for the immediate  
8 preservation of the public peace, health, or safety.