

CHAPTER 131

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 93-1098

BY REPRESENTATIVES R. Hernandez, Adkins, Agler, Armstrong, Hagedorn, Keller, Lawrence, Pfiffner, Shoemaker, and Tanner; also SENATORS Bishop, Ament, Casey, Gallagher, Groff, Hopper, Johnson, Martinez, Mutzebaugh, Peterson, L. Powers, R. Powers, Roberts, Ruddick, Traylor, Wattenberg, and Weissmann.

AN ACT

CONCERNING THE EXEMPTION FROM REGULATION UNDER THE "BINGO AND RAFFLES LAW" OF FREE PRODUCT GIVEAWAYS BY CERTAIN OWNERS OR LESSEES OF PREMISES OPEN TO PERSONS HOLDING "GENERAL ADMISSION" TICKETS.

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

SECTION 1. 12-9-102.5, Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended to read:

12-9-102.5. Legislative declaration - consideration for tickets - "general admission" exception - conditions. (1) The general assembly hereby finds and declares that the conduct of free product giveaways through the use of free chances for purposes of commercial advertisement, the creation of goodwill, ~~or~~ the promotion of new products, ~~OR THE COLLECTION OF NAMES~~ should not be subject to regulation under this article if such giveaways are incidental to events which are ~~conducted by nonprofit organizations in furtherance of primarily educational purposes and which are~~ not conducted primarily or incidentally to raise money for any purpose through lotteries or games of chance. This section is enacted to remove such giveaways from regulation under this article when all of the conditions set forth in subsection (2) of this section are satisfied.

(2) The allotment of prizes by chance shall not be deemed a lottery or game of chance, nor shall any share or ticket or right to participate in such allotment be deemed to have been sold or charged for, notwithstanding that such allotment is restricted to persons who have paid a fee entitling them to general admission to the grounds or premises on which such allotment is made, if:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(a) Each share or ticket by means of which the allotment is made is given away free of charge and without any obligation on the part of the person receiving it; and

(b) General admission to the grounds or premises entails admission to no fewer than ten separate events, displays, or performances which do not involve or incorporate any allotment of prizes by chance for which an additional fee or charge is required; and

(c) The owner ~~or lessee~~ of the grounds or premises does not conduct or participate in the allotment of prizes by chance and does not give to or receive from any person allotting prizes by chance any consideration which represents or is based upon any such allotment or the participation of any person therein. ~~and~~

(d) ~~The owner or lessee of the grounds or premises is an organization within this state, not organized for pecuniary profit, whose primary purpose is educational in nature, a substantial portion of whose activities are directed toward children or young adults, and which has been in existence for at least twenty-one years.~~

(3) FOR PURPOSES OF THIS SECTION, THE FEE CHARGED FOR GENERAL ADMISSION SHALL BE CONSTRUED TO INCLUDE A REGISTRATION FEE, CONFERENCE FEE, MEETING FEE, OR ANY OTHER SIMILAR FEE OR CHARGE, HOWEVER DESIGNATED, THE PAYMENT OF WHICH WHOLLY OR IN PART ENTITLES A PERSON TO ADMISSION TO GROUNDS OR PREMISES UNDER THE CONDITIONS SET FORTH IN SUBSECTION (2) OF THIS SECTION.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 19, 1993