

By: Chavez

H.B. No. 2015

A BILL TO BE ENTITLED

1 AN ACT

2 relating to authorizing certain sweepstakes and other prize  
3 promotions by businesses; creating a defense to prosecution for  
4 certain gambling offenses.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 45.003, Business & Commerce Code, is  
7 amended by adding Subsection (p) to read as follows:

8 (p) This chapter does not apply to a business entity that  
9 conducts a sweepstakes or other prize promotion that limits  
10 participation to persons doing business with or making a purchase  
11 from the entity.

12 SECTION 2. Section 40.063, Business & Commerce Code, is  
13 amended to read as follows:

14 Sec. 40.063. LIMITATION ON REQUIREMENT OF PURCHASE. (a) An  
15 offeror may not notify a person that the person has won a prize,  
16 will receive a prize, or has a chance to win or receive a prize, a  
17 condition of receipt of which requires the person to purchase a good  
18 or service unrelated to the prize.

19 (b) This section does not apply to a sweepstakes or other  
20 prize promotion conducted by a business entity that limits  
21 participation to persons doing business with or making a purchase  
22 from the entity.

23 SECTION 3. Section 47.09, Penal Code, is amended by adding  
24 Subsection (c) to read as follows:

1        (c) It is a defense to prosecution under this chapter that  
2 the gaming activity in which the person participated was a  
3 sweepstakes or other prize promotion activity conducted by a  
4 business entity in which only persons doing business with or making  
5 a purchase from the entity had an opportunity to win or receive a  
6 prize or other thing of value awarded by chance.

7        SECTION 4. This Act takes effect on the date the  
8 constitutional amendment proposed by the 79th Legislature, Regular  
9 Session, 2005, authorizing certain business entities to conduct  
10 sweepstakes or other prize promotions for customers becomes  
11 effective. If that constitutional amendment is not approved by the  
12 voters, this Act has no effect.