

## **BILL ANALYSIS**

H.B. 2828  
By: Oliveira  
Business & Industry  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties contend that conflicting standards between the state's sweepstakes law and a certain settlement has resulted in the inability of Texans to win certain large sweepstakes prizes. H.B. 2828 seeks to address this issue by exempting certain sweepstakes from state law relating to the regulation of sweepstakes.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 2828 amends the Business & Commerce Code to make statutory provisions relating to the regulation of sweepstakes inapplicable to a sweepstakes that has awarded one or more cash prizes valued at a minimum of \$1 million dollars based on chance or the random selection of entries in each of the preceding five calendar years, that does not require a purchase or payment for entry in the sweepstakes or to win a prize, that is operated by a person under and in voluntary compliance with a consent judgment to which the state is a party or under a similar agreement between the person and the state that governs the marketing practices of the sweepstakes, and that is operated by a person who has not been subject to an enforcement proceeding under a consent judgment or any other applicable state law regarding advertising or marketing practices during the preceding five years. For purposes of this exemption, the value of a cash prize awarded is the greatest of the prize's face value, fair market value, or present financial value.

### **EFFECTIVE DATE**

September 1, 2017.