

By: Oliveira

H.B. No. 2828

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain sweepstakes in this state.

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

SECTION 1. Subchapter B, Chapter 622, Business & Commerce Code, is amended by adding Section 622.062 to read as follows:

Sec. 622.062. CERTAIN SWEEPSTAKES. (a) This chapter does not apply to a sweepstakes that:

(1) has awarded one or more cash prizes valued at not less than \$1 million dollars based on chance or the random selection of entries in each of the preceding five calendar years;

(2) does not require a purchase or payment for entry in the sweepstakes or to win a prize;

(3) is operated by a person under and in voluntary compliance with a consent judgment to which this state is a party or under a similar agreement between the person and this state that governs the marketing practices of the sweepstakes; and

(4) 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.

(b) For purposes of this section, the value of a cash prize awarded is the greatest of the prize's:

(1) face value;

(2) fair market value; or

1 (3) present financial value.

2 SECTION 2. This Act takes effect September 1, 2017.