

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 09-0517.01 Duane Gall

HOUSE BILL 09-1052

HOUSE SPONSORSHIP

Waller,

SENATE SPONSORSHIP

Heath,

House Committees

Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING LIMITATIONS ON THE SOLICITATION OF DONATED ITEMS**
102 **THAT WILL BE SOLD FOR PROFIT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires a for-profit entity or other person who places a container in a public place to collect donated items that will later be sold for profit to affix to the container a disclosure label that clearly and conspicuously states that items left in the container will be sold for profit and are not tax-deductible.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
3rd Reading Unamended
February 3, 2009

HOUSE
Amended 2nd Reading
February 2, 2009

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

2 **SECTION 1.** 6-16-105.5 (1) and the introductory portion to
3 6-16-105.5 (2), Colorado Revised Statutes, are amended to read:

4 **6-16-105.5. Solicitations by container - disclosures.** (1) (a) No
5 person or charitable organization, or agent of a person or charitable
6 organization, whether paid or not paid, shall place any container offering
7 a product for sale or distribution in a public place for solicitation purposes
8 unless the container is affixed with a disclosure label conspicuously
9 displaying the information set forth in subsection (2) of this section in a
10 typed or printed clearly legible form.

11 (b) A FOR-PROFIT ENTITY OR OTHER PERSON WHO PLACES A
12 CONTAINER IN A PUBLIC PLACE FOR SOLICITATION PURPOSES AND WHO
13 DOES NOT DIRECT ALL OF THE ITEMS PLACED IN THE CONTAINER TO A
14 CHARITABLE PURPOSE OR, IF THE ITEMS ARE SOLD, DOES NOT DIRECT ALL
15 PROCEEDS OF SUCH SALE TO A CHARITABLE PURPOSE, SHALL AFFIX TO THE
16 CONTAINER A DISCLOSURE LABEL THAT CLEARLY AND CONSPICUOUSLY
17 DISPLAYS THE FOLLOWING LEGEND:

18 **DONATED ITEMS WILL BE SOLD FOR PROFIT**
19 **THE VALUE OF ITEMS PLACED IN THIS CONTAINER IS NOT**
20 **TAX-DEDUCTIBLE.**

21 (2) The disclosure label required pursuant to PARAGRAPH (a) OF
22 subsection (1) of this section shall state the following:

23 **SECTION 2. Act subject to petition - effective date.** This act
24 shall take effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly that is
26 allowed for submitting a referendum petition pursuant to article V,
27 section 1 (3) of the state constitution, (August 4, 2009, if adjournment

1 sine die is on May 6, 2009); except that, if a referendum petition is filed
2 against this act or an item, section, or part of this act within such period,
3 then the act, item, section, or part, if approved by the people, shall take
4 effect on the date of the official declaration of the vote thereon by
5 proclamation of the governor.