

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

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
Business, Labor and Technology

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.*

SENATE
3rd Reading Unamended
March 9, 2009

SENATE
Amended 2nd Reading
March 6, 2009

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) (I) A PERSON OTHER THAN AN ORGANIZATION THAT HAS
12 RECEIVED A DETERMINATION THAT IT IS EXEMPT UNDER SECTION 501 (c)
13 (3) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED,
14 WHO PLACES A CONTAINER IN A PUBLIC PLACE FOR SOLICITATION
15 PURPOSES AND WHO DOES NOT DIRECT ALL OF THE ITEMS PLACED IN THE
16 CONTAINER TO A CHARITABLE PURPOSE OR, IF THE ITEMS ARE SOLD, DOES
17 NOT DIRECT ALL PROCEEDS OF SUCH SALE TO A CHARITABLE PURPOSE,
18 SHALL AFFIX TO THE CONTAINER A DISCLOSURE LABEL THAT CLEARLY AND
19 CONSPICUOUSLY DISPLAYS THE FOLLOWING LEGEND:

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

23 (II) THIS PARAGRAPH (b) SHALL NOT APPLY TO CONTAINERS USED
24 EXCLUSIVELY FOR THE COLLECTION OF USED PAPER, CARDBOARD, MOTOR
25 OIL, BOTTLES, CANS, OR OTHER CONTAINERS OR MATERIALS FOR
26 RECYCLING OR WASTE DIVERSION PURPOSES.

27 (2) The disclosure label required pursuant to PARAGRAPH (a) OF

1 subsection (1) of this section shall state the following:

2 **SECTION 2. Act subject to petition - effective date.** This act
3 shall take effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly that is
5 allowed for submitting a referendum petition pursuant to article V,
6 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
7 sine die is on May 6, 2009); except that, if a referendum petition is filed
8 against this act or an item, section, or part of this act within such period,
9 then the act, item, section, or part, if approved by the people, shall take
10 effect on the date of the official declaration of the vote thereon by
11 proclamation of the governor.