

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 25-0501.01 Jennifer Berman x3286

HOUSE BILL 25-1010

HOUSE SPONSORSHIP

Zokaie and Brown, Clifford, Garcia, Mabrey, Rutinel, Smith, Stewart R., Velasco, Bacon, Boesenecker, Duran, English, Froelich, Jackson, Joseph, Lindsay, Sirota, Story, Titone, Willford

SENATE SPONSORSHIP

Weissman, Gonzales J.

House Committees
Business Affairs & Labor

Senate Committees
Business, Labor, & Technology

A BILL FOR AN ACT

101 **CONCERNING A PROHIBITION AGAINST ENGAGING IN PRICE GOUGING.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, a person engages in an unfair and unconscionable act or practice in violation of consumer protection laws (unfair act) if the person engages in price gouging during a declared disaster. The bill adds engaging in price gouging in the sale of necessities as an unfair act and creates a presumption that, if the price of a necessity is increased by 10% or more above the average price that the necessity cost during the 90 days preceding the price increase, the price increase amounts to price gouging.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
Amended 2nd Reading
March 31, 2025

HOUSE
3rd Reading Unamended
March 10, 2025

HOUSE
Amended 2nd Reading
March 7, 2025

The bill also defines "necessities" as goods or services that are necessary for the health, safety, and welfare of consumers or of the general public.

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

SECTION 1. In Colorado Revised Statutes, 24-33.5-703, **amend** (3) as follows:

24-33.5-703. Definitions. As used in this part 7, unless the context otherwise requires:

(3) "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause or cause of human origin, including but not limited to fire; flood; earthquake; wind; storm; wave action; hazardous substance incident; oil spill or other water contamination requiring emergency action to avert danger or damage; volcanic activity; epidemic; air pollution; blight; drought; infestation; explosion; civil disturbance; hostile military or paramilitary action; A MARKET DISRUPTION, INCLUDING A TRADE DISRUPTION OR AN ATYPICAL DISRUPTION IN THE MARKET THAT AFFECTS PRODUCTION, DISTRIBUTION, OR CONSUMPTION OF A PRODUCT OR SERVICE; or a condition of riot, insurrection, or invasion existing in the state or in any county, city, town, or district in the state.

SECTION 2. In Colorado Revised Statutes, 6-1-730, **add** (2.5) and (3.5) as follows:

6-1-730. Price gouging during declared disaster prohibited - deceptive trade practice - legislative declaration - definitions. (2.5) IF THE GOVERNOR DECLARES A DISASTER EMERGENCY PURSUANT TO SECTION 24-33.5-704 (4) AND THE DISASTER EMERGENCY DECLARATION CITES TO THIS SUBSECTION (2.5), A PRICE INCREASE IN THE SALE OR OFFER FOR SALE

1 OF ANY GOOD OR SERVICE LISTED IN SUBSECTION (2) OF THIS SECTION
2 AMOUNTS TO PRICE GOUGING IF THE PRICE HAS INCREASED BY MORE THAN
3 TEN PERCENT OF THE PRICE AT WHICH THE SELLER SOLD OR OFFERED FOR
4 SALE SIMILAR GOODS OR SERVICES BEFORE THE DISASTER BEGAN OR, IF
5 THE SELLER DID NOT SELL OR OFFER FOR SALE SIMILAR GOODS OR
6 SERVICES BEFORE THE DISASTER BEGAN, THE PRICE AT WHICH A SIMILARLY
7 SITUATED SELLER SOLD OR OFFERED FOR SALE SIMILAR GOODS OR
8 SERVICES BEFORE THE DISASTER BEGAN.

9 (3.5) FOR THE PURPOSES OF SUBSECTION (2.5) OF THIS SECTION, A
10 PRICE SHALL NOT BE CONSIDERED UNREASONABLY EXCESSIVE IF THE
11 SELLER CAN PROVE THAT THE PRICE CHARGED BY THE SELLER IS DIRECTLY
12 ATTRIBUTABLE TO SEASONAL PRICING.

13 **SECTION 3. Act subject to petition - effective date -**
14 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
15 the expiration of the ninety-day period after final adjournment of the
16 general assembly; except that, if a referendum petition is filed pursuant
17 to section 1 (3) of article V of the state constitution against this act or an
18 item, section, or part of this act within such period, then the act, item,
19 section, or part will not take effect unless approved by the people at the
20 general election to be held in November 2026 and, in such case, will take
21 effect on the date of the official declaration of the vote thereon by the
22 governor.

23 (2) This act applies to conduct occurring on or after the applicable
24 effective date of this act.