

CHAPTER 174

CONSUMER AND COMMERCIAL TRANSACTIONS

HOUSE BILL 25-1010

BY REPRESENTATIVE(S) Zokaie and Brown, Clifford, Garcia, Mabrey, Rutinel, Smith, Stewart R., Velasco, Bacon, Boesenecker, Duran, English, Froelich, Jackson, Joseph, Lindsay, Sirota, Story, Titone, Willford, Hamrick, Ricks, McCluskie; also SENATOR(S) Weissman, Gonzales J., Cutter, Danielson, Exum, Jodeh, Kipp, Kolker, Michaelson Jenet, Rodriguez, Sullivan, Wallace, Winter F., Coleman.

AN ACT**CONCERNING A PROHIBITION AGAINST ENGAGING IN PRICE GOUGING.**

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

EMERGENCY DECLARATION CITES TO THIS SUBSECTION (2.5), A PRICE INCREASE IN THE SALE OR OFFER FOR SALE OF ANY GOOD OR SERVICE LISTED IN SUBSECTION (2) OF THIS SECTION AMOUNTS TO PRICE GOUGING IF THE PRICE HAS INCREASED BY MORE THAN TEN PERCENT OF THE PRICE AT WHICH THE SELLER SOLD OR OFFERED FOR SALE SIMILAR GOODS OR SERVICES BEFORE THE DISASTER BEGAN OR, IF THE SELLER DID NOT SELL OR OFFER FOR SALE SIMILAR GOODS OR SERVICES BEFORE THE DISASTER BEGAN, THE PRICE AT WHICH A SIMILARLY SITUATED SELLER SOLD OR OFFERED FOR SALE SIMILAR GOODS OR SERVICES BEFORE THE DISASTER BEGAN.

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

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

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

Approved: May 9, 2025