

HB 2397 -1, -3 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 1/23, 2/6

WHAT THE MEASURE DOES:

Removes current language limiting unlawful practice to only those sweepstakes operating through the United States mail. Moves the location of the definition of “clear and conspicuous disclosure” and makes additional technical modifications.

ISSUES DISCUSSED:

- Solicitations stating individual "may" be a prize winner

EFFECT OF AMENDMENT:

-1 Replaces the bill and removes language limiting unlawful practice to sweepstakes operating through the United States mail from two of the three subsections defining what constitutes unlawful practice.

-3 Replaces the bill and removes all language limiting unlawful practice to sweepstakes operating through the United States mail.

BACKGROUND:

ORS 646A.803 was enacted in 1999 as part of a larger attempt to address concerns relating to elder abuse. The statute's current language limits the scope of sweepstakes to those sent exclusively by mail and as written does not account for sweepstakes that are provided to consumers by any other means.

House Bill 2397 removes the mail-only limitation and expands the scope to any sweepstakes meeting the definition regardless of the manner in which it is provided to the potential participant.