



COLORADO

Department of Agriculture

NOTICE OF PUBLIC RULEMAKING HEARING

FOR AMENDMENTS TO

“Colorado State Fair Authority Rules”

8 CCR 1208-1

Notice is hereby given pursuant to § 24-4-103 C.R.S. that the Colorado State Fair Board of Authority will hold a public rulemaking hearing:

DATE: May 27, 2020
TIME: 10:00 am
LOCATION: Colorado State Fair
VIP Building
1001 Beulah Avenue
Pueblo, Colorado 81004
CALL IN OPTION: If gathering restrictions remain in place due to the COVID-19 Pandemic, the hearing will be held by phone at 1-601-840-3051 PIN: 837-156-697#. The call-in line will not be open if the hearing is conducted at the above location.

The purpose of this rulemaking is to amend rules as part of the regulatory review process. The proposed amendments include changes to definitions; separate duties of concessions relative to alcohol sales; incorporate the IAFE National Code of Show Ring Ethics; change weapons prohibitions; provide for enforcement of policies regarding behavior and conduct; set requirements for annual premium books; provide on-line entry options; and other non-substantive changes for clarity and consistency.

The statutory authority for these rules is §35-65-401(9)(j), C.R.S.

Any interested party may file written comment with the Commissioner's office prior to the hearing, or present at the aforementioned hearing written data, views or arguments. Emailed comments should be sent to Jenifer.Gurr@state.co.us. A copy of the proposed rule is available on the Department of Agriculture's website at www.colorado.gov/ag or may be obtained by calling 303-869-9002. The proposed rule shall be available for public inspection during regular business hours at the Colorado Department of Agriculture at 305 Interlocken Parkway, Broomfield, Colorado or at the Colorado State Fairgrounds at 1001 Beulah Avenue, Pueblo, Colorado.



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DEPARTMENT OF AGRICULTURE

State Fair Authority

COLORADO STATE FAIR AUTHORITY RULES

8 CCR 1208-1

Article 1 – Scope and Definitions

1.1 Scope

These rules are issued by the Colorado State Fair Authority ("Authority") pursuant to § 35-65-401(9)(j), C.R.S., to provide notice of the Authority's policies, procedures, and practices of general applicability.

1.2 Definitions

For purposes of these rules:

- (a) "Agent" means any person who is employed, whether or not paid in any manner by a the concessionaire, to work in any game or novelty stand.
- (b) "Camping" means any act of staying remaining on the fairgrounds overnight on the Colorado State Fairgrounds ("Fairgrounds") for purposes as a means of sleeping whether accommodations using a tent, a primitive structure, a travel trailer, a or recreational vehicle, or no shelter at all.
- (c) "Concession" or "Carnival" means any activity that is a part of any carnival under contract with the Colorado State Fair Authority or operating on the Colorado State Fairgrounds that pays a percentage of its sales revenue to the Authority as rent.
- (d) "Carnival" means any activity that is a part of any carnival under contract with the Authority or operating on the Colorado State Fairgrounds.
- (e) "Colorado State Fairgrounds" or "Fairgrounds" shall mean the site of the annual Colorado State Fair and Industrial Exposition (the "Fair") located in Pueblo, Colorado, at 1001 Beulah Avenue.
- (f) "Colorado State Fair Public Safety Officer" means peace officers employed by the Colorado State Fair Authority pursuant to § 35-65-109, C.R.S.
- (g) "Game" shall mean a contest or amusement whereby a patron attempts to win prizes or rewards through a display of skill.
- (h) "Manager" means the General Manager of the Colorado State Fair Authority, as created at § 35-65-403, C.R.S.
- (i) "Livestock" means cattle, sheep, goats, swine, mules, donkeys, poultry, horses, alternative livestock, and such domesticated animals as fox, mink, marten, chinchilla, beaver, and rabbits, and all other animals raised or kept for profit.
- (i) "National Animal Identification System (NAIS)" means a national program developed by the United States Department of Agriculture (USDA), state agencies and the livestock industry to

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~~identify specific animals and premises in the United States and to enable traceback of the movements of any diseased animal or animal exposed to disease.~~

- (j) "Person" includes a natural person, partnership, corporation, entity or agent of the same acting either individually or as a group or in conspiracy with other persons in any manner covered by these rules.
- (k) "Player" includes any person who plays a game at a carnival whether ~~or not~~ he is attempting to win a prize.
- (l) "Premises Identification Number" or "PIN" means a nationally unique number assigned by a state, tribal, or federal animal health authority to a premises that is, in the judgment of the state, tribal, or federal animal health authority a geographically distinct location from other premises~~number provided by the National Animal Identification System or other State or USDA animal disease surveillance program, such as the National Poultry Improvement Program or the Scrapie Program, as approved by the Colorado State Fair Authority.~~
- (m) "Prize" means any item won or represented to the player as capable of being won at a carnival upon the completion of a given task.
- (n) ~~A "Service animal" means~~ A "Service animal" means any ~~guide dog, signal dog, or other animal that is~~ individually trained to do work or perform tasks for the benefit of provide assistance to an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.
- (o) ~~A "Weapon" or "dangerous object"~~ A "Weapon" or "dangerous object" includes firearms, knives, clubs, sticks, batons, or other bludgeons, any leather wrist band with pointed spikes, handcuffs, motorcycle or similar chain, whether used as a belt ~~or not~~, any weapon or device defined or regulated in Article 12 of Title 18, Colorado Revised Statutes, or any other "deadly weapon" as defined by § 18-1-901(3)(e), C.R.S.

1.3 Enforcement

Enforcement of these rules is vested with the ~~Colorado State Fair~~ Authority, Colorado State Fair Public Safety Officers, or their designees, ~~including the Pueblo County District Attorney.~~

Article 2 – Games

2.1 Game Fraud Prohibited

~~The Authority~~ It is prohibited ~~for~~ any person, owner, manager agent, entity, or corporation acting individually or in conspiracy or concert with other persons to carry on, own, operate, or promote any carnival game, scheme, or device where, by false pretense or pretenses, the purpose is to obtain from any player or persons any money, goods, or other valuable thing, whatever, with intent to cheat or defraud any such player or person.

2.2 Games and Activities Requirements–General

Games or activities ~~must~~ shall be conducted as follows:

- (a) No game ~~will~~ shall be allowed which, either by design or by operation, can be, or is, controlled by the operator to the extent that the outcome of the game is, or can be, determined either partially or entirely by said control.
- (b) No game ~~will~~ shall be allowed for which cash prizes are awarded.

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- (c) No game ~~may~~shall be played ~~so as to alibi the outcome~~ (where the outcome depends upon the word of the operator against the word of the player).
- (d) No game ~~may~~shall be conducted where the game operator controls or affects the outcome of the game by enforcing rules, selectively or randomly during actual pay-to-play, when such rules are not enforced during free plays by the player or demonstrations by the operator.
- (e) No merchandise ~~may~~shall be displayed in any carnival game ~~that~~which is not one of the prizes possible to be won.
- (f) While in operation, there ~~must~~shall be a sign stating the rules of the game, the cost to play, how the game is played, and exactly what is required of the player in order to win each prize offered. Signs ~~must~~shall be of a sturdy material and the lettering ~~must~~shall be plain and clearly posted and of sufficient height to be readable by all players.
- (g) No foul lines ~~will~~shall be permitted. The concessionaire or agent may designate a line a certain distance from the target behind which the player must stand to play the game, but appropriate structures or barriers must be placed at said line that physically limit movement beyond the structure; otherwise, no foul lines ~~will~~shall be permitted.
- (h) No hidden device ~~that~~which limits or alters a player's chances of winning ~~will~~shall be permitted.

2.3 Regulation of Specific Games

The following rules or restrictions ~~shall~~ apply to operation of all games as hereafter set forth:

- (a) In all "spot-spot" games, the size of the disk must be more than 0.622 times the diameter of the circle.
- (b) There will be no alibiing allowed in "spot-spot" games by the operators; nor ~~may~~shall the agents or operators move said disks once placed; nor ~~may~~shall there be any rules as to the distance required to drop the disk; nor ~~may~~shall the operators or agents drop any of the disks for the players except for the purposes of demonstration.
- (c) No more than ~~twelve (12)~~ build-up prizes may be stocked or awarded at one booth, and each prize must be clearly displayed and marked in the order of being awarded.
- (d) On the shooting game ordinarily referred to as "shoot out the star," only stars may be used as targets and no airplanes, etc. The star must be one and one-fourth (1-1/4) inches or less and the gun must contain one hundred (100) BB's.
- (e) In all games where the object is to knock down a series of bottles, cans, or other devices (such as soft drink bottles, cans, or milk bottles), a line ~~must~~shall be placed on the platform upon which the bottles, cans, or other objects rest. This line ~~must~~shall be directly parallel with the front side of the booth where the game is located. The bottles, cans, or other devices ~~must~~shall be set up so that they are directly behind this line.
- (f) In all games where the object is to toss and bank a ball or other device into a basket or other container (such as a peach basket or plastic basket), the device upon which the ball is banked, as well as the basket, ~~must~~shall be set up so as to be parallel to the front of the booth. The basket and banking board ~~must~~shall be fixed in place or a line ~~must~~shall be drawn on the ground for each basket and banking board from which the basket and support for the banking board will be consistently played.

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- (g) Bulldozers must operate with a flat surface, and have no lip, raised edges or protrusions such as screws. Only tokens, not cash, may be used to play. Prize chips must lie on top of tokens, not on the playing surface. Slide chutes must be clearly visible and permanently labeled to show that tokens falling through them belong to the operator, not the player. The machine must have a stop button, allowing the player to stop the bulldozer at his discretion. A minimum of ~~five (5)~~ prize chips must be placed within the playing field at all times. No unduly heavy objects may be placed in the playing field.

2.4 Inspection of Prizes

All prizes offered at any game or booth are subject to inspection and seizure or removal if any such~~these~~ prizes ~~are~~is illegal, prohibited by resolution or regulation, prohibited on the ~~Colorado State~~ Fairgrounds, or a potential danger to the health or safety of any ~~Colorado State~~ Fair patron, as determined by Colorado State Fair Public Safety Officers.

2.5 Games of Chance Prohibited

- (a) Games of chance ~~may~~shall not be operated, except as permitted by Article XVIII, Section 2 of the Colorado Constitution.
 - (i) A game of chance is one where chance is permitted by Article XVIII, Section 2, of the Colorado Constitution as the controlling factor in the award of prizes.
- (b) Skill must be the dominant factor in winning the game.
- (c) The operator of the game or his designee must be capable of demonstrating that a questionable game can be won through practice or skill. If the operator or his designee is unable to so show, the game will be deemed to be one of chance.

2.6 Inspection of Games and Booths

- (a) Prior to the operation of any carnival game, the operator ~~must~~shall notify the Colorado State Fair Public Safety Officer Command Staff in writing of the carnival location, the names and addresses of the owners, operators, and agents of each carnival game and the nature of the game.
- (b) Colorado State Fair Public Safety Officers, ~~Pueblo District Attorney staff~~, or their designees may preinspect any game, booth, premises upon which the game or booth sits, or prizes to determine their nature and acceptability. Operators of games and booths consent to further inspections of any game, booth, premises, or prize, without prior notice.
- (c) Preinspection and acceptance or failure to reject a game for noncompliance with the law shall not be considered to be a ruling or finding by Colorado State Fair Public Safety Officers or ~~Pueblo County District Attorney~~their designee that said game is legal in its nature or its operation; nor shall such inspection be utilized as proof of its compliance with this resolution.

2.7 Violation of Rules

Violation of these rules ~~will~~shall be grounds for ~~immediate~~permanent ejection from the ~~Colorado State~~ Fairgrounds, seizure of the offending equipment, game, or prizes, and prosecution under any applicable state or federal statute.

Article 3 – Exhibitors

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3.1 Operations

- (a) Exhibitors must confine all transactions to the space leased and ~~may~~shall not display signs, placards, brochures, advertisements, or solicit prospective customers in any location on the Fairgrounds except within the contracted space.
- (b) Exhibitors with demonstrations must plan their display so that those watching do not block aisles or interfere with neighboring exhibit areas.
- (c) Exhibitors' space and goods or products ~~must~~shall be open to inspection by the ~~Colorado State Fair~~Authority or its designees.
- (d) Exhibits may not be removed prior to the time listed within each department. Release forms are required for the protection of the exhibitor.
- (e) All exhibits, concessions, and commercial privileges are at the sole discretion of Colorado State Fair Authority Management. Under no circumstances will any advertising material be allowed to be placed upon buildings, trees, or other places on the Fairgrounds, or otherwise distributed on the Fairgrounds without prior approval of management.

3.2 Solicitation

All solicitations for either contributions or sales and any distributions of literature must be made from within the confines of a rented booth. No roving vendor, solicitor, demonstrator, or distributor acting, from either a profit or nonprofit organization or on his own behalf, ~~will~~shall be permitted on the Fairgrounds.

3.3 Enforcement

- (a) Colorado State Fair Public Safety Officers are authorized to eject any violator.
- (b) Colorado State Fair Public Safety Officers are authorized to inspect all exhibitors, vendors, solicitors, or distributors at any time, and to remove or cause to be removed any weapons or items that are not permitted on the ~~Colorado State~~ Fairgrounds pursuant to these rules, regulation, or state law or any weapons or items that could adversely affect the health or safety of any ~~Colorado State~~ Fair patron.
- (c) Refusal to submit to inspection ~~is~~shall be grounds for immediate ejection.

Article 4 – Alcohol

4.1 Consumption

- (a) ~~A concession with a license to sell~~The alcoholic beverages ~~is contractor shall be~~ responsible for age identification.
- (b) ~~A concession with a license to sell alcoholic beverages is responsible for~~ and providing appropriate security, when required pursuant to concessions contract, for the control and enforcement of state laws and Authority~~Fair~~ policies relating to the sales and consumption of alcoholic beverages.

4.2 Intoxication

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- (a) The alcoholic beverage contractor ~~must~~shall refuse to serve alcoholic beverages to any person who is visibly intoxicated.
- (b) Persons on the Fairgrounds who are visibly intoxicated ~~may~~will be ejected and removed.

4.3 Enforcement

Colorado State Fair Public Safety Officers are authorized to eject and remove any violator of these rules pertaining to alcohol from the ~~State~~-Fairgrounds.

Article 5 – Weapons and dangerous objects

5.1 Prohibited

- (a) Weapons and dangerous objects are prohibited on the ~~State~~-Fairgrounds.
- (b) This prohibition does not apply to:
 - (i) Peace officers as defined by § 18-1-901, C.R.S., acting in their official capacities.
 - (ii) Exhibitors of firearms or dangerous objects, who are authorized to exhibit such items on the Fairgrounds.
 - (iii) Persons who have been issued a permit, pursuant to § 18-12-201, et seq., C.R.S., to carry a concealed handgun with a demonstrable need to carry a weapon or dangerous object, who demonstrate such need in advance to Colorado State Fair Public Safety Officers.
 - (iv) Legal pocketknives that do not have a blade exceeding 3.5 inches in length.

5.2 Consent to Search

- (a) Any person entering the ~~Colorado State~~-Fairgrounds is deemed to consent to a search of his person, personal effects, or motor vehicle, at any time, for the purposes of determining the presence of any weapons or dangerous objects.
- (b) Colorado State Fair Public Safety Officers or the Colorado State Fair Security detail will conduct such searches; ~~in~~ as minimally intrusive manner possible.
- (c) A search may include, but is not limited to, use of metal-sensing devices, trained law enforcement dogs, or hand searches.
- (d) Refusal to consent, or resistance to such a search, ~~will~~shall be grounds for immediate ejection or removal from the Fairgrounds.
- (e) Notice of this consent to search, and the prohibition on weapons and dangerous objects, ~~must~~shall be posted at all gates to the Fairgrounds.

5.3 Enforcement

Colorado State Fair Public Safety Officers shall confiscate any weapon or dangerous object or eject the violator from the Fairgrounds.

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Article 6 – Behavior on Fairgrounds

6.1 Camping

- (a) During the ~~annual~~ Fair
 - (i) On-~~grounds~~ camping is limited to pre-paid reserved camping spots only.
 - (ii) No camping or overnight stays will be~~are~~ allowed in any parking lot or barn areas.
- (b) Off-~~season~~ camping may be available based on event guidelines.

6.2 Dogs

No dogs are allowed on the ~~Colorado State~~ Fairgrounds other than those on a leash for direct competition or as service animals.

6.3 Conduct

- (a) Persons at the Fairgrounds shall not conduct themselves in any disorderly manner, as more fully set forth in § 18-9-101, *et seq.*, C.R.S.
- (b) Persons on the Fairgrounds must conduct themselves in accordance with any policy approved and adopted by the Authority.
- ~~(c)~~ No person or group ~~may~~shall bring upon or cause to bring upon the Fairgrounds bicycles, skates, skateboards, unauthorized vehicles, unauthorized animals, controlled substances, alcoholic beverages, glass containers, or any other object that may affect the safety and well-~~being~~ of persons attending events at the Fairgrounds.
- ~~(c) Persons shall not violate any state laws while on the Fairgrounds.~~

6.4 Enforcement

- (a) Colorado State Fair Public Safety Officers ~~must~~shall eject any person from the Fairgrounds for violating Rule 6.3 for a term not less than the particular day involved, nor longer than one year from the date of violation.
- (b) Any person who re-enters the Fairgrounds, after having been ejected, during the prohibited time, whether having paid an admission fee or otherwise, does so without license or permission of the ~~Colorado State Fair~~ Authority and is trespassing and may be prosecuted as such.

Article 7 – ~~Show Ring Ethics~~RESERVED

- ~~7.1 The International Association of Fairs and Exposition's (IAFE) National Code of Show Ring Ethics shall govern all exhibitions of animals at the Colorado State Fair.~~
- ~~7.2 The 2008 version of the IAFE National Code of Show Ring Ethics is incorporated in these rules by reference. No later amendments or changes to the IAFE Code of Show Ring Ethics shall be operative at the Colorado State Fair.~~
- ~~7.3 Copies of the IAFE National Code of Show Ring Ethics may be obtained from the General Manager of the Colorado State Fair Authority, Colorado State Fairgrounds, Pueblo, Colorado~~

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~~81004 upon request. The IAFE National Code of Show Ring Ethics may also be obtained or examined at any state publications depository library.~~

Article 8 – Premiums and Rules Governing Exhibits or Events

8.1 Premium Books

- (a) On or before June 1 of each year, the ~~Colorado State Fair~~Authority shall establish and make available premium books, which ~~must provide~~shall state the following information:
- (i) Kinds and classes of events or exhibits in each general category;
 - (ii) Entry requirements for each event or exhibit;
 - (iii) Conditions under which entries ~~will~~shall be received, stalled, and cared for; ~~fees; and~~ qualification and disqualification requirements; ~~and~~
 - (iv) A premium schedule;
 - (v) Show ring ethics; and
 - (vi) Grounds for disqualification, appeal, and grievance procedures.
- (b) Premium books may also contain competition judges' duties, responsibilities and decisions.
- ~~(i) Competition judges' duties, responsibilities and decisions; and~~
- (c) When considering the kinds of classes, entry requirements, conditions under which entries ~~must~~shall be received, stalled and cared for, entry fees and qualification and disqualification requirements, the ~~Authority must~~Colorado State Fair shall take into consideration ~~experiences of the previous~~ experiences of ~~the previous~~ Colorado State Fairs and Industrial Exposition in previous years and the experiences of other state fairs, changes in the industry that make it reasonable to adopt new provisions, available facilities, industry recommendations, changes in other classes or events, available appropriations, and any other matter that may affect the event or exhibit.

8.2 Entry into Competition

- (a) No animal or exhibit ~~will~~shall be entitled to a place on the grounds until proper entry has been made.
- (b) All entries must be made on official Colorado State Fair and Industrial Exposition forms or through official Colorado State Fair online entry portal, properly filled out and accompanied by all fees whenever required.
- (c) Entry forms and instructions for making entries are available upon request and may be located at www.coloradostatefair.com.
- (d) The Colorado State Fair Management ~~shall~~reserves the right to limit entries to facilities available and cancel any division or class in which, in its judgment, the entries are insufficient to secure adequate competition. Any return of entries under this rule will be done on a non-discriminatory basis.

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(e) The Colorado State Fair Management ~~shall~~reserves the right to vacate, as ineligible for competition, and order the removal of any entry ~~that, which~~ has been entered in violation of these rules.

(f) Every animal and exhibit ~~must~~shall be entered and exhibited in the name of the bona fide owner.

8.3 Compliance with Local, State, and Federal Laws

(a) In order to comply with the State of Colorado and the Internal Revenue Service, any prize winner whose prize is valued at more than \$600 must~~competitors shall~~ submit a properly and fully completed I.R.S. Form W-9 with each competitive entry as specified in premium books.

(b) Failure to submit a properly and fully completed I.R.S. Form W-9 ~~may~~will delay or possibly forfeit payment of any premium monies won at the ~~Colorado State Fair~~.

(c) All competitors ~~must~~shall abide by any local state or federal law.

8.4 Premises Identification

(a) All entrants for livestock exhibited in open, breed, or market competitions ~~must~~shall provide a ~~P~~premises identification ~~N~~number at the time of entry.

(i) Equine events are not required to hold a premises identification number at any equine event on the Fair's grounds~~for the 2008 Colorado State Fair~~.

(b) Premises ~~i~~dentification forms and instructions for registering premises are available upon request and may be located at www.coloradostatefair.com.

8.5 Livestock Exhibits or Events

(a) At the discretion of the ~~Colorado State Fair~~ Authority, premises identification may be required for any exhibit or event that involves the introduction of livestock onto the ~~State~~ Fairgrounds.

8.6 Enforcement

(a) Colorado State Fair Public Safety Officers ~~may be authorized to~~ eject and remove any violator of these rules governing exhibits or events.

Article 9 – Statements of Basis, Specific Statutory Authority and Purpose

9.1 August 14, 1997 – Effective September 30, 1997

The Statement of Basis, Specific Statutory Authority and Purpose for this rulemaking activity is no longer in the Department's files.

9.2 May 20, 1998 – Effective July 30, 1998

The Statement of Basis, Specific Statutory Authority and Purpose for this rulemaking activity is no longer in the Department's files.

9.3 May 30, 2008 – Effective July 30, 2008

Specific Statutory Authority:

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The specific statutory authority of this rule is § 35-65-401(9)(j), C.R.S., which grants authority to the Board of Commissioners of the Colorado State Fair Authority to adopt rules.

Purpose:

The purpose of these rules is to:

Article 1; Section 1.2, "Definitions":

1. Define "livestock" to parallel definitions used within other Colorado Department of Agriculture divisions' rules and within the Colorado Revised Statutes and to provide a consistent definition that may be relied upon when the word is used in other portions of the Board's rules.
2. Define "National Animal Identification System" as it relates to "Premises Identification."
3. Define "Premises Identification" to provide a consistent definition for later use within the rules.
4. Define "service animal" to ensure compliance with the Americans with Disabilities Act.
5. Remove obsolete rules and material and to correct spelling or typographical errors.
6. Clarify language and citations in Articles 2 and 5.

Article 3, "Exhibitors":

7. Provide greater protection to the exhibitors and their exhibits and to protect the public from advertising that is not appropriate for the State Fairgrounds. The last changes are to correct spelling and to clarify language.

Article 4, "Alcohol":

8. Reflect changes in State Fair rules regarding alcohol consumption outside selling facilities after nine p.m., to address increased concerns about patrons over-consuming and to make a spelling change.

Article 6, "Behavior on Campgrounds":

9. Limit liability to the State Fair in the event of unauthorized camping and to protect fairgoers from unauthorized or potentially dangerous dogs. Other changes are to clean up language and citations.

Article 7, "Show Ring Ethics":

10. Incorporate the newest version of the National Code of Show Ring Ethics and removes the language of the incorporated material from the rules.

Article 8, "Premiums and Rules Governing Exhibits or Events":

11. Make entry and competition requirements consistent for all exhibitors, to define the process and method to be used for creation of the Premium Books, to require compliance

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with all outside applicable laws and to articulate the requirements of premises identification for events involving livestock.

12. Establish a June 1 deadline by which the Board must make its premium books available every year.
13. Articulate what materials are to be put into the Premium Books and what the Board should consider on a yearly basis when creating these Premium Books.
14. Provides consistent rules for entry into the competitions at the Colorado State Fair, identifies where entry forms may be located, and sets enforceable requirements for entry into the competitions.
15. Set forth the requirement for compliance with all local, state and federal laws.
16. Articulate the requirements of premises identification for events involving livestock on the Colorado State Fairgrounds.

Factual and Policy Issues:

The factual and policy issues encountered when developing these rules include:

The Board of Commissioners of the Colorado State Fair Authority's (the Board) on-going desire to produce a fair that adequately and appropriately showcases Colorado's agricultural, horticultural, industrial, mining, and tourist industries, as well as its recreational, educational and scientific and natural resources led to many of the changes in these rules.

The amendments to Article 1.2, "Definitions," reflect the Board's desire to make updates to accommodate changes. These changes include the most accurate definition of "livestock," which definition is currently in use by the Colorado Department of Agriculture in several of its statutes and rules. The Board also recognized the need to provide definition to new terms and terminology that are beginning to affect Colorado livestock and agriculture, specifically, "premises identification number" and "National Animal Identification System." Additionally, the Board had received comment that its definition of "service animal" did not encompass the full range of service animals available that might need entry into the fair.

Throughout the rules, the Board identified minor changes in wording, grammar, spelling and citation that needed to be updated. These are reflected in changes to Articles 1.2, 2.3, 4.3, 5.2 and 6.2.

The amendments to Article 3.1 are to protect exhibits while on the grounds, requiring release forms and no prior removal without consent. Additionally, the Board put into rule its policy requiring management approval prior to posting any advertising materials on fairgrounds.

Article 4.1's requirement that all alcohol served after 9:00 p.m. be consumed within the facility from which it was purchased was obsolete and unenforced. The Board found that the policy of preventing alcohol served after 9:00 p.m. to be consumed anywhere other than within the establishment that had sold the beer did nothing to provide any greater protection to fair-goers, stifled business sales across the grounds and deterred attendance after 9:00 p.m. Therefore, the Board struck this portion of the rules.

The addition to Article 6.1 gives the no-camping policy the full force and effect of law. Because camping or sleeping overnight on the grounds has posed a problem for fair management in the past, the Board decided to make camping on the fairgrounds an offense that could lead to ejection.

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The changes to Article 7 are designed to limit the number of pages required for the rule. The Board opted to remove the text of the IAFE's National Code of Show Ring Ethics. Because this code had not been incorporated since 1997, the Board also incorporated the most recent version of the ethics.

Article 8 incorporates the creation of the Fair's Premium Books into State Fair Authority's rules. The Premium Books dictate methods of entry, rules of competition, premium schedules and all other facts relevant to competition on the grounds, whether that competition be related to livestock, fine arts or any other area. The Board recognized the need to vest these books with the force and effect of law in the event that any competition rule be challenged.

In addition, Article 8 sets out formal requirements for entry into competition. Again, the Board recognized the need to create formal requirements for entry that had the force and effect of law in the event that any requirement be challenged by any competitor.

The Board understands the need to employ the most advanced methods of disease prevention and traceback in order to provide the highest level of protection to Colorado's livestock industry. Over the past few years, the Board has received comment from individuals in the packing industry, concerned lobbyists for a variety of livestock organizations, and the public itself regarding the need for mandatory premises identification on the State Fairgrounds. Since the 2007 Colorado State Fair, the Board has considered methods of implementing premises identification in a consistent and fair manner as it relates to anyone who brings livestock onto the fairgrounds. Article 8.4 provides this consistent approach as to anyone bringing livestock onto the grounds for competition and vests this rule, as with others proposed for adoption, with the force and effect of law.

9.3 Adopted May 27, 2020 – Effective July 30, 2020

Specific Statutory Authority

The specific statutory authority for this rule-making is at section 35-65-401(9)(j), C.R.S., which provides authority to the Colorado State Fair Authority Board of Commissioners to "adopt rules."

Purpose of the Rulemaking

The Colorado State Fair Authority Board of Commissioners (the "Board") proposed these rule amendments as part of its regulatory review process and to amend the rules in the following ways.

In the "Definitions" section, the Board amended the definitions of "camping," "Colorado State Fairgrounds," "service animal," and "weapon or dangerous object" to provide clarity to these terms. The Board split apart the definitions of "concession" and "carnival" to identify that concessionaires and the carnival are separate activities. The Board modified the definition of "PIN" to comport with the definition in federal law, which has changed since the last rule amendments, and the Board removed the definition of "National Animal Identification System (NAIS)" because that system has, since the last rule amendments, been discontinued on the federal level. The Board updated the definition of "service animal" to match the definition in the Americans with Disabilities Act.

Throughout the rule, the Board harmonized the use of "shall" and "must," removed references to the district attorney's authority relative to fair-time activities because such reference is unnecessary, and the Board modified the use of the terms "Authority," "Board," "Manager," and "Fairgrounds" to be consistent with nomenclature and to identify more clearly the source of any authority exercised on the grounds.

With regard to alcohol consumption and concessions in Article 4, the Board separated the duties of concessions relative to alcohol sales to identify that a concession always has an obligation to verify the age of a purchaser of alcoholic beverages and that a concession has an obligation, during non-fair-time activities, to provide appropriate security when the concession is selling alcohol.

Editing comments: Changes to this rule are indicated in strikethrough for removal and underline for additions. If you are able to view this document in color the changes are also indicated in red. Changes as a result of the rulemaking hearing are indicated in blue.

The Board removed Article 7 and included the addition of show ring ethics into premium books to provide greater flexibility to the Board to consider show-ring ethics annually as part of its premium book publication.

The Board changed the prohibition on weapons to exclude from the prohibition any person who has a lawful permit to carry a handgun to comply with the language in section 18-12-201, et seq., and to exclude pocketknives with blades not exceeding 3.5 inches to make the rule consistent with state law.

As to additions to the rule, the Board added Article 6.3(b) to ensure that the Board's on-grounds policies regarding behavior and conduct could be enforced against violators as a violation of policy and Board rule. The Board also added Article 8.1(a)(iv) to direct that the annual premium books must include grounds for competitor disqualification along with appeal and grievance procedures to ensure fair and consistent competitions during the annual Fair and Exposition. Finally, the Board added into Article 8.2(b) that entrants may enter the annual event through the Fair's on-line entry portal to ease and expedite entry.