

## 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 concessionaire, to work in any game or novelty stand.
- (b) “Camping” means any act of staying overnight on the Colorado State Fairgrounds (“Fairgrounds”) for purposes of sleeping whether using a tent, a primitive structure, a travel trailer, a recreational vehicle, or no shelter at all.
- (c) “Concession” means any activity that is under contract with the 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, [as defined in § 35-41.5-102\(1\)](#), and such domesticated animals as fox, mink, marten, chinchilla, beaver, and rabbits, and all other animals raised or kept for profit.
- (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 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.
- (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) "Service animal" means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.
- (o) "Weapon" or "dangerous object" includes firearms, knives, clubs, sticks, batons, or other bludgeons, any leather wristband with pointed spikes, handcuffs, motorcycle or similar chain, whether used as a belt, 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 Authority, Colorado State Fair Public Safety Officers, or their designees.

## **Article 2 – Games**

### **2.1 Game Fraud Prohibited**

The Authority prohibits 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 be conducted as follows:

- (a) No game will 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 be allowed for which cash prizes are awarded.
- (c) No game may be played where the outcome depends upon the word of the operator against the word of the player.
- (d) No game may 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 be displayed in any carnival game that is not one of the prizes possible to be won.
- (f) While in operation, there must 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 be of a sturdy material and the lettering must be plain and clearly posted and of sufficient height to be readable by all players.

- (g) No foul lines will 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 be permitted.
- (h) No hidden device that limits or alters a player's chances of winning will be permitted.

### **2.3 Regulation of Specific Games**

The following rules or restrictions 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 the agents or operators move said disks once placed; nor may there be any rules as to the distance required to drop the disk; nor may the operators or agents drop any of the disks for the players except for the purposes of demonstration.
- (c) No more than 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 be placed on the platform upon which the bottles, cans, or other objects rest. This line must be directly parallel with the front side of the booth where the game is located. The bottles, cans, or other devices must 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 be set up so as to be parallel to the front of the booth. The basket and banking board must be fixed in place or a line must 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.
- (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 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 prize is illegal, prohibited by resolution or regulation, prohibited on the Fairgrounds, or a potential danger to the health or safety of any Fair patron, as determined by Colorado State Fair Public Safety Officers.

### **2.5 Games of Chance Prohibited**

- (a) Games of chance may 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 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 or their designees may pre-inspect 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) Pre-inspection 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 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 be grounds for immediate ejection from the Fairgrounds, seizure of the offending equipment, game, or prizes, and prosecution under any applicable state or federal statute.

## Article 3 – Commercial Exhibitors and Concessionaires

### 3.1 Operations

- (a) Commercial Exhibitors and Concessionaires Exhibitors must confine all transactions to the space leased and may not display signs, placards, brochures, advertisements, or solicit prospective customers in any location on the Fairgrounds except within the contracted space.
- (b) Commercial Exhibitors and Concessionaires Exhibitors with demonstrations must plan their display so that those watching do not block aisles or interfere with neighboring exhibit areas.
- (c) Commercial Exhibitors' and Concessionaires' Exhibitors' space and goods or products must be open to inspection by the 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.~~
- (ed) All commercial exhibits and, 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 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 Fairgrounds pursuant to these rules, regulation, or state law or any weapons or items that could adversely affect the health or safety of any Fair patron.
- (c) Refusal to submit to inspection is grounds for immediate ejection.

## Article 4 – Alcohol

### 4.1 Consumption

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

### 4.2 Intoxication

- (a) The alcoholic beverage contractor must refuse to serve alcoholic beverages to any person who is visibly intoxicated.
- (b) Persons on the Fairgrounds who are visibly intoxicated may 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 Fairgrounds.

## Article 5 – Weapons and dangerous objects

### 5.1 Prohibited

- (a) Weapons and dangerous objects are prohibited on the 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. A peace office as set forth § 16-2.5-101(2)(a), C.R.S.~~
  - (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.

- (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 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~~weapon-sensing devices, trained law enforcement dogs, or hand searches.
- (d) Refusal to consent, or resistance to such a search, will 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 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.

## Article 6 – Behavior on Fairgrounds

### 6.1 Camping

- (a) During the Fair
  - (i) On-grounds camping is limited to pre-paid reserved camping spots only.
  - (ii) No camping or overnight stays will be 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 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 § 18-9-10~~6~~4, 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 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.

**6.4 Enforcement**

- (a) Colorado State Fair Public Safety Officers must 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 Authority and is trespassing and may be prosecuted as such.

**Article 7 – National Code of Show Ring Ethics (as adopted by the International Association of Fairs and Expositions (IAFE) in 2008)**

- (a) Exhibitors of animals at livestock shows shall at all times comport themselves with honesty and good sportsmanship. Their conduct in this competitive environment shall always reflect the highest standards of honor and dignity in the advancement of agricultural education. This code applies to junior as well as open class exhibitors who compete in structured classes of competition. This code applies to all livestock offered in any event at a livestock show. In addition to the “IAFE National Code of Show Ring Ethics,” fairs and livestock shows may have rules and regulations which they impose on the local, county, state, provincial and national levels.
- (b) All youth leaders working with junior exhibitors are under an affirmative responsibility to do more than avoid improper conduct or questionable acts. Their moral values must be so certain and positive that those younger and more pliable will be influenced by their fine example. Owners, exhibitors, fitters, trainers and absolutely responsible persons who violate the code of ethics will forfeit premiums, awards and auction proceeds and shall be prohibited from future exhibition in accordance with the rules adopted by the respective fairs and livestock shows. Exhibitors who violate this code of ethics demean the integrity of all livestock exhibitors and should be prohibited from competition at all livestock shows in the United States and Canada.
- (c) The following is a list of guidelines for all exhibitors and all livestock in competitive events:
  - (i) All exhibitors must present, upon request of fair and livestock show officials, proof of ownership, length of ownership and age of all animals entered. Misrepresentation of ownership, age, or any facts relating thereto is prohibited.
  - (ii) Owners, exhibitors, fitters, trainers, or absolutely responsible persons shall provide animal health certificates from licensed veterinarians upon request by fair or livestock show officials.
  - (iii) Junior exhibitors are expected to care for and groom their animals while at fairs or livestock shows.
  - (iv) Animals shall be presented to show events where they will enter the food chain free of violative drug residues. The act of entering an animal in a livestock show is the giving of consent by the owner, exhibitor, fitter, trainer and/or absolutely responsible person for show management to obtain any specimens of urine, saliva, blood, or other substances from the animal to be used in testing. Animals not entered in a event which culminates with the animal entering the food chain shall not be administered drugs other than in accordance with applicable federal, state and provincial statutes, regulations and rules. Livestock shall not be exhibited if the drugs administered in accordance with federal, state and provincial statutes, regulations and rules affect the animal's performance or appearance at the event.

- (d) — If the laboratory report on the analysis of saliva, urine, blood, or other sample taken from livestock indicates the presence of forbidden drugs or medications, this shall be prima facie evidence such substance has been administered to the animal either internally or externally. It is presumed that the sample of urine, saliva, blood, or other substance tested by the laboratory to which it is sent is the one taken from the animal in question, its integrity is preserved and all procedures of said collection and preservation, transfer to the laboratory and analysis of the sample are correct and accurate and the report received from the laboratory pertains to the sample taken from the animal in question and correctly reflects the condition of the animal at the time the sample was taken, with the burden on the owner, exhibitor, fitter, trainer, or absolutely responsible person to prove otherwise.
- (e) — At any time after an animal arrives on the fair or livestock show premises, all treatments involving the use of drugs and/or medications for the sole purpose of protecting the health of the animal shall be administered by a licensed veterinarian.
- (df) Any surgical procedure or injection of any foreign substance or drug or the external application of any substance (irritant, counterirritant, or similar substance) which could affect the animal's performance or alter its natural contour, confirmation, or appearance, except external applications of substances to the hoofs or horns of animals which affect appearance only and except for surgical procedures performed by a duly licensed veterinarian for the sole purpose of protecting the health of the animal, is prohibited.
- (ee) The use of showing and/or handling practices or devices such as striking animals to cause swelling, using electrical contrivance, or other similar practices are not acceptable and are prohibited.
- (fh) Direct criticism or interference with the judge, fair or livestock show management, other exhibitors, breed representatives, or show officials before, during, or after the competitive event is prohibited. In the furtherance of their official duty, all judges, fair and livestock show management, or other show officials shall be treated with courtesy, cooperation and respect and no person shall direct abusive or threatening conduct toward them.
- (gi) No owner, exhibitor, fitter, trainer, or absolutely responsible person shall conspire with another person or persons to intentionally violate this code of ethics or knowingly contribute or cooperate with another person or persons either by affirmative action or inaction to violate this code of ethics. Violation of this rule shall subject such individual to disciplinary action.
- (hj) The application of this code of ethics provides for absolute responsibility for an animal's condition by an owner, exhibitor, fitter, or participant whether or not he or she was actually instrumental in or had actual knowledge of the treatment of the animal in contravention of this code of ethics.
- (ji) The act of entering an animal is the giving of consent by the owner, exhibitor, fitter, trainer, or absolutely responsible person to have disciplinary action taken by the fair or livestock show for violation of this Code of Show Ring Ethics and any other rules of competition of the fair or livestock show without recourse against the fair or livestock show. The act of entering an animal is the giving of consent that any proceedings or disciplinary action taken by the fair or livestock show may be published with the name of the violator or violators in any publication of the International Association of Fairs and Expositions, including Fairs and Expositions and any special notices to members.
- (j) The act of entering of an animal in a fair or livestock show is the giving of verification by the owner, exhibitor, fitter, trainer, or absolutely responsible person that he or she has read the IAFE National Code of Show Ring Ethics and understands the consequences of and penalties provided for actions prohibited by the code. It is further a consent that any action which contravenes these



rules and is also in violation of federal, state, or provincial statutes, regulations, or rules may be released to appropriate law enforcement authorities with jurisdiction over such infractions.

## **Article 8 – Premiums and Rules Governing Exhibits or Events**

### **8.1 Premium Books**

- (a) On or before June 1 of each year, the Authority shall establish and make available premium books, which must provide 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 be received, stalled, and cared for; fees; and qualification and disqualification requirements;
  - (iv) A premium schedule; and
  - (v) Grounds for disqualification, appeal, and grievance procedures.
- (b) Premium books may also contain competition judges' duties, responsibilities, and decisions.
- (c) When considering the kinds of classes, entry requirements, conditions under which entries must be received, stalled and cared for, entry fees and qualification and disqualification requirements, the Authority must consider experiences of the Colorado State Fair 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.
- (d) In the event of any declared emergency that would necessitate modification to the premium books published on or before June 1, the board shall make any necessary modification to the premium books on or before August 1 of that year.

### **8.2 Entry into Competition**

- (a) No animal or exhibit will 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](http://www.coloradostatefair.com).
- (d) The Colorado State Fair Management 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.
- (e) The Colorado State Fair Management reserves the right to vacate, as ineligible for competition, and order the removal of any entry that has been entered in violation of these rules.
- (f) Every animal and exhibit must 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 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 delay or possibly forfeit payment of any premium monies won at the Fair.
- (c) All competitors must 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 provide a premises identification 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.
- (b) Premises identification forms and instructions for registering premises are available upon request and may be located at [www.coloradostatefair.com](http://www.coloradostatefair.com).

**8.5 Livestock Exhibits or Events**

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

**8.6 Enforcement**

- (a) Colorado State Fair Public Safety Officers may 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:

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 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.

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.

#### **9.4 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.

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, C.R.S., 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. The Board added Article 8.1(d) that in the event of a declared emergency the Board shall make necessary modifications to published premium books on or before August 1. 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.

#### **9.5 Adopted November 18, 2020 – Effective January 15, 2021**

##### 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 International Association of Fairs and Expositions National Code of Show Ring Ethics is being added in Article 7 of these rules. The Board decided to add the show ring ethics as a part of the rules because the text is not too voluminous. In addition, the digital location of this document is located behind the IAFE firewall so it is not feasible to incorporate it by reference. Article 8.1 is being amended to remove the requirement for show ring ethics to be included as a part of premium books.

#### **9.6 Adopted \_\_\_\_\_, 2024 – Effective \_\_\_\_\_, 2024**

##### Specific Statutory Authority

The specific statutory authority for this rulemaking 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 Article 1, Definitions, the Board modified the definition of “livestock” to include a statutory citation that is in many of the Department of Agriculture’s other definitions of the term.

In Article 3, Exhibitors, the Board added terms to clarify that Article 3 applies to commercial exhibitors and to concessionaires. With the change to the title of the article, the Board made additional, harmonizing changes to the text of Article 3’s provisions. Further, in Article 3, the Board removed the requirement that exhibitors may not remove their exhibits without a release from the department of the exhibit to accommodate that each department has a different process for how and when exhibitors may remove their exhibits.

In Article 5, the Board updated statutory citations related to peace officers and modified that those persons entering the Authority’s grounds are subject to search by weapon-sensing, not metal-sensing, devices, as these devices are designed to identify potential weapons, not all metal on a person entering.

The Board further updated a statutory citation in Rule 6.3(a) and applied formatting and numbering changes to Article 7.