

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

February 28, 2023
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB23-1192 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend page 3, line 8, before "false," insert "KNOWINGLY".
- 2 Page 3, line 11, strike "SUBSTANTIALLY" and substitute
- 3 "SUBSTANTIVELY".
- 4 Page 3, strike lines 19 through 22 and substitute:
 - 5 "(4) ~~For purposes of~~ AS USED IN this section, "recklessly" means:
 - 6 (a) A reckless disregard for the truth or falsity of a statement or
 - 7 advertisement;
 - 8 (b) THE FAILURE TO EXERCISE REASONABLE CARE TO ENSURE THAT
 - 9 A STATEMENT, AN ADVERTISEMENT, OR CONDUCT IS TRUTHFUL AND
 - 10 ACCURATE; OR
 - 11 (c) THE FAILURE TO EXERCISE REASONABLE CARE TO AVOID A
 - 12 SUBSTANTIAL AND UNJUSTIFIABLE RISK OF CONSUMER HARM."
- 13 Page 12, line 12, strike "(I)".
- 14 Page 12, strike lines 18 through 21.
- 15 Page 17, lines 4 and 5, strike "EXCEPT AS PROVIDED IN SUBSECTION (5) OF
- 16 THIS SECTION, ANY" and substitute "ANY".
- 17 Page 18, strike lines 7 through 9 and substitute:
 - 18 "(5) EXCEPT AS EXPRESSLY PROVIDED IN SUBSECTIONS (1) AND (2)
 - 19 OF THIS SECTION, NO OTHER LIMITATION TERMINATES THE PERIOD WITHIN
 - 20 WHICH THE ATTORNEY GENERAL MAY FILE AN ACTION FOR A VIOLATION OF

1 THIS ARTICLE 4."

** ** ** ** **