

[DISCUSSION DRAFT]

118TH CONGRESS
1ST SESSION

H. R. _____

To prohibit speculative ticketing as an unfair or deceptive act or practice,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To prohibit speculative ticketing as an unfair or deceptive
act or practice, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the [“_____ Act
5 of 2023”].

6 **SEC. 2. SPECULATIVE TICKETING BAN.**

7 (a) PROHIBITION.—Beginning 90 days after the date
8 of the enactment of this Act, it shall be unlawful for a
9 ticket issuer or secondary market ticket issuer that does

1 not have actual or constructive possession of an event tick-
2 et to sell or offer for sale the event ticket.

3 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion shall be construed to prohibit a secondary ticketing
5 exchange from offering a service to a consumer to obtain
6 an event ticket on behalf of the consumer at the time the
7 event ticket is made available for purchase to the public
8 provided that the secondary ticketing exchange does not
9 market or list such service as an event ticket and clearly
10 and conspicuously discloses that such service is not an
11 event ticket.

12 (c) ENFORCEMENT BY THE FEDERAL TRADE COM-
13 MISSION.—

14 (1) UNFAIR OR DECEPTIVE ACT OR PRAC-
15 TICE.—A violation of subsection (a) shall be treated
16 as a violation of a regulation defining an unfair or
17 deceptive act or practice under section 18(a)(1)(B)
18 of the Federal Trade Commission Act (15 U.S.C.
19 57a(a)(1)(B)).

20 (2) POWERS OF COMMISSION.—The Commis-
21 sion shall enforce subsection (a) in the same man-
22 ner, by the same means, and with the same jurisdic-
23 tion, powers, and duties as though all applicable
24 terms and provisions of the Federal Trade Commis-

1 sion Act (15 U.S.C. 41 et seq.) were incorporated
2 into and made a part of this Act.

3 (3) PRIVILEGES AND IMMUNITIES.—Any person
4 who violates subsection (a) shall be subject to the
5 penalties and entitled to the privileges and immuni-
6 ties provided in the Federal Trade Commission Act
7 (15 U.S.C. 41 et seq.).

8 (4) AUTHORITY PRESERVED.—Nothing in this
9 section shall be construed to limit the authority of
10 the Commission under any other provision of law.

11 (d) DEFINITIONS.—In this section:

12 (1) COMMISSION.—The term “Commission”
13 means the Federal Trade Commission.

14 (2) EVENT; EVENT TICKET; TICKET ISSUER.—
15 The terms “event”, “event ticket”, and “ticket
16 issuer” have the meaning given those terms in the
17 Better Online Ticket Sales Act of 2016 (Public Law
18 114–274).

19 (3) RESALE; SECONDARY SALE.—The terms
20 “resale” and “secondary sale” mean any sale of an
21 event ticket that occurs after the initial sale of the
22 event ticket by a ticket issuer.

23 (4) SECONDARY MARKET TICKET ISSUER.—The
24 term “secondary market ticket issuer” means any
25 entity for which it is in the regular course of the

1 trade or business of the entity to resell or make a
2 secondary sale of an event ticket to the general pub-
3 lic.