

Article 27 - Crimes and Punishments

FRAUD - PYRAMID PROMOTIONAL SCHEMES

233D.

(A) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(1) "COMPENSATION" INCLUDES PAYMENT BASED ON A SALE OR DISTRIBUTION MADE TO A PERSON WHO IS EITHER A PARTICIPANT IN A PLAN OR OPERATION OR WHO, UPON MAKING PAYMENT, THEN HAS THE RIGHT TO BECOME A PARTICIPANT.

(2) "CONSIDERATION" DOES NOT INCLUDE:

(I) PAYMENT FOR PURCHASE OF GOODS OR SERVICES FURNISHED AT COST FOR USE IN MAKING SALES TO PERSONS WHO ARE NOT PARTICIPANTS IN THE SCHEME AND WHO ARE NOT PURCHASING IN ORDER TO PARTICIPATE IN THE SCHEME;

(II) TIME OR EFFORT SPENT IN PURSUIT OF SALES OR RECRUITING ACTIVITIES; OR

(III) THE RIGHT TO RECEIVE A DISCOUNT OR REBATE BASED ON THE PURCHASE OR ACQUISITION OF GOODS OR SERVICES BY A BONA FIDE COOPERATIVE BUYING GROUP OR ASSOCIATION.

(3) "PROMOTE" MEANS TO INDUCE ONE OR MORE OTHER PERSONS TO BECOME A PARTICIPANT.

(4) "PYRAMID PROMOTIONAL SCHEME" MEANS ANY PLAN OR OPERATION BY WHICH A PARTICIPANT GIVES CONSIDERATION FOR THE OPPORTUNITY TO RECEIVE COMPENSATION TO BE DERIVED PRIMARILY FROM ANY PERSON'S INTRODUCTION OF OTHER PERSONS INTO PARTICIPATION IN THE PLAN OR OPERATION RATHER THAN FROM THE SALE OF GOODS, SERVICES, OR OTHER INTANGIBLE PROPERTY BY THE PARTICIPANT OR OTHER PERSONS INTRODUCED INTO THE PLAN OR OPERATION.

(B) A PERSON MAY NOT ESTABLISH, OPERATE, ADVERTISE, OR PROMOTE A PYRAMID PROMOTIONAL SCHEME.

(C) A PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$20,000 \$10,000 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH.

(D) IT IS NOT A DEFENSE TO A PROSECUTION UNDER THIS SECTION THAT:

(1) THE PLAN OR OPERATION LIMITS THE NUMBER OF PERSONS WHO MAY PARTICIPATE OR LIMITS THE ELIGIBILITY OF PARTICIPANTS; OR