

118TH CONGRESS  
1ST SESSION

# S. 1321

To prohibit exclusive venue ticketing contracts with an excessive duration,  
and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 26, 2023

Ms. KLOBUCHAR (for herself and Mr. BLUMENTHAL) introduced the following  
bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To prohibit exclusive venue ticketing contracts with an  
excessive duration, 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 “Unlock Ticketing Mar-  
5 kets Act of 2023”.

6 **SEC. 2. PROHIBITION ON EXCLUSIVE VENUE TICKETING**

7 **CONTRACTS WITH AN EXCESSIVE DURATION.**

8 (a) PROHIBITION.—No primary ticketing service pro-  
9 vider may enter into, or attempt to enter into, an exclusive  
10 venue ticketing contract if the contract is for an excessive

1 duration, as determined by the Commission under sub-  
2 section (b).

3 (b) RULEMAKING.—

4 (1) IN GENERAL.—For purposes of subsection  
5 (a), not later than 180 days after the date of enact-  
6 ment of this Act, the Commission shall promulgate  
7 rules in accordance with section 553 of title 5,  
8 United States Code, to define the period of time that  
9 constitutes an excessive duration, with respect to an  
10 exclusive venue ticketing contract, subject to the lim-  
11 itation in paragraph (2).

12 (2) LIMITATION.—The minimum period of time  
13 that constitutes an excessive duration, with respect  
14 to an exclusive venue ticketing contract, shall be  
15 more than 4 years.

16 (c) ENFORCEMENT.—

17 (1) UNFAIR METHOD OF COMPETITION.—A vio-  
18 lation of subsection (a) or a regulation promulgated  
19 thereunder shall be treated as an unfair method of  
20 competition under section 5(a)(1) of the Federal  
21 Trade Commission Act (15 U.S.C. 45(a)(1)).

22 (2) POWERS OF THE COMMISSION.—

23 (A) IN GENERAL.—The Commission shall  
24 enforce subsection (a) and any regulations pro-  
25 mulgated thereunder in the same manner, by

1 the same means, and with the same jurisdic-  
2 tion, powers, and duties as though all applicable  
3 terms and provisions of the Federal Trade  
4 Commission Act (15 U.S.C. 41 et seq.) were in-  
5 corporated into and made a part of this Act.

6 (B) PRIVILEGES AND IMMUNITIES.—Any  
7 person who violates subsection (a) or a regula-  
8 tion promulgated thereunder shall be subject to  
9 the penalties and entitled to the privileges and  
10 immunities provided in the Federal Trade Com-  
11 mission Act (15 U.S.C. 41 et seq.).

12 (C) AUTHORITY PRESERVED.—Nothing in  
13 this Act shall be construed to limit the author-  
14 ity of the Commission under any other provi-  
15 sion of law.

16 (D) RULEMAKING.—The Commission shall  
17 promulgate in accordance with section 553 of  
18 title 5, United States Code, such rules as may  
19 be necessary to carry out this Act.

20 (E) CIVIL PENALTIES.—Any primary  
21 ticketing service provider that violates this Act  
22 shall pay to the United States a civil penalty  
23 that—

24 (i) is sufficient to deter violations of  
25 this section; and

1                   (ii) is not greater than the volume of  
2                   commerce affected by the exclusive venue  
3                   ticketing contract giving rise to the viola-  
4                   tion.

5           (d) ANTITRUST LAWS.—Nothing in this Act shall  
6 modify, impair, limit, or supersede the applicability of the  
7 antitrust laws, as defined in subsection (a) of the first sec-  
8 tion of the Clayton Act (15 U.S.C. 12).

9           (e) EFFECTIVE DATE.—The prohibition established  
10 in subsection (a) shall take effect on the date that is 90  
11 days after the date on which the Commission promulgates  
12 rules under subsection (b).

13          (f) DEFINITIONS.—In this section:

14           (1) COMMISSION.—The term “Commission”  
15 means the Federal Trade Commission.

16           (2) EXCLUSIVE VENUE TICKETING CON-  
17 TRACT.—The term “exclusive venue ticketing con-  
18 tract” means any contract or agreement under  
19 which a primary ticketing service provider is granted  
20 the exclusive right to conduct the initial sale of tick-  
21 ets to all, or substantially all, live concerts, theat-  
22 rical performances, sporting events, comedy shows,  
23 or other scheduled performances held at a particular  
24 venue.

1           (3) PRIMARY TICKETING SERVICE PROVIDER.—

2           The term “primary ticketing service provider”  
3           means any person that provides services to conduct  
4           or facilitate the initial sale of tickets to a live con-  
5           cert, theatrical performance, sporting event, comedy  
6           show, or other scheduled performance by, or on be-  
7           half of, the organizer of such event.

8           (4) VENUE.—The term “venue” means a phys-  
9           ical space—

10                   (A) at which live concerts, theatrical per-  
11                   formances, sporting events, comedy shows, or  
12                   other scheduled performances are held;

13                   (B) with a defined performance area and a  
14                   defined audience area; and

15                   (C) that has a maximum capacity in the  
16                   defined audience area of not fewer than 5,000  
17                   individuals.

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