

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0492.02 Alana Rosen x2606

HOUSE BILL 22-1300

HOUSE SPONSORSHIP

Carver and Daugherty, Pico

SENATE SPONSORSHIP

Fields and Gardner,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING LOCAL ENFORCEMENT AGAINST HUMAN TRAFFICKING BY
102 ALLOWING THE ADOPTION OF LOCAL ORDINANCES TO PREVENT
103 HUMAN TRAFFICKING-RELATED OFFENSES IN ILLICIT BUSINESSES
104 REPRESENTED AS MASSAGE BUSINESSES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill allows a board of county commissioners (board) to adopt a local resolution or ordinance to establish business licensure requirements to regulate massage facilities for the sole purpose of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

detering illicit massage businesses and preventing human trafficking. The bill allows the board to charge an administrative licensure fee for a massage facility.

The bill allows a board to adopt a resolution or ordinance to regulate and prohibit activities to prevent the operation of illicit massage businesses that engage in human trafficking-related offenses.

The bill allows municipalities to access criminal record history information of a licensee of a massage facility furnished by criminal justice agencies, subject to any restrictions imposed by the agencies.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 30-15-401.4 as
3 follows:

4 **30-15-401.4. Regulations to prevent the operation of illicit**
5 **massage businesses - legislative declaration - definitions.** (1) (a) THE
6 GENERAL ASSEMBLY FINDS AND DECLARES THAT:

7 (I) ILLICIT MESSAGE BUSINESSES PRESENT A FACADE OF
8 LEGITIMATE SERVICES, CONCEALING THAT THE PRIMARY BUSINESS IS THE
9 SEX AND LABOR TRAFFICKING OF VICTIMS WHO ARE TRAPPED IN THESE
10 BUSINESSES;

11 (II) HUMAN TRAFFICKING IS A GROWING PROBLEM THROUGHOUT
12 COLORADO;

13 (III) CITIES IN COLORADO ALREADY HAVE THE AUTHORITY TO
14 ENACT ORDINANCES TO ESTABLISH LICENSING AUTHORITIES TO REGULATE
15 MESSAGE BUSINESSES AND TO DETER AND SHUT DOWN ILLICIT MESSAGE
16 BUSINESSES;

17 (IV) COUNTIES IN COLORADO CURRENTLY DO NOT HAVE THE
18 AUTHORITY TO ENACT ORDINANCES TO ESTABLISH LICENSING AUTHORITIES
19 TO REGULATE MESSAGE BUSINESSES AND TO DETER AND SHUT DOWN
20 ILLICIT MESSAGE BUSINESSES;

1 (V) IT IS CRITICAL FOR EFFECTIVE LOCAL ENFORCEMENT AGAINST
2 HUMAN TRAFFICKING THAT CITIES AND COUNTIES WORK TOGETHER
3 AGAINST THIS INCREASING CRIMINAL ACTIVITY;

4 (VI) LOCAL LICENSING AUTHORITIES ARE ENCOURAGED TO REPORT
5 TO THE DEPARTMENT OF REGULATORY AGENCIES INFORMATION
6 REGARDING CRIMINAL ACTIVITIES INVOLVING LICENSED MESSAGE
7 THERAPISTS;

8 (VII) MOST LICENSED MESSAGE THERAPISTS IN COLORADO ARE
9 PRACTICING LAWFULLY AND ETHICALLY; AND

10 (VIII) THE INTENT OF THE GENERAL ASSEMBLY IS NOT TO MAKE
11 THE PRACTICE OF LAWFUL MESSAGE THERAPY MORE DIFFICULT FOR
12 LICENSED MESSAGE THERAPISTS IN COLORADO.

13 (b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT A COUNTY
14 MAY ADOPT A LOCAL RESOLUTION OR ORDINANCE TO ESTABLISH BUSINESS
15 LICENSURE REQUIREMENTS TO REGULATE MASSAGE FACILITIES OR TO
16 REGULATE AND PROHIBIT UNLAWFUL ACTIVITIES FOR THE SOLE PURPOSE
17 OF DETERRING ILLICIT MASSAGE BUSINESSES AND PREVENTING HUMAN
18 TRAFFICKING.

19 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
20 REQUIRES:

21 (a) "ADVERTISE" MEANS TO PUBLISH, DISPLAY, OR DISSEMINATE
22 INFORMATION AND INCLUDES, BUT IS NOT LIMITED TO, THE ISSUANCE OF
23 ANY CARD, SIGN, OR DIRECT MAIL, OR CAUSING OR PERMITTING ANY SIGN
24 OR MARKING ON OR IN ANY BUILDING OR STRUCTURE OR IN ANY
25 NEWSPAPER, MAGAZINE, OR DIRECTORY, OR ANY ANNOUNCEMENT OR
26 DISPLAY VIA ANY TELEVISED, COMPUTERIZED ELECTRONIC OR TELEPHONIC
27 NETWORKS OR MEDIA.

1 (b) "CRIMINAL JUSTICE AGENCY" MEANS ANY FEDERAL, STATE, OR
2 MUNICIPAL COURT OR ANY GOVERNMENTAL AGENCY OR SUBUNIT OF SUCH
3 AGENCY THAT PERFORMS THE ADMINISTRATION OF CRIMINAL JUSTICE
4 PURSUANT TO STATUTE OR EXECUTIVE ORDER AND THAT ALLOCATES A
5 SUBSTANTIAL PART OF ITS ANNUAL BUDGET TO THE ADMINISTRATION OF
6 CRIMINAL JUSTICE.

7 (c) "EROTIC PARLOR" MEANS A FACILITY THAT ENTICES CLIENTS
8 THROUGH ADVERTISING OR OTHER BUSINESS PRACTICES DIRECTED
9 TOWARDS SEXUAL DESIRE, LUST, OR PASSION.

10 (d) "FULLY CLOTHED" MEANS FULLY OPAQUE, NONTRANSPARENT
11 MATERIAL THAT MUST NOT EXPOSE AN EMPLOYEE'S GENITALIA OR
12 SUBSTANTIALLY EXPOSE THE EMPLOYEE'S UNDERGARMENTS.

13 (e) "ILLICIT MESSAGE BUSINESS" MEANS A BUSINESS THAT MAY
14 PROVIDE MESSAGE BUT ENGAGES IN HUMAN TRAFFICKING-RELATED
15 OFFENSES, AS DESCRIBED IN SECTIONS 18-3-503 AND 18-3-504.

16 (f) "LICENSING AUTHORITY" MEANS THE GOVERNING BODY OF THE
17 BOARD OF COUNTY COMMISSIONERS OF A COUNTY, OR ANY AUTHORITY
18 DESIGNATED BY COUNTY CHARTER OR COUNTY RESOLUTION.

19 (g) "MESSAGE" OR "MESSAGE THERAPY" HAS THE SAME MEANING
20 AS DEFINED IN SECTION 12-235-104 (4).

21 (h) "MESSAGE FACILITY" MEANS ANY PLACE OF BUSINESS WHERE
22 MESSAGE THERAPY OR FULL BODY MESSAGE IS PRACTICED OR
23 ADMINISTERED.

24 (i) "MESSAGE THERAPIST" HAS THE SAME MEANING AS DEFINED IN
25 SECTION 12-235-104 (5).

26 (j) "PERSON" MEANS A NATURAL PERSON, PARTNERSHIP,
27 ASSOCIATION, COMPANY, CORPORATION, OR ORGANIZATION OR MANAGING

1 AGENT, SERVANT, OFFICER, PARTNER, OWNER, OPERATOR, OR EMPLOYEE
2 OF ANY OF THEM.

3 (k) "SOLO PRACTITIONER" MEANS A LICENSED MESSAGE
4 THERAPIST, AS DEFINED IN SECTION 12-235-104 (5), PERFORMING THE
5 PRACTICE OF MESSAGE THERAPY INDEPENDENTLY.

6 (l) "TABLE SHOWER" MEANS AN APPARATUS FOR THE BATHING OR
7 MASSAGING OF A PERSON ON A TABLE OR IN A TUB.

8 (3) (a) IN ADDITION TO ANY OTHER POWERS, A BOARD OF COUNTY
9 COMMISSIONERS MAY ADOPT A RESOLUTION OR ORDINANCE TO ESTABLISH
10 BUSINESS LICENSURE REQUIREMENTS OR TO REGULATE AND PROHIBIT
11 UNLAWFUL ACTIVITIES TO PREVENT THE OPERATION OF ILLICIT MESSAGE
12 BUSINESSES THAT ENGAGE IN HUMAN TRAFFICKING-RELATED OFFENSES AS
13 DESCRIBED IN SECTIONS 18-3-503 AND 18-3-504. IF A BOARD OF COUNTY
14 COMMISSIONERS ADOPTS A RESOLUTION OR ORDINANCE TO ESTABLISH
15 BUSINESS LICENSURE REQUIREMENTS PURSUANT TO SUBSECTION (4) OF
16 THIS SECTION OR TO PROHIBIT UNLAWFUL ACTIVITIES PURSUANT TO
17 SUBSECTION (5) OF THIS SECTION, THE RESOLUTION OR ORDINANCE MUST
18 NOT BE MORE RESTRICTIVE THAN THE REQUIREMENTS SET FORTH IN THIS
19 SECTION.

20 (b) COUNTIES THAT ADOPT A RESOLUTION OR ORDINANCE
21 PURSUANT TO THIS SECTION SHALL CONSULT WITH THE CITIES WITHIN THE
22 COUNTY.

23 (4) (a) IF A BOARD OF COUNTY COMMISSIONERS ADOPTS A
24 RESOLUTION OR ORDINANCE TO ESTABLISH BUSINESS LICENSURE
25 REQUIREMENTS FOR MESSAGE FACILITIES AS SET FORTH IN SUBSECTION
26 (3)(a) OF THIS SECTION, THE BUSINESS LICENSURE REQUIREMENTS MAY
27 ONLY INCLUDE:

1 (I) REQUIRING THAT A MASSAGE FACILITY OBTAIN A LICENSE PRIOR
2 TO OPENING FOR BUSINESS AND OPERATING AS A MASSAGE FACILITY;

3 (II) REQUIRING A REASONABLE ADMINISTRATIVE FEE NOT TO
4 EXCEED ONE HUNDRED AND FIFTY DOLLARS FOR ISSUING OR RENEWING
5 LICENSURE APPLICATIONS. THE FEE MUST NOT BE BASED ON THE NUMBER
6 OF EMPLOYEES. THIS SUBSECTION (4)(a)(II) APPLIES ONLY TO NEW
7 BUSINESSES APPLYING FOR A LICENSE OR RENEWAL ON OR AFTER THE
8 EFFECTIVE DATE OF THIS ACT. BUSINESSES THAT HOLD A LICENSE BEFORE
9 THE EFFECTIVE DATE OF THIS ACT ARE EXEMPT FROM THE ADMINISTRATIVE
10 FEES DESCRIBED IN THIS SUBSECTION (4)(a)(II).

11 (III) DESIGNATING A LICENSING AUTHORITY TO RECEIVE, REVIEW,
12 APPROVE, OR DENY APPLICATIONS;

13 (IV) ALLOWING A LICENSING AUTHORITY OR A LICENSING
14 AUTHORITY'S DESIGNEE TO DENY AN APPLICATION ONLY IF:

15 (A) THE REQUIRED ADMINISTRATIVE FEE IS NOT PAID;

16 (B) THE COUNTY ZONING OR SUBDIVISION REGULATIONS DO NOT
17 ALLOW FOR THE OPERATION OF A MASSAGE FACILITY;

18 (C) THE APPLICANT HAS BEEN CONVICTED OF OR ENTERED A PLEA
19 OF GUILTY OR NOLO CONTENDERE THAT IS ACCEPTED BY THE COURT FOR
20 A FELONY OR MISDEMEANOR FOR PROSTITUTION, AS DESCRIBED IN SECTION
21 18-7-201; SOLICITATION OF A PROSTITUTE, AS DESCRIBED IN SECTION
22 18-7-202; A HUMAN TRAFFICKING-RELATED OFFENSE, AS DESCRIBED IN
23 SECTION 18-3-503 OR 18-3-504; FRAUD; THEFT OR EMBEZZLEMENT, AS
24 DESCRIBED IN SECTION 18-4-401; MONEY LAUNDERING, AS DESCRIBED IN
25 SECTION 18-5-309; OR SIMILAR CRIMES;

26 (D) THE APPLICANT IS REGISTERED AS A SEX OFFENDER OR IS
27 REQUIRED BY LAW TO REGISTER AS A SEX OFFENDER, AS DESCRIBED IN

1 SECTION 16-22-103;

2 (E) THE APPLICANT HAS A PENDING CRIMINAL ACTION THAT
3 INVOLVES OR IS RELATED TO THE OFFENSES DESCRIBED IN SUBSECTION
4 (4)(a)(IV)(C) OR (4)(a)(IV)(D) OF THIS SECTION; OR

5 (F) THE APPLICANT HAS ONE OR MORE PREVIOUS REVOCATIONS OR
6 SUSPENSIONS OF A LICENSE TO OPERATE A MASSAGE FACILITY.

7 (V) REQUIRING LICENSEES TO MAINTAIN A LIST OF EMPLOYEES ON
8 SITE WITH THE START DATE OF EMPLOYMENT, FULL LEGAL NAME, DATE OF
9 BIRTH, HOME ADDRESS, TELEPHONE NUMBER, AND EMPLOYMENT POSITION
10 OF EACH EMPLOYEE;

11 (VI) REQUIRING LICENSEES AND EMPLOYEES TO HAVE VALID
12 GOVERNMENT IDENTIFICATION THAT MUST BE IMMEDIATELY PRESENTED
13 TO A LICENSING AUTHORITY OR THE LICENSING AUTHORITY'S DESIGNEES
14 UPON REQUEST;

15 (VII) REQUIRING LICENSEES TO MAINTAIN A COMPLETE SET OF
16 RECORDS, WHICH MAY INCLUDE ACCOUNTS, INVOICES, PAYROLL,
17 EMPLOYMENT RECORDS, AND A LOG BOOK OF ALL MASSAGE THERAPY
18 ADMINISTERED AT THE MASSAGE FACILITY. THE LOG BOOK MUST INCLUDE,
19 BUT NEED NOT BE LIMITED TO, THE DATE, TIME, AND TYPE OF MASSAGE
20 THERAPY ADMINISTERED, AND THE NAME OF THE MASSAGE THERAPIST
21 ADMINISTERING THE MASSAGE THERAPY. THE LICENSEE SHALL RETAIN THE
22 RECORDS IN THE LOG BOOK FOR A MINIMUM OF ONE YEAR FOLLOWING THE
23 ADMINISTRATION OF MASSAGE THERAPY. LOCAL LAW ENFORCEMENT OR
24 THE LICENSING AUTHORITY, OR THE LICENSING AUTHORITY'S DESIGNEE,
25 MAY INSPECT THE SET OF RECORDS DURING BUSINESS HOURS.

26 (VIII) DESIGNATING THE LICENSING AUTHORITY, OR THE
27 LICENSING AUTHORITY'S DESIGNEES, RESPONSIBLE FOR THE ENFORCEMENT

1 OF THE RESOLUTION OR ORDINANCE;

2 (IX) SETTING PENALTIES FOR THE VIOLATION OF PROHIBITED
3 ACTIVITIES AS DESCRIBED IN SUBSECTION (5) OF THIS SECTION; AND

4 (X) GRANTING A LICENSING AUTHORITY, OR LICENSING
5 AUTHORITY'S DESIGNEES, THE AUTHORITY TO REVOKE OR SUSPEND A
6 LICENSE FOR VIOLATING PROHIBITED ACTS PURSUANT TO SUBSECTION (5)
7 OF THIS SECTION. A LICENSING AUTHORITY, OR THE LICENSING
8 AUTHORITY'S DESIGNEES, MAY TEMPORARILY SUSPEND A LICENSE WITH A
9 HEARING TO BE SCHEDULED WITHIN FIFTEEN DAYS WHEN THE LICENSING
10 AUTHORITY FINDS:

11 (A) THE LICENSEE WILLFULLY FAILED TO DISCLOSE ANY
12 INFORMATION ON THE APPLICATION AS REQUIRED;

13 (B) THE LICENSEE KNOWINGLY PERMITTED A PERSON WHO DOES
14 NOT HOLD A VALID LICENSE PURSUANT TO SECTION 12-235-107 TO
15 PERFORM MASSAGE THERAPY;

16 (C) A PATTERN OF ACTIVITY THAT THE MASSAGE FACILITY IS
17 COMMITTING HUMAN TRAFFICKING-RELATED OFFENSES, AS DESCRIBED IN
18 SECTIONS 18-3-503 AND 18-3-504; AND

19 (D) THE LICENSEE FAILED TO PERMIT AN INSPECTION AT A TIME
20 THE MASSAGE FACILITY WAS OPEN FOR BUSINESS.

21 (b) THE LICENSING AUTHORITY MAY ISSUE A TEMPORARY MASSAGE
22 FACILITY LICENSE UPON RECEIPT OF A COMPLETED MASSAGE FACILITY
23 LICENSE APPLICATION INVOLVING THE SALE OR CHANGE OF OWNERSHIP IN
24 A BUSINESS. THE TEMPORARY MASSAGE FACILITY LICENSE IS VALID FOR
25 THIRTY DAYS, AND THE LICENSING AUTHORITY SHALL RENEW THE
26 TEMPORARY MASSAGE FACILITY LICENSE EVERY THIRTY DAYS UNTIL
27 APPROVAL OR DENIAL OF THE MASSAGE FACILITY LICENSE.

1 (c) IN INVESTIGATING THE FITNESS OF ANY APPLICANT, LICENSEE,
2 OR EMPLOYEE OR THE AGENT OF THE LICENSEE OR APPLICANT PURSUANT
3 TO SUBSECTION (4)(a)(III) OF THIS SECTION, THE COLORADO BUREAU OF
4 INVESTIGATION SHALL PROVIDE A LICENSING AUTHORITY, OR THE
5 LICENSING AUTHORITY'S DESIGNEE, ACCESS TO CRIMINAL HISTORY RECORD
6 INFORMATION FURNISHED BY CRIMINAL JUSTICE AGENCIES, SUBJECT TO
7 ANY RESTRICTIONS IMPOSED BY SUCH AGENCIES. IN THE EVENT THE
8 LICENSING AUTHORITY TAKES INTO CONSIDERATION INFORMATION
9 CONCERNING THE APPLICANT'S OR LICENSEE'S CRIMINAL HISTORY RECORD,
10 THE LICENSING AUTHORITY SHALL ALSO CONSIDER ANY INFORMATION
11 PROVIDED BY THE APPLICANT OR LICENSEE REGARDING THE CRIMINAL
12 HISTORY, INCLUDING, BUT NOT LIMITED TO, EVIDENCE OF MITIGATING
13 FACTORS, REHABILITATION, CHARACTER REFERENCES, AND EDUCATIONAL
14 ACHIEVEMENTS, ESPECIALLY THE MITIGATING FACTORS PERTAINING TO
15 THE PERIOD OF TIME BETWEEN THE APPLICANT'S LAST CRIMINAL
16 CONVICTION AND THE CONSIDERATION OF THE APPLICANT'S APPLICATION
17 FOR A LICENSE OR RENEWAL.

18 (d) A LICENSING AUTHORITY, OR THE LICENSING AUTHORITY'S
19 DESIGNEE, MAY REPORT INFORMATION TO THE DEPARTMENT OF
20 REGULATORY AGENCIES REGARDING CRIMINAL ACTIVITY INVOLVING A
21 LICENSED MASSAGE THERAPIST.

22 (5) A BOARD OF COUNTY COMMISSIONERS MAY ADOPT A
23 RESOLUTION OR ORDINANCE TO PROHIBIT ACTIVITIES TO PREVENT THE
24 OPERATION OF ILLICIT MASSAGE BUSINESSES THAT ENGAGE IN HUMAN
25 TRAFFICKING-RELATED OFFENSES AS DESCRIBED IN SECTIONS 18-3-503
26 AND 18-3-504. PROHIBITED ACTIVITIES INCLUDE:

27 (a) ALLOWING A PERSON WHO DOES NOT HOLD A MASSAGE

1 THERAPY LICENSE PURSUANT TO SECTION 12-235-107 TO PERFORM
2 MASSAGE IN A MASSAGE FACILITY;

3 (b) ADVERTISING TO A PROSPECTIVE CLIENT THAT SERVICES,
4 INCLUDING PROSTITUTION, SEXUAL ACTS, ESCORT SERVICES, SEXUAL
5 SERVICES, OR SERVICES RELATED TO HUMAN TRAFFICKING DISGUISED AS
6 LEGITIMATE SERVICES, ARE AVAILABLE;

7 (c) PERMITTING SEXUAL ACTS OR SEXUAL SERVICES WITHIN OR
8 NEAR A MASSAGE FACILITY OR IN RELATION TO MASSAGE THERAPY;

9 (d) DENYING INSPECTION OF A MASSAGE FACILITY BY LAW
10 ENFORCEMENT OR INSPECTORS OF A LICENSING AUTHORITY;

11 (e) REFUSING, INTERFERING WITH, OR ELUDING IMMEDIATE
12 IDENTIFICATION OF EMPLOYEES OF THE MASSAGE FACILITY TO LAW
13 ENFORCEMENT OR A LICENSING AUTHORITY'S APPOINTED INSPECTORS;

14 (f) FAILING TO IMMEDIATELY REPORT TO LAW ENFORCEMENT ANY
15 ACT OF SEXUAL MISCONDUCT OCCURRING IN A MASSAGE FACILITY;

16 (g) ALLOWING AN EMPLOYEE OR CONTRACTOR OF A MASSAGE
17 FACILITY TO PROVIDE MASSAGE THERAPY WITHOUT BEING FULLY
18 CLOTHED;

19 (h) REQUIRING CLIENT NUDITY AS PART OF A MASSAGE WITHOUT
20 THE CLIENT'S PRIOR CONSENT;

21 (i) ALLOWING A MASSAGE FACILITY TO BE OPEN AND PRACTICING
22 MASSAGE THERAPY WITHOUT A LICENSED MASSAGE THERAPIST ON THE
23 PREMISES;

24 (j) PERMITTING A PERSON IN A MASSAGE FACILITY TO MAKE AN
25 AGREEMENT WITH AN EMPLOYEE OR CONTRACTOR TO ENGAGE IN ANY
26 PROSTITUTION-RELATED OFFENSE IN THE MASSAGE FACILITY OR ANY
27 OTHER LOCATION;

1 (k) PERMITTING A MESSAGE FACILITY TO BE USED FOR HOUSING,
2 SHELTERING, OR HARBORING ANY PERSON, OR AS LIVING OR SLEEPING
3 QUARTERS FOR ANY PERSON; EXCEPT THAT AN OWNER AND THE OWNER'S
4 FAMILY MEMBERS WHO OPERATE A MESSAGE FACILITY AS A HOME
5 BUSINESS ARE EXEMPT FROM THE PROHIBITED ACTIVITY IN THIS
6 SUBSECTION (5)(k); AND

7 (l) OPERATING AN EROTIC PARLOR ON THE PREMISES OF A
8 MESSAGE FACILITY.

9 (6) (a) IF AUTHORIZED BY THE COUNTY RESOLUTION OR
10 ORDINANCE, A LAW ENFORCEMENT OFFICER MAY FOLLOW THE PENALTY
11 ASSESSMENT PROCEDURE DESCRIBED IN SECTION 16-2-201 FOR ANY
12 VIOLATION. AS PART OF THE COUNTY ORDINANCE OR RESOLUTION
13 AUTHORIZING THE PENALTY ASSESSMENT PROCEDURE, THE BOARD OF
14 COUNTY COMMISSIONERS MAY ADOPT A GRADUATED FINE SCHEDULE FOR
15 VIOLATIONS PURSUANT TO SUBSECTION (5) OF THIS SECTION. THE
16 GRADUATED FINE SCHEDULE MAY PROVIDE FOR INCREASED PENALTY
17 ASSESSMENTS FOR REPEAT OFFENSES BY THE SAME PERSON.

18 (b) THE BOARD OF COUNTY COMMISSIONERS MAY SPECIFY IN THE
19 RESOLUTION OR ORDINANCE THAT A MESSAGE FACILITY THAT ENGAGES IN
20 TWO OR MORE VIOLATIONS OF THE RESOLUTION OR ORDINANCE IS A PUBLIC
21 NUISANCE, AS DESCRIBED IN SECTION 16-13-303, UNLESS THE VIOLATION
22 IS ALREADY A PUBLIC NUISANCE, AS DESCRIBED IN SECTION 16-13-303.
23 THE COUNTY ATTORNEY OF SUCH COUNTY, OR THE DISTRICT ATTORNEY
24 ACTING PURSUANT TO SECTION 16-13-302, MAY BRING AN ACTION IN THE
25 DISTRICT COURT OF THE COUNTY FOR AN INJUNCTION AGAINST THE
26 MESSAGE FACILITY THAT VIOLATES THE RESOLUTION OR ORDINANCE.

27 (7) A MESSAGE FACILITY DOES NOT INCLUDE:

1 (a) TRAINING ROOMS IN PUBLIC AND NONPUBLIC INSTITUTIONS OF
2 HIGHER EDUCATION, AS DEFINED IN SECTION 23-3.1-102 (5);

3 (b) TRAINING ROOMS OF RECOGNIZED PROFESSIONAL OR AMATEUR
4 ATHLETIC TEAMS;

5 (c) OFFICES, CLINICS, OR OTHER FACILITIES IN WHICH MEDICAL
6 PROFESSIONALS LICENSED BY THE STATE OF COLORADO, OR ANY OTHER
7 STATE, PROVIDE MASSAGE SERVICES TO THE PUBLIC IN THE ORDINARY
8 COURSE OF THE MEDICAL PROFESSION;

9 (d) MEDICAL FACILITIES LICENSED BY THE STATE;

10 (e) BARBER SHOPS, BEAUTY SALONS, AND OTHER FACILITIES IN
11 WHICH BARBERS AND COSMETOLOGISTS LICENSED BY THE STATE PROVIDE
12 MASSAGE SERVICES TO THE PUBLIC IN THE ORDINARY COURSE OF THE
13 PROFESSION;

14 (f) BONA FIDE ATHLETIC CLUBS THAT ARE NOT ENGAGED IN THE
15 PRACTICE OF PROVIDING MASSAGE THERAPY TO THE MEMBERS OR TO THE
16 PUBLIC FOR REMUNERATION OR IF AN ATHLETIC CLUB DOES NOT RECEIVE
17 MORE THAN TEN PERCENT OF ITS GROSS INCOME PROVIDING MESSAGES TO
18 THE ATHLETIC CLUB'S MEMBERS OR TO THE PUBLIC;

19 (g) A PLACE OF BUSINESS WHERE A PERSON OFFERS TO PERFORM OR
20 PERFORMS MASSAGE THERAPY:

21 (I) FOR SEVENTY-TWO HOURS OR LESS IN A SIX-MONTH PERIOD;

22 AND

23 (II) AS PART OF A PUBLIC OR CHARITY EVENT IN WHICH THE
24 PRIMARY PURPOSE IS NOT TO PROVIDE MASSAGE THERAPY; AND

25 (h) A PLACE OF BUSINESS WHERE A LICENSED MASSAGE THERAPIST
26 PRACTICES AS A SOLO PRACTITIONER AND:

27 (I) DOES NOT USE A BUSINESS OR ASSUMED NAME; OR

1 (II) USES A BUSINESS OR ASSUMED NAME AND PROVIDES THE
2 MASSAGE THERAPIST'S FULL LEGAL NAME OR LICENSE IN EACH
3 ADVERTISEMENT, AND EACH TIME THE BUSINESS NAME OR ASSUMED NAME
4 APPEARS IN WRITING; AND

5 (III) DOES NOT MAINTAIN OR OPERATE A TABLE SHOWER.

6 **SECTION 2.** In Colorado Revised Statutes, **add** 31-15-407 as
7 follows:

8 **31-15-407. Access to criminal history record information -**
9 **illicit massage businesses - human trafficking - definitions.** (1) AS
10 USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

11 (a) "CRIMINAL JUSTICE AGENCY" MEANS ANY FEDERAL, STATE, OR
12 MUNICIPAL COURT OR ANY GOVERNMENTAL AGENCY OR SUBUNIT OF SUCH
13 AGENCY THAT PERFORMS THE ADMINISTRATION OF CRIMINAL JUSTICE
14 PURSUANT TO STATUTE OR EXECUTIVE ORDER AND THAT ALLOCATES A
15 SUBSTANTIAL PART OF ITS ANNUAL BUDGET TO THE ADMINISTRATION OF
16 CRIMINAL JUSTICE.

17 (b) "ILLICIT MESSAGE BUSINESS" MEANS A BUSINESS THAT MAY
18 PROVIDE MESSAGE BUT ENGAGES IN HUMAN TRAFFICKING-RELATED
19 OFFENSES, AS DESCRIBED IN SECTIONS 18-3-503 AND 18-3-504.

20 (2) IF ACTING UNDER HOME RULE AUTHORITY, A MUNICIPALITY
21 THAT ADOPTS A RESOLUTION OR ORDINANCE TO LICENSE A MASSAGE
22 FACILITY OR PROHIBIT ACTIVITIES TO PREVENT THE OPERATION OF ILLICIT
23 MASSAGE BUSINESSES THAT ENGAGE IN HUMAN TRAFFICKING-RELATED
24 OFFENSES, AS DESCRIBED IN SECTION 30-15-401.4, THE COLORADO
25 BUREAU OF INVESTIGATION SHALL PROVIDE THE MUNICIPALITY WITH
26 ACCESS TO THE CRIMINAL HISTORY RECORD INFORMATION OF THE
27 LICENSEE OF THE MASSAGE FACILITY FURNISHED BY CRIMINAL JUSTICE

1 AGENCIES, SUBJECT TO ANY RESTRICTIONS IMPOSED BY SUCH AGENCIES.

2 **SECTION 3. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly; except
5 that, if a referendum petition is filed pursuant to section 1 (3) of article V
6 of the state constitution against this act or an item, section, or part of this
7 act within such period, then the act, item, section, or part will not take
8 effect unless approved by the people at the general election to be held in
9 November 2022 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.