

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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 MESSAGE FACILITIES OR TO
16 REGULATE AND PROHIBIT UNLAWFUL ACTIVITIES FOR THE SOLE PURPOSE
17 OF DETERRING ILLICIT MESSAGE 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.

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

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

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

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

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

(g) "MESSAGE FACILITY" MEANS ANY PLACE OF BUSINESS WHERE MESSAGE THERAPY OR FULL BODY MESSAGE IS PRACTICED OR ADMINISTERED.

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

(i) "PERSON" MEANS A NATURAL PERSON, PARTNERSHIP, ASSOCIATION, COMPANY, CORPORATION, OR ORGANIZATION OR MANAGING AGENT, SERVANT, OFFICER, PARTNER, OWNER, OPERATOR, OR EMPLOYEE OF ANY OF THEM.

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

1 (k) "TABLE SHOWER" MEANS AN APPARATUS FOR THE BATHING OR
2 MASSAGING OF A PERSON ON A TABLE OR IN A TUB.

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

15 (b) COUNTIES THAT ADOPT A RESOLUTION OR ORDINANCE
16 PURSUANT TO THIS SECTION SHALL CONSULT WITH THE CITIES WITHIN THE
17 COUNTY.

18 (4) (a) IF A BOARD OF COUNTY COMMISSIONERS ADOPTS A
19 RESOLUTION OR ORDINANCE TO ESTABLISH BUSINESS LICENSURE
20 REQUIREMENTS FOR MASSAGE FACILITIES AS SET FORTH IN SUBSECTION
21 (3)(a) OF THIS SECTION, THE BUSINESS LICENSURE REQUIREMENTS MAY
22 ONLY INCLUDE:

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

25 (II) REQUIRING A REASONABLE ADMINISTRATIVE FEE NOT TO
26 EXCEED ONE HUNDRED AND FIFTY DOLLARS FOR ISSUING OR RENEWING
27 LICENSURE APPLICATIONS. THE FEE MUST NOT BE BASED ON THE NUMBER

1 OF EMPLOYEES. THIS SUBSECTION (4)(a)(II) APPLIES ONLY TO NEW
2 BUSINESSES APPLYING FOR A LICENSE OR RENEWAL ON OR AFTER THE
3 EFFECTIVE DATE OF THIS ACT. BUSINESSES THAT HOLD A LICENSE BEFORE
4 THE EFFECTIVE DATE OF THIS ACT ARE EXEMPT FROM THE ADMINISTRATIVE
5 FEES DESCRIBED IN THIS SUBSECTION (4)(a)(II).

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

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

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

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

13 (C) THE APPLICANT HAS BEEN CONVICTED OF OR ENTERED A PLEA
14 OF GUILTY OR NOLO CONTENDERE THAT IS ACCEPTED BY THE COURT FOR
15 A FELONY OR MISDEMEANOR FOR PROSTITUTION, AS DESCRIBED IN SECTION
16 18-7-201; SOLICITATION OF A PROSTITUTE, AS DESCRIBED IN SECTION
17 18-7-202; A HUMAN TRAFFICKING-RELATED OFFENSE, AS DESCRIBED IN
18 SECTION 18-3-503 OR 18-3-504; FRAUD; THEFT OR EMBEZZLEMENT, AS
19 DESCRIBED IN SECTION 18-4-401; MONEY LAUNDERING, AS DESCRIBED IN
20 SECTION 18-5-309; OR SIMILAR CRIMES;

21 (D) THE APPLICANT IS REGISTERED AS A SEX OFFENDER OR IS
22 REQUIRED BY LAW TO REGISTER AS A SEX OFFENDER, AS DESCRIBED IN
23 SECTION 16-22-103;

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

27 (F) THE APPLICANT HAS ONE OR MORE PREVIOUS REVOCATIONS OR

1 SUSPENSIONS OF A LICENSE TO OPERATE A MASSAGE FACILITY.

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

6 (VI) REQUIRING LICENSEES AND EMPLOYEES TO HAVE VALID
7 GOVERNMENT IDENTIFICATION THAT MUST BE IMMEDIATELY PRESENTED
8 TO A LICENSING AUTHORITY OR THE LICENSING AUTHORITY'S DESIGNEES
9 UPON REQUEST;

10 (VII) REQUIRING LICENSED MASSAGE THERAPISTS TO MAINTAIN
11 COPIES OF VALID MASSAGE THERAPY LICENSURE, AS REQUIRED BY ARTICLE
12 235 OF TITLE 12, THAT MUST BE IMMEDIATELY PRESENTED TO A LICENSING
13 AUTHORITY, THE LICENSING AUTHORITY'S DESIGNEES, OR LAW
14 ENFORCEMENT UPON REQUEST;

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

1 RESOLUTION OR ORDINANCE;

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

4 (XI) 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 COUNTY SHERIFF'S OFFICE
4 SHALL CONDUCT A BACKGROUND CHECK ON THE APPLICANT'S OR
5 LICENSEE'S CRIMINAL HISTORY RECORD AND PROVIDE THE LOCAL
6 LICENSING AUTHORITY, OR THE LICENSING AUTHORITY'S DESIGNEE,
7 INFORMATION TO DETERMINE WHETHER THE APPLICANT OR LICENSEE IS
8 APPROVED OR DENIED FOR A LICENSE BASED ON THE CRIMINAL HISTORY
9 RECORD INFORMATION. IN THE EVENT THE LICENSING AUTHORITY TAKES
10 INTO CONSIDERATION INFORMATION CONCERNING THE APPLICANT'S OR
11 LICENSEE'S CRIMINAL HISTORY RECORD, THE LICENSING AUTHORITY SHALL
12 ALSO CONSIDER ANY INFORMATION PROVIDED BY THE APPLICANT OR
13 LICENSEE REGARDING THE CRIMINAL HISTORY, INCLUDING, BUT NOT
14 LIMITED TO, EVIDENCE OF MITIGATING FACTORS, REHABILITATION,
15 CHARACTER REFERENCES, AND EDUCATIONAL ACHIEVEMENTS, ESPECIALLY
16 THE MITIGATING FACTORS PERTAINING TO THE PERIOD OF TIME BETWEEN
17 THE APPLICANT'S LAST CRIMINAL CONVICTION AND THE CONSIDERATION
18 OF THE APPLICANT'S APPLICATION FOR A LICENSE OR RENEWAL.

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

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

1 (a) ALLOWING A PERSON WHO DOES NOT HOLD A MASSAGE
2 THERAPY LICENSE PURSUANT TO SECTION 12-235-107 TO PERFORM
3 MASSAGE IN A MASSAGE FACILITY;

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

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

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

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

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

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

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

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

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

1 OTHER LOCATION;

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

8 (l) OPERATING AN EROTIC PARLOR ON THE PREMISES OF A
9 MASSAGE FACILITY.

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

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

- 1 (7) A MASSAGE FACILITY DOES NOT INCLUDE:
- 2 (a) TRAINING ROOMS IN PUBLIC AND NONPUBLIC INSTITUTIONS OF
3 HIGHER EDUCATION, AS DEFINED IN SECTION 23-3.1-102 (5);
- 4 (b) TRAINING ROOMS OF RECOGNIZED PROFESSIONAL OR AMATEUR
5 ATHLETIC TEAMS;
- 6 (c) OFFICES, CLINICS, OR OTHER FACILITIES IN WHICH MEDICAL
7 PROFESSIONALS LICENSED BY THE STATE OF COLORADO, OR ANY OTHER
8 STATE, PROVIDE MASSAGE SERVICES TO THE PUBLIC IN THE ORDINARY
9 COURSE OF THE MEDICAL PROFESSION;
- 10 (d) MEDICAL FACILITIES LICENSED BY THE STATE;
- 11 (e) BARBER SHOPS, BEAUTY SALONS, AND OTHER FACILITIES IN
12 WHICH BARBERS AND COSMETOLOGISTS LICENSED BY THE STATE PROVIDE
13 MASSAGE SERVICES TO THE PUBLIC IN THE ORDINARY COURSE OF THE
14 PROFESSION;
- 15 (f) BONA FIDE ATHLETIC CLUBS THAT ARE NOT ENGAGED IN THE
16 PRACTICE OF PROVIDING MASSAGE THERAPY TO THE MEMBERS OR TO THE
17 PUBLIC FOR REMUNERATION OR IF AN ATHLETIC CLUB DOES NOT RECEIVE
18 MORE THAN TEN PERCENT OF ITS GROSS INCOME PROVIDING MESSAGES TO
19 THE ATHLETIC CLUB'S MEMBERS OR TO THE PUBLIC;
- 20 (g) A PLACE OF BUSINESS WHERE A PERSON OFFERS TO PERFORM OR
21 PERFORMS MASSAGE THERAPY:
- 22 (I) FOR SEVENTY-TWO HOURS OR LESS IN A SIX-MONTH PERIOD;
23 AND
- 24 (II) AS PART OF A PUBLIC OR CHARITY EVENT IN WHICH THE
25 PRIMARY PURPOSE IS NOT TO PROVIDE MASSAGE THERAPY; AND
- 26 (h) A PLACE OF BUSINESS WHERE A LICENSED MASSAGE THERAPIST
27 PRACTICES AS A SOLO PRACTITIONER AND:

- 1 (I) DOES NOT USE A BUSINESS OR ASSUMED NAME; OR
- 2 (II) USES A BUSINESS OR ASSUMED NAME AND PROVIDES THE
- 3 MESSAGE THERAPIST'S FULL LEGAL NAME OR LICENSE IN EACH
- 4 ADVERTISEMENT, AND EACH TIME THE BUSINESS NAME OR ASSUMED NAME
- 5 APPEARS IN WRITING; AND
- 6 (III) DOES NOT MAINTAIN OR OPERATE A TABLE SHOWER.

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

9 **31-15-407. Access to criminal history record information -**
10 **illicit massage businesses - human trafficking - definitions.** (1) AS
11 USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE **REQUIRES,**
12 **"ILLICIT MESSAGE BUSINESS"** MEANS A BUSINESS THAT MAY PROVIDE
13 MESSAGE BUT ENGAGES IN HUMAN TRAFFICKING-RELATED OFFENSES, AS
14 DESCRIBED IN SECTIONS **18-3-503** AND **18-3-504.**

15 [REDACTED]

16 (2) IF ACTING UNDER HOME RULE AUTHORITY, A MUNICIPALITY
17 THAT ADOPTS A RESOLUTION OR ORDINANCE TO LICENSE A MESSAGE
18 FACILITY OR PROHIBIT ACTIVITIES TO PREVENT THE OPERATION OF ILLICIT
19 MESSAGE BUSINESSES THAT ENGAGE IN HUMAN TRAFFICKING-RELATED
20 OFFENSES, AS DESCRIBED IN SECTION 30-15-401.4, [REDACTED] **THE MUNICIPAL**
21 **POLICE DEPARTMENT SHALL CONDUCT A BACKGROUND CHECK ON THE**
22 **APPLICANT'S OR LICENSEE'S CRIMINAL HISTORY RECORD AND PROVIDE THE**
23 **MUNICIPALITY INFORMATION TO DETERMINE WHETHER THE APPLICANT OR**
24 **LICENSEE IS APPROVED OR DENIED FOR A LICENSE BASED ON THE CRIMINAL**
25 **HISTORY RECORD INFORMATION.** [REDACTED]

26 **SECTION 3. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

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