

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 22-0492.02 Alana Rosen x2606

HOUSE BILL 22-1300

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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.

HOUSE
3rd Reading Unamended
March 29, 2022

HOUSE
Amended 2nd Reading
March 28, 2022

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; MONEY LAUNDERING, AS DESCRIBED
19 IN SECTION 18-5-309; OR SIMILAR CRIMES;

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

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

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

1 (V) ALLOWING A LICENSING AUTHORITY OR A LICENSING
2 AUTHORITY'S DESIGNEE THE DISCRETION TO DENY AN APPLICATION AFTER
3 CONSIDERING, IN ACCORDANCE WITH SECTION 24-5-101, AN APPLICANT'S
4 CONVICTION OF OR PLEA OF GUILTY OR NOLO CONTENDERE THAT IS
5 ACCEPTED BY THE COURT FOR A FELONY OR A MISDEMEANOR FOR FRAUD
6 OR THEFT OR EMBEZZLEMENT, AS DESCRIBED IN SECTION 18-4-401;

7 (VI) 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 (VII) REQUIRING LICENSEES AND EMPLOYEES TO HAVE VALID
12 GOVERNMENT IDENTIFICATION, INCLUDING BUT NOT LIMITED TO A FORM
13 OF IDENTIFICATION DESCRIBED IN SECTION 24-21-521 (4)(a) AND, FOR
14 LICENSED MASSAGE THERAPISTS, A FORM OF IDENTIFICATION REQUIRED
15 FOR LICENSED MASSAGE THERAPISTS AS DESCRIBED IN SECTION 24-34-107
16 (1), THAT MUST BE IMMEDIATELY PRESENTED TO A LICENSING AUTHORITY
17 OR THE LICENSING AUTHORITY'S DESIGNEES UPON REQUEST;

18 (VIII) REQUIRING LICENSED MASSAGE THERAPISTS TO MAINTAIN
19 COPIES OF VALID MASSAGE THERAPY LICENSURE, AS REQUIRED BY ARTICLE
20 235 OF TITLE 12, THAT MUST BE IMMEDIATELY PRESENTED TO A LICENSING
21 AUTHORITY, THE LICENSING AUTHORITY'S DESIGNEES, OR LAW
22 ENFORCEMENT UPON REQUEST;

23 (IX) REQUIRING LICENSEES TO MAINTAIN A COMPLETE SET OF
24 RECORDS, WHICH MAY INCLUDE ACCOUNTS, INVOICES, PAYROLL,
25 EMPLOYMENT RECORDS, AND A LOG BOOK OF ALL MASSAGE THERAPY
26 ADMINISTERED AT THE MASSAGE FACILITY. THE LOG BOOK MUST INCLUDE,
27 BUT NEED NOT BE LIMITED TO, THE DATE, TIME, AND TYPE OF MASSAGE

1 THERAPY ADMINISTERED, AND THE NAME OF THE MASSAGE THERAPIST
2 ADMINISTERING THE MASSAGE THERAPY. THE LICENSEE SHALL RETAIN THE
3 RECORDS IN THE LOG BOOK FOR A MINIMUM OF ONE YEAR FOLLOWING THE
4 ADMINISTRATION OF MASSAGE THERAPY. LOCAL LAW ENFORCEMENT OR
5 THE LICENSING AUTHORITY, OR THE LICENSING AUTHORITY'S DESIGNEE,
6 MAY INSPECT THE SET OF RECORDS DURING BUSINESS HOURS.

7 (X) DESIGNATING THE LICENSING AUTHORITY, OR THE LICENSING
8 AUTHORITY'S DESIGNEES, RESPONSIBLE FOR THE ENFORCEMENT OF THE
9 RESOLUTION OR ORDINANCE;

10 (XI) SETTING PENALTIES FOR THE VIOLATION OF PROHIBITED
11 ACTIVITIES AS DESCRIBED IN SUBSECTION (5) OF THIS SECTION; AND

12 (XII) GRANTING A LICENSING AUTHORITY, OR LICENSING
13 AUTHORITY'S DESIGNEES, THE AUTHORITY TO REVOKE OR SUSPEND A
14 LICENSE FOR VIOLATING PROHIBITED ACTS PURSUANT TO SUBSECTION (5)
15 OF THIS SECTION. A LICENSING AUTHORITY, OR THE LICENSING
16 AUTHORITY'S DESIGNEES, MAY TEMPORARILY SUSPEND A LICENSE WITH A
17 HEARING TO BE SCHEDULED WITHIN FIFTEEN DAYS WHEN THE LICENSING
18 AUTHORITY FINDS:

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

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

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

27 (D) THE LICENSEE FAILED TO PERMIT AN INSPECTION AT A TIME

1 THE MASSAGE FACILITY WAS OPEN FOR BUSINESS.

2 (b) THE LICENSING AUTHORITY MAY ISSUE A TEMPORARY MASSAGE
3 FACILITY LICENSE UPON RECEIPT OF A COMPLETED MASSAGE FACILITY
4 LICENSE APPLICATION INVOLVING THE SALE OR CHANGE OF OWNERSHIP IN
5 A BUSINESS. THE TEMPORARY MASSAGE FACILITY LICENSE IS VALID FOR
6 THIRTY DAYS, AND THE LICENSING AUTHORITY SHALL RENEW THE
7 TEMPORARY MASSAGE FACILITY LICENSE EVERY THIRTY DAYS UNTIL
8 APPROVAL OR DENIAL OF THE MASSAGE FACILITY LICENSE.

9 (c) IN INVESTIGATING THE FITNESS OF ANY APPLICANT, LICENSEE,
10 OR EMPLOYEE OR THE AGENT OF THE LICENSEE OR APPLICANT PURSUANT
11 TO SUBSECTION (4)(a)(III) OF THIS SECTION, THE COUNTY SHERIFF'S OFFICE
12 SHALL CONDUCT A BACKGROUND CHECK ON THE APPLICANT'S OR
13 LICENSEE'S CRIMINAL HISTORY RECORD AND PROVIDE THE LOCAL
14 LICENSING AUTHORITY, OR THE LICENSING AUTHORITY'S DESIGNEE,
15 INFORMATION TO DETERMINE WHETHER THE APPLICANT OR LICENSEE IS
16 APPROVED OR DENIED FOR A LICENSE BASED ON THE CRIMINAL HISTORY
17 RECORD INFORMATION. IN THE EVENT THE LICENSING AUTHORITY TAKES
18 INTO CONSIDERATION INFORMATION CONCERNING THE APPLICANT'S OR
19 LICENSEE'S CRIMINAL HISTORY RECORD, THE LICENSING AUTHORITY SHALL
20 ALSO CONSIDER ANY INFORMATION PROVIDED BY THE APPLICANT OR
21 LICENSEE REGARDING THE CRIMINAL HISTORY, INCLUDING, BUT NOT
22 LIMITED TO, EVIDENCE OF MITIGATING FACTORS, REHABILITATION,
23 CHARACTER REFERENCES, AND EDUCATIONAL ACHIEVEMENTS, ESPECIALLY
24 THE MITIGATING FACTORS PERTAINING TO THE PERIOD OF TIME BETWEEN
25 THE APPLICANT'S LAST CRIMINAL CONVICTION AND THE CONSIDERATION
26 OF THE APPLICANT'S APPLICATION FOR A LICENSE OR RENEWAL.

27 (d) A LICENSING AUTHORITY, OR THE LICENSING AUTHORITY'S

1 DESIGNEE, MAY REPORT INFORMATION TO THE DEPARTMENT OF
2 REGULATORY AGENCIES REGARDING CRIMINAL ACTIVITY INVOLVING A
3 LICENSED MASSAGE THERAPIST.

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

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

12 (b) ADVERTISING TO A PROSPECTIVE CLIENT THAT SERVICES,
13 INCLUDING PROSTITUTION, SEXUAL ACTS, ESCORT SERVICES, SEXUAL
14 SERVICES, OR SERVICES RELATED TO HUMAN TRAFFICKING DISGUISED AS
15 LEGITIMATE SERVICES, ARE AVAILABLE;

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

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

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

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

25 (g) ALLOWING AN EMPLOYEE OR CONTRACTOR OF A MASSAGE
26 FACILITY TO PROVIDE MASSAGE THERAPY WITHOUT BEING FULLY
27 CLOTHED;

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

3 (i) ALLOWING A MASSAGE FACILITY TO BE OPEN AND PRACTICING
4 MASSAGE THERAPY WITHOUT A LICENSED MASSAGE THERAPIST ON THE
5 PREMISES;

6 (j) PERMITTING A PERSON IN A MASSAGE FACILITY TO MAKE AN
7 AGREEMENT WITH AN EMPLOYEE OR CONTRACTOR TO ENGAGE IN ANY
8 PROSTITUTION-RELATED OFFENSE IN THE MASSAGE FACILITY OR ANY
9 OTHER LOCATION;

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

16 (l) OPERATING AN EROTIC PARLOR ON THE PREMISES OF A
17 MASSAGE FACILITY.

18 (6) (a) IF AUTHORIZED BY THE COUNTY RESOLUTION OR
19 ORDINANCE, A LAW ENFORCEMENT OFFICER MAY FOLLOW THE PENALTY
20 ASSESSMENT PROCEDURE DESCRIBED IN SECTION 16-2-201 FOR ANY
21 VIOLATION. AS PART OF THE COUNTY ORDINANCE OR RESOLUTION
22 AUTHORIZING THE PENALTY ASSESSMENT PROCEDURE, THE BOARD OF
23 COUNTY COMMISSIONERS MAY ADOPT A GRADUATED FINE SCHEDULE FOR
24 VIOLATIONS PURSUANT TO SUBSECTION (5) OF THIS SECTION. THE
25 GRADUATED FINE SCHEDULE MAY PROVIDE FOR INCREASED PENALTY
26 ASSESSMENTS FOR REPEAT OFFENSES BY THE SAME PERSON.

27 (b) THE BOARD OF COUNTY COMMISSIONERS MAY SPECIFY IN THE

1 RESOLUTION OR ORDINANCE THAT A MASSAGE FACILITY THAT ENGAGES IN
2 TWO OR MORE VIOLATIONS OF THE RESOLUTION OR ORDINANCE IS A PUBLIC
3 NUISANCE, AS DESCRIBED IN SECTION 16-13-303, UNLESS THE VIOLATION
4 IS ALREADY A PUBLIC NUISANCE, AS DESCRIBED IN SECTION 16-13-303.
5 THE COUNTY ATTORNEY OF SUCH COUNTY, OR THE DISTRICT ATTORNEY
6 ACTING PURSUANT TO SECTION 16-13-302, MAY BRING AN ACTION IN THE
7 DISTRICT COURT OF THE COUNTY FOR AN INJUNCTION AGAINST THE
8 MASSAGE FACILITY THAT VIOLATES THE RESOLUTION OR ORDINANCE.

9 (7) A MASSAGE FACILITY DOES NOT INCLUDE:

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

12 (b) TRAINING ROOMS OF RECOGNIZED PROFESSIONAL OR AMATEUR
13 ATHLETIC TEAMS;

14 (c) OFFICES, CLINICS, OR OTHER FACILITIES IN WHICH MEDICAL
15 PROFESSIONALS LICENSED BY THE STATE OF COLORADO, OR ANY OTHER
16 STATE, PROVIDE MASSAGE SERVICES TO THE PUBLIC IN THE ORDINARY
17 COURSE OF THE MEDICAL PROFESSION;

18 (d) MEDICAL FACILITIES LICENSED BY THE STATE;

19 (e) BARBER SHOPS, BEAUTY SALONS, AND OTHER FACILITIES IN
20 WHICH BARBERS AND COSMETOLOGISTS LICENSED BY THE STATE PROVIDE
21 MASSAGE SERVICES TO THE PUBLIC IN THE ORDINARY COURSE OF THE
22 PROFESSION;

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

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

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

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

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


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

10 (II) USES A BUSINESS OR ASSUMED NAME AND PROVIDES THE
11 MESSAGE THERAPIST'S FULL LEGAL NAME OR LICENSE IN EACH
12 ADVERTISEMENT, AND EACH TIME THE BUSINESS NAME OR ASSUMED NAME
13 APPEARS IN WRITING; AND

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

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

17 **31-15-407. Access to criminal history record information -**
18 **illicit massage businesses - human trafficking - definitions.** (1) AS
19 USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES,
20 "ILLICIT MESSAGE BUSINESS" MEANS A BUSINESS THAT MAY PROVIDE
21 MESSAGE BUT ENGAGES IN HUMAN TRAFFICKING-RELATED OFFENSES, AS
22 DESCRIBED IN SECTIONS 18-3-503 AND 18-3-504.

23 
24 (2) IF ACTING UNDER HOME RULE AUTHORITY, A MUNICIPALITY
25 THAT ADOPTS A RESOLUTION OR ORDINANCE TO LICENSE A MASSAGE
26 FACILITY OR PROHIBIT ACTIVITIES TO PREVENT THE OPERATION OF ILLICIT
27 MESSAGE BUSINESSES THAT ENGAGE IN HUMAN TRAFFICKING-RELATED

1 OFFENSES, AS DESCRIBED IN SECTION 30-15-401.4, [REDACTED] THE MUNICIPAL
2 POLICE DEPARTMENT SHALL CONDUCT A BACKGROUND CHECK ON THE
3 APPLICANT'S OR LICENSEE'S CRIMINAL HISTORY RECORD AND PROVIDE THE
4 MUNICIPALITY INFORMATION TO DETERMINE WHETHER THE APPLICANT OR
5 LICENSEE IS APPROVED OR DENIED FOR A LICENSE BASED ON THE CRIMINAL
6 HISTORY RECORD INFORMATION. [REDACTED]

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