

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 5, 2016
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB16-1320 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, line 7, strike "liability;" and substitute
2 "liability and cast aspersion on law-abiding massage therapy
3 professionals;".

4 Page 3, line 20, strike "(f) and (7)" and substitute "(f), (7), and (8)".

5 Page 4, after line 14 insert:

6 "(8) PURSUANT TO SECTION 24-5-101, C.R.S., THE DIRECTOR
7 SHALL CONSIDER WHETHER AN APPLICANT WITH A CRIMINAL RECORD HAS
8 BEEN REHABILITATED, SPECIFICALLY CONSIDERING WHETHER THE
9 APPLICANT HAS BEEN A VICTIM OF HUMAN TRAFFICKING AND THE LAPSE OF
10 TIME SINCE THE OFFENSE."

11 Page 5, line 13, strike "HEALTH CARE PROFESSIONAL'S".

12 Page 5, strike lines 15 and 16 and substitute "PRACTICES THAT ARE
13 ALTERNATIVE TO THE PRACTICE OF MASSAGE THERAPY FROM THIS
14 ARTICLE, INCLUDING PRACTICES USING TOUCH, WORDS, OR DIRECTED
15 MOVEMENTS AND CREDENTIALLED BY A NATIONAL OR INTERNATIONAL
16 PROFESSIONAL ORGANIZATION OR CREDENTIALING AGENCY THAT:

17 (I) REQUIRES A MINIMUM LEVEL OF TRAINING SPECIFIC TO THE
18 DISCIPLINE, DEMONSTRATION OF COMPETENCE, AND ADHERENCE TO AN

1 APPROVED SCOPE OF PRACTICE AND ETHICAL STANDARDS;
2 (II) MAINTAINS DISCIPLINARY PROCEDURES TO ENSURE
3 ADHERENCE TO THE REQUIREMENTS OF THE ORGANIZATION OR AGENCY;
4 AND
5 (III) REQUIRES PRACTITIONERS TO PROVIDE CONSUMERS WITH
6 CONTACT INFORMATION FOR THE ORGANIZATION OR AGENCY IN THE
7 PRACTITIONER'S PLACE OF BUSINESS."

8 Page 6, strike lines 15 through 20 and substitute:

9 "(q) EXPOSED AN INTIMATE PART OF HIS OR HER BODY TO THE
10 VIEW OF A CLIENT OR ANY PERSON PRESENT WITH THE CLIENT, OR
11 PERFORMED AN ACT OF MASTURBATION IN THE PRESENCE OF A CLIENT.
12 FOR THE PURPOSES OF THIS PARAGRAPH (q):

13 (I) "INTIMATE PART" MEANS THE EXTERNAL GENITALIA, THE
14 PERINEUM, THE ANUS, THE BUTTOCKS, THE PUBES, OR THE BREAST OF ANY
15 PERSON.

16 (II) "MASTURBATION" MEANS THE REAL OR SIMULATED TOUCHING,
17 RUBBING, OR OTHERWISE STIMULATING OF A PERSON'S OWN GENITALS OR
18 PUBIC AREA, REGARDLESS OF WHETHER THE GENITALS OR PUBIC AREA IS
19 EXPOSED OR COVERED."

20 Renumber succeeding subparagraph accordingly.

21 Page 7, line 22, after "WHO" insert "KNOWINGLY".

22 Page 7, line 24, after "OFFENSE AND" insert "A CLASS 1 MISDEMEANOR
23 FOR".

24 Page 8, strike lines 5 through 8 and substitute:

25 "(3) (a) A CITY, COUNTY, CITY AND COUNTY, OR OTHER POLITICAL
26 SUBDIVISION MAY ENACT AND ENFORCE A LOCAL ORDINANCE THAT
27 REGULATES MASSAGE PARLORS AS LONG AS:"

28 Page 8, line 9, strike "(a)" and substitute "(I)".

29 Page 8, line 10, after "DEFINES" insert "MASSAGE OR".

30 Page 8, line 12, strike "(b)" and substitute "(II)".

1 Page 8, line 13, after "PROVIDING" insert "MASSAGE OR".

2 Page 8, strike lines 15 and 16 and substitute:

3 "(III) A LOCAL ORDINANCE THAT REGULATES MASSAGE PARLORS
4 DOES NOT CONFLICT WITH THIS".

5 Page 8, after line 17 add:

6 "(b) THE DIRECTOR SHALL DEFINE "MASSAGE PARLOR" BY RULE
7 FOR THE PURPOSES OF THIS SUBSECTION (3).".

8 Page 8, before line 18 insert:

9 "SECTION 9. In Colorado Revised Statutes, 6-1-724, amend (6)
10 (q) as follows:

11 **6-1-724. Unlicensed alternative health care practitioners -**
12 **deceptive trade practices - short title - legislative declaration -**
13 **definitions.** (6) A complementary and alternative health care practitioner
14 providing complementary and alternative health care services under this
15 section who is not licensed, certified, or registered by the state shall not:
16 (q) Practice or represent that he or she is practicing MASSAGE OR
17 massage therapy ~~which, for purposes of this section:~~ AS DEFINED IN
18 ARTICLE 35.5 OF TITLE 12, C.R.S., UNLESS EXEMPT PURSUANT TO SECTION
19 12-35.5-110. C.R.S.

20 ~~(f) Includes practices where the primary purpose is to provide~~
21 ~~deep stroking muscle tissue massage of the human body; and~~

22 ~~(H) Excludes:~~

23 ~~(A) Stroking of the hands, feet, or ears; or~~

24 ~~(B) The use of touch, words, and directed movement of a healing~~
25 ~~art within the bodywork community, including healing touch, mind-body~~
26 ~~centering, orthobionomy, reflexology, rolfing, reiki, qigong, muscle~~
27 ~~activation techniques, and practices with the primary purpose of affecting~~
28 ~~energy systems of the human body;".~~

29 Renumber succeeding section accordingly.

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