

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0749.05 Jason Gelender x4330

HOUSE BILL 24-1371

HOUSE SPONSORSHIP

Hartsook and Lukens,

SENATE SPONSORSHIP

Fields and Gardner,

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING REGULATION OF MASSAGE FACILITIES BY LOCAL
102 GOVERNMENTS IN ACCORDANCE WITH STATEWIDE
103 REQUIREMENTS, AND, IN CONNECTION THEREWITH, REQUIRING
104 A LOCAL GOVERNMENT TO DESIGNATE A LICENSING AUTHORITY
105 FOR MASSAGE FACILITIES AND REQUIRING CRIMINAL
106 BACKGROUND CHECKS FOR MASSAGE FACILITY OPERATORS,
107 OWNERS, AND EMPLOYEES.

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>.)

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

Current law allows, but does not require, a county or a municipality to adopt a resolution or ordinance that either establishes business licensure requirements for massage facilities or regulates and prohibits unlawful activities to prevent the operation of illicit massage businesses that engage in human trafficking-related offenses. **Section 1** of the bill:

- Makes a legislative finding and declaration that it is a matter of mixed statewide and local concern to establish a statewide requirement that a massage facility operator, owner, or employee, including an independent contractor who is involved in the routine operations of a massage facility (employee), submit to a state and national fingerprint-based criminal history record check (background check);
- Replaces the current discretionary local regulatory authority with a requirement that every county, city and county, and municipality (local government) that has a massage facility within its jurisdictional boundaries adopt a resolution or ordinance that designates a local licensing authority (licensing authority) to receive, review, and approve or deny an application for a license to operate a massage facility and investigate and determine the eligibility of a person to be an owner or employee of a massage facility based on information received from a local law enforcement agency that has coordinated with the Colorado bureau of investigation to process state and federal fingerprint criminal history record checks;
- Requires such a resolution or ordinance to also require, as a condition for a person remaining as or becoming a massage facility operator, owner, or employee that:
 - Every current operator, owner, and employee submit to a background check on or before the earlier of October 1, 2025, or any other date specified in the resolution or ordinance; and
 - Every prospective operator, owner, or employee to submit to a background check before being granted a license to operate the massage facility, becoming an owner of a massage facility, or being employed by a massage facility;
- Requires such a resolution or ordinance to also:
 - Prohibit a person from being a massage facility owner or employee if the person either has not submitted to a required background check or has been convicted of or entered an accepted plea of

nolo contendere for a felony or misdemeanor for prostitution, solicitation of a prostitute, a human trafficking offense, money laundering, or similar crimes; is registered as a sex offender or is required by law to register as a sex offender; or has a pending criminal action that involves or is related to these offenses or being required to register as a sex offender; and

- Authorize a local licensing authority to suspend or revoke the license of any massage facility that has an owner or an employee who is prohibited from being a massage facility owner or employee.
- Requires a county and a municipality within the county to consult with each other when developing such a resolution or ordinance and, by mutual agreement between a county and a municipality within the county, allows a municipality to elect to have a county's resolution or ordinance apply to massage facilities operating within the jurisdictional boundaries of the municipality in lieu of adopting its own ordinance or resolution; and
- Because a massage therapist is required by current law to submit to a background check to obtain a license to practice massage therapy, exempts a licensed massage therapist from the bill's background check requirement.

Section 2 makes a conforming amendment.

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

2 **SECTION 1.** In Colorado Revised Statutes, 30-15-401.4, **amend**
3 (1)(a)(III), (1)(a)(IV), (1)(b), (2)(e), (3), (4)(a) introductory portion,
4 (4)(a)(IV) introductory portion, (4)(a)(IV)(A), (4)(a)(IV)(C),
5 (4)(a)(IV)(D), (4)(a)(IV)(E), (4)(a)(V), (4)(a)(XI), (4)(c), (5) introductory
6 portion, and (6); **repeal** (1)(a)(V), (1)(a)(VI), (1)(a)(VII), (1)(a)(VIII),
7 and (4)(a)(II); and **add** (2)(a.3), (2)(a.5), (2)(a.7), (2)(e.5), (2)(e.7),
8 (2)(h.3), (2)(h.5), (4)(a)(V.5), (4)(a)(VI.5), (4)(a)(XI.5), and (4)(c.5) as
9 follows:

10 **30-15-401.4. Statewide policy to prevent the operation of illicit**
11 **massage businesses - local regulation required - legislative**

1 **declaration - definitions.** (1) (a) The general assembly finds and
2 declares that:

3 (III) ~~Cities~~ ALTHOUGH ALL COUNTIES, CITIES AND COUNTIES, AND
4 MUNICIPALITIES in ~~Colorado~~ THE STATE already have ~~the~~ authority to
5 enact ordinances to establish licensing authorities to regulate massage
6 businesses and to deter and shut down illicit massage businesses, SOME
7 MUNICIPALITIES AND COUNTIES HAVE NOT EXERCISED THIS AUTHORITY,
8 AND, AS A RESULT, REGULATION OF MASSAGE FACILITIES THROUGHOUT
9 THE STATE HAS BEEN INCONSISTENT; AND

10 (IV) ~~Counties in Colorado currently do not have the authority to~~
11 ~~enact ordinances to establish licensing authorities to regulate massage~~
12 ~~businesses and to deter and shut down illicit massage businesses~~
13 BECAUSE PREVENTING THE OPERATION OF ILLICIT MASSAGE BUSINESSES
14 IS A MATTER OF STATEWIDE CONCERN AND LICENSING AND REGULATION
15 OF MASSAGE FACILITIES IS A MATTER OF MIXED STATEWIDE AND LOCAL
16 CONCERN, IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF
17 ALL COLORADANS TO:

18 (A) REQUIRE, UNIFORMLY THROUGHOUT THE STATE AS A MATTER
19 OF STATEWIDE POLICY, THAT EVERY CURRENT AND PROSPECTIVE
20 OPERATOR, OWNER, AND EMPLOYEE OF A MASSAGE FACILITY SUBMIT TO
21 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AS REQUIRED BY
22 THIS SECTION; AND

23 (B) REQUIRE EVERY COUNTY, CITY AND COUNTY, AND
24 MUNICIPALITY IN THE STATE THAT HAS A MASSAGE FACILITY WITHIN ITS
25 JURISDICTIONAL BOUNDARIES TO ESTABLISH BUSINESS LICENSURE
26 REQUIREMENTS FOR MASSAGE FACILITIES IN ACCORDANCE WITH THE
27 REQUIREMENTS AND LIMITATIONS SET FORTH IN THIS SECTION.

1 (V) ~~It is critical for effective local enforcement against human~~
2 ~~trafficking that cities and counties work together against this increasing~~
3 ~~criminal activity;~~

4 (VI) ~~Local licensing authorities are encouraged to report to the~~
5 ~~department of regulatory agencies information regarding criminal~~
6 ~~activities involving licensed massage therapists;~~

7 (VII) ~~Most licensed massage therapists in Colorado are practicing~~
8 ~~lawfully and ethically; and~~

9 (VIII) ~~The intent of the general assembly is not to make the~~
10 ~~practice of lawful massage therapy more difficult for licensed massage~~
11 ~~therapists in Colorado.~~

12 (b) ~~The general assembly finds, therefore, that a county may adopt~~
13 ~~a local resolution or ordinance to establish business licensure~~
14 ~~requirements to regulate massage facilities or to regulate and prohibit~~
15 ~~unlawful activities for the sole purpose of deterring illicit massage~~
16 ~~businesses and preventing human trafficking.~~ FURTHER FINDS AND
17 DECLARES THAT:

18 (I) ~~IT IS CRITICAL FOR EFFECTIVE LOCAL ENFORCEMENT AGAINST~~
19 ~~HUMAN TRAFFICKING THAT COUNTIES AND MUNICIPALITIES WORK~~
20 ~~TOGETHER AGAINST THIS INCREASING CRIMINAL ACTIVITY;~~

21 (II) ~~LOCAL LICENSING AUTHORITIES ARE ENCOURAGED TO REPORT~~
22 ~~TO THE DEPARTMENT OF REGULATORY AGENCIES INFORMATION~~
23 ~~REGARDING CRIMINAL ACTIVITIES INVOLVING LICENSED MESSAGE~~
24 ~~THERAPISTS;~~

25 (III) ~~MOST LICENSED MESSAGE THERAPISTS IN COLORADO ARE~~
26 ~~PRACTICING LAWFULLY AND ETHICALLY; AND~~

27 (IV) ~~THE GENERAL ASSEMBLY DOES NOT INTEND TO MAKE THE~~

1 PRACTICE OF LAWFUL MASSAGE THERAPY MORE DIFFICULT FOR LICENSED
2 MASSAGE THERAPISTS IN COLORADO.

3 (2) As used in this section, unless the context otherwise requires:

4 (a.3) "APPLICANT" MEANS A PERSON WHO HAS SUBMITTED AN
5 APPLICATION TO A LICENSING AUTHORITY FOR AN INITIAL LICENSE OR
6 RENEWAL OF A LICENSE TO OPERATE A MASSAGE FACILITY.

7 (a.5) "BACKGROUND CHECK" MEANS A FINGERPRINT-BASED
8 CRIMINAL HISTORY RECORD CHECK CONDUCTED IN ACCORDANCE WITH
9 SUBSECTION (4)(c.5) OF THIS SECTION AND ALSO INCLUDES, TO THE
10 EXTENT ALLOWED OR REQUIRED, AS APPLICABLE, BY SUBSECTIONS
11 (4)(c.5)(VI) OR (4)(c.5)(VII) OF THIS SECTION WHEN A
12 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK CANNOT BE
13 COMPLETED OR REVEALS A RECORD OF ARREST WITHOUT DISPOSITION, A
14 CRIMINAL HISTORY RECORD CHECK USING THE COLORADO BUREAU OF
15 INVESTIGATION'S RECORDS AND A NAME-BASED JUDICIAL RECORD CHECK,
16 AS DEFINED IN SECTION 22-2-119.3 (6)(d).

17 (a.7) "EMPLOYEE" MEANS AN INDIVIDUAL WHO IS EMPLOYED BY A
18 MASSAGE FACILITY OR AN INDEPENDENT CONTRACTOR WHO IS HIRED BY
19 A MASSAGE FACILITY TO PERFORM WORK THAT IS PART OF THE ROUTINE
20 OPERATIONS OF THE MASSAGE FACILITY; EXCEPT THAT, FOR THE PURPOSE
21 OF DETERMINING WHO IS REQUIRED TO SUBMIT TO A BACKGROUND CHECK
22 REQUIRED BY SUBSECTION (4)(c.5) OF THIS SECTION, "EMPLOYEE" DOES
23 NOT INCLUDE A MASSAGE THERAPIST.

24 (e) "Licensing authority" means ~~the governing body of the board~~
25 ~~of county commissioners of a county, or any~~ AN authority designated by
26 ~~county charter or county resolution~~ LOCAL GOVERNMENT ORDINANCE OR
27 RESOLUTION PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION TO

1 RECEIVE, REVIEW, AND APPROVE OR DENY, APPLICATIONS FOR LICENSURE
2 OF A MASSAGE FACILITY AND INVESTIGATE AND DETERMINE THE
3 ELIGIBILITY OF A PERSON TO BE AN OWNER OR EMPLOYEE OF A MASSAGE
4 FACILITY.

5 (e.5) "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY
6 COUNTY, A CITY AND COUNTY, OR A HOME RULE OR STATUTORY
7 MUNICIPALITY.

8 (e.7) "LOCAL LAW ENFORCEMENT AGENCY" MEANS:

9 (I) A COUNTY SHERIFF'S OFFICE;

10 (II) A MUNICIPAL POLICE DEPARTMENT; OR

11 (III) A TOWN MARSHAL'S OFFICE.

12 (h.3) "OPERATOR" MEANS A PERSON THAT IS LICENSED BY A
13 LICENSING AUTHORITY TO OPERATE A MASSAGE FACILITY IN ACCORDANCE
14 WITH A LOCAL RESOLUTION OR ORDINANCE ADOPTED AS REQUIRED BY THIS
15 SECTION OR, BEFORE A LICENSE IS REQUIRED TO LEGALLY OPERATE A
16 MASSAGE FACILITY ONLY, A PERSON WHO IS OPERATING A MASSAGE
17 FACILITY WITHOUT A LICENSE.

18 (h.5) "OWNER" MEANS A PERSON OTHER THAN AN OPERATOR THAT
19 HOLDS A LEGAL OWNERSHIP INTEREST IN A MASSAGE FACILITY; EXCEPT
20 THAT A PERSON THAT IS NOT INVOLVED IN THE OPERATION OF A MASSAGE
21 FACILITY AND WHOSE OWNERSHIP INTEREST CONSISTS ONLY OF STOCK IN
22 A PUBLICLY TRADED COMPANY THAT OWNS OR OPERATES A MASSAGE
23 FACILITY IS NOT AN OWNER.

24 (3) (a) In addition to any other powers AND EXCEPT AS OTHERWISE
25 PROVIDED IN SUBSECTION (3)(c) OF THIS SECTION, a ~~board of county~~
26 ~~commissioners may~~ LOCAL GOVERNMENT SHALL, NO LATER THAN JULY 1,
27 2025, adopt a resolution or ordinance to establish business licensure

1 requirements ~~or~~ FOR MASSAGE FACILITIES AND ESTABLISH PROCEDURES FOR
2 DETERMINING THE ELIGIBILITY OF PERSONS FOR OWNERSHIP OF OR
3 EMPLOYMENT AT MASSAGE FACILITIES IN ACCORDANCE WITH SUBSECTION
4 (4) OF THIS SECTION AND to regulate and prohibit unlawful activities to
5 prevent the operation of illicit massage businesses that engage in human
6 trafficking-related offenses as described in sections 18-3-503 and
7 18-3-504, ~~If a board of county commissioners adopts a resolution or~~
8 ~~ordinance to establish business licensure requirements pursuant to~~
9 ~~subsection (4) of this section or to prohibit unlawful activities pursuant~~
10 ~~to subsection (5) of this section, the resolution or ordinance must not be~~
11 ~~more restrictive than the requirements set forth in this section.~~ IN
12 ACCORDANCE WITH SUBSECTION (5) OF THIS SECTION. IF A LOCAL
13 GOVERNMENT HAS ADOPTED A RESOLUTION OR ORDINANCE TO ESTABLISH
14 SUCH BUSINESS LICENSURE REQUIREMENTS AND PROCEDURES AND TO
15 REGULATE AND PROHIBIT SUCH UNLAWFUL ACTIVITIES BEFORE THE
16 EFFECTIVE DATE OF THIS SUBSECTION (3)(a), AS AMENDED BY THIS HOUSE
17 BILL 24-___, THE LOCAL GOVERNMENT SHALL AMEND THAT RESOLUTION
18 OR ORDINANCE TO THE EXTENT NECESSARY TO ENSURE THAT IT MEETS ALL
19 REQUIREMENTS OF THIS SECTION, AS AMENDED BY THIS HOUSE BILL
20 24-___. THE RESOLUTION OR ORDINANCE MUST DESIGNATE A LOCAL
21 LICENSING AUTHORITY TO RECEIVE, REVIEW, AND APPROVE OR DENY AN
22 APPLICATION FOR LICENSURE TO OPERATE A MASSAGE FACILITY AND
23 INVESTIGATE AND DETERMINE THE ELIGIBILITY OF A PERSON TO BE AN
24 OWNER OR EMPLOYEE OF A MASSAGE FACILITY BASED ON INFORMATION
25 RECEIVED FROM A LOCAL LAW ENFORCEMENT AGENCY THAT HAS
26 COORDINATED WITH THE COLORADO BUREAU OF INVESTIGATION TO
27 PROCESS STATE AND FEDERAL FINGERPRINT-BASED CRIMINAL HISTORY

1 RECORD CHECKS IN ACCORDANCE WITH SUBSECTION (4)(c.5) OF THIS
2 SECTION. THE RESOLUTION OR ORDINANCE MUST ALSO REQUIRE, AS A
3 CONDITION FOR A PERSON REMAINING AS OR BECOMING AN OPERATOR,
4 OWNER, OR EMPLOYEE:

5 (I) EVERY PERSON WHO IS AN OPERATOR, OWNER, OR EMPLOYEE
6 ON THE EFFECTIVE DATE OF THE RESOLUTION OR ORDINANCE TO SUBMIT
7 TO A BACKGROUND CHECK ON OR BEFORE THE EARLIER OF OCTOBER 1,
8 2025, OR ANY OTHER DATE SPECIFIED IN THE RESOLUTION OR ORDINANCE;
9 AND

10 (II) EVERY PROSPECTIVE OPERATOR, OWNER, AND EMPLOYEE TO
11 SUBMIT TO A BACKGROUND CHECK BEFORE, AS APPLICABLE, BEING
12 GRANTED A LICENSE TO OPERATE A MASSAGE FACILITY, ASSUMING AN
13 OWNERSHIP INTEREST IN A MASSAGE FACILITY THAT WOULD MAKE THE
14 PROSPECTIVE OWNER AN OWNER, OR COMMENCING EMPLOYMENT WITH A
15 MASSAGE FACILITY.

16 (b) ~~Counties that adopt~~ WHEN DEVELOPING a resolution or
17 ordinance FOR ADOPTION pursuant to this section, A COUNTY AND A
18 MUNICIPALITY WITHIN THE COUNTY shall consult with ~~the cities within the~~
19 ~~county~~ EACH OTHER. BY MUTUAL AGREEMENT BETWEEN A COUNTY AND
20 A MUNICIPALITY WITHIN THE COUNTY, A MUNICIPALITY MAY ELECT TO
21 HAVE A COUNTY'S RESOLUTION OR ORDINANCE ADOPTED PURSUANT TO
22 THIS SECTION APPLY TO MASSAGE FACILITIES OPERATING WITHIN THE
23 JURISDICTIONAL BOUNDARIES OF THE MUNICIPALITY IN LIEU OF ADOPTING
24 ITS OWN ORDINANCE OR RESOLUTION.

25 (c) A LOCAL GOVERNMENT IS NOT REQUIRED TO ADOPT A
26 RESOLUTION OR ORDINANCE AS OTHERWISE REQUIRED BY THIS
27 SUBSECTION (3) IF THERE ARE NO MASSAGE FACILITIES OPERATING WITHIN

1 THE JURISDICTIONAL BOUNDARIES OF THE LOCAL GOVERNMENT AND THE
2 LOCAL GOVERNMENT'S ZONING OR SUBDIVISION REGULATIONS DO NOT
3 ALLOW FOR THE OPERATION OF A MASSAGE FACILITY WITHIN THE
4 JURISDICTIONAL BOUNDARIES OF THE LOCAL GOVERNMENT.

5 (4) (a) If ~~WHEN a board of county commissioners~~ LOCAL
6 GOVERNMENT adopts a resolution or ordinance to establish business
7 licensure requirements for massage facilities as set forth in subsection
8 (3)(a) of this section, the business licensure requirements ~~may only~~ MUST
9 include:

10 (II) ~~Requiring a reasonable administrative fee not to exceed one~~
11 ~~hundred fifty dollars for issuing or renewing licensure applications. The~~
12 ~~fee must not be based on the number of employees. This subsection~~
13 ~~(4)(a)(II) applies only to new businesses applying for a license or renewal~~
14 ~~on or after August 10, 2022. Businesses that hold a license before August~~
15 ~~10, 2022, are exempt from the administrative fees described in this~~
16 ~~subsection (4)(a)(II).~~

17 (IV) Allowing a licensing authority or a licensing authority's
18 designee to deny an application ~~only~~ if:

19 (A) ~~The~~ A required administrative fee is not paid;

20 (C) The applicant OR AN OWNER, PROSPECTIVE OWNER, OR
21 EMPLOYEE has been convicted of or entered a plea of guilty or nolo
22 contendere that is accepted by the court for a felony or misdemeanor for
23 prostitution, as described in section 18-7-201; solicitation of a prostitute,
24 as described in section 18-7-202; a human trafficking-related offense, as
25 described in section 18-3-503 or 18-3-504; money laundering, as
26 described in section 18-5-309; or similar crimes;

27 (D) The applicant OR AN OWNER, PROSPECTIVE OWNER, OR

1 EMPLOYEE is registered as a sex offender or is required by law to register
2 as a sex offender, as described in section 16-22-103;

3 (E) The applicant OR AN OWNER, PROSPECTIVE OWNER, OR
4 EMPLOYEE has a pending criminal action that involves or is related to the
5 offenses described in subsection (4)(a)(IV)(C) or (4)(a)(IV)(D) of this
6 section; or

7 (V) Allowing a licensing authority or a licensing authority's
8 designee the discretion to deny an application OR DETERMINE THAT AN
9 OWNER OR PROSPECTIVE OWNER OR EMPLOYEE OR PROSPECTIVE
10 EMPLOYEE IS INELIGIBLE TO BE AN OWNER OR EMPLOYEE after considering,
11 in accordance with section 24-5-101, an applicant's, OWNER'S OR
12 PROSPECTIVE OWNER'S, OR EMPLOYEE'S OR PROSPECTIVE EMPLOYEE'S
13 conviction of or plea of guilty or nolo contendere that is accepted by the
14 court for a felony or a misdemeanor for fraud or theft or embezzlement,
15 as described in section 18-4-401;

16 (V.5) IN ACCORDANCE WITH SUBSECTION (3)(a) OF THIS SECTION,
17 PROHIBITING A PERSON FROM BEING AN OWNER IF THE PERSON EITHER:

18 (A) HAS NOT SUBMITTED TO A REQUIRED BACKGROUND CHECK
19 PURSUANT TO SUBSECTIONS (4)(c) AND (4)(c.5) OF THIS SECTION; OR

20 (B) HAS BEEN CONVICTED OF OR ENTERED A PLEA OF NOLO
21 CONTENDERE THAT IS ACCEPTED BY THE COURT FOR AN OFFENSE LISTED
22 IN SUBSECTION (4)(a)(IV)(C) OF THIS SECTION; IS REGISTERED AS A SEX
23 OFFENDER OR IS REQUIRED BY LAW TO REGISTER AS A SEX OFFENDER, AS
24 DESCRIBED IN SECTION 16-22-103; OR HAS A PENDING CRIMINAL ACTION
25 THAT INVOLVES OR IS RELATED TO THE OFFENSES DESCRIBED IN
26 SUBSECTION (4)(a)(IV)(C) OR (4)(a)(IV)(D) OF THIS SECTION;

27 (VI.5) IN ACCORDANCE WITH SUBSECTION (3)(a) OF THIS SECTION,

1 PROHIBITING A LICENSEE FROM EMPLOYING A PERSON WHO EITHER:

2 (A) HAS NOT SUBMITTED TO A REQUIRED BACKGROUND CHECK
3 PURSUANT TO SUBSECTIONS (4)(c) AND (4)(c.5) OF THIS SECTION; OR

4 (B) HAS BEEN CONVICTED OF OR ENTERED A PLEA OF NOLO
5 CONTENDERE THAT IS ACCEPTED BY THE COURT FOR AN OFFENSE LISTED
6 IN SUBSECTION (4)(a)(IV)(C) OF THIS SECTION; IS REGISTERED AS A SEX
7 OFFENDER OR IS REQUIRED BY LAW TO REGISTER AS A SEX OFFENDER, AS
8 DESCRIBED IN SECTION 16-22-103; OR HAS A PENDING CRIMINAL ACTION
9 THAT INVOLVES OR IS RELATED TO THE OFFENSES DESCRIBED IN
10 SUBSECTION (4)(a)(IV)(C) OR (4)(a)(IV)(D) OF THIS SECTION;

11 (XI) Setting penalties for the violation of prohibited activities as
12 described in subsection (5) of this section; ~~and~~

13 (XI.5) GRANTING THE LICENSING AUTHORITY, OR THE LICENSING
14 AUTHORITY'S DESIGNEES, AUTHORITY TO REVOKE OR SUSPEND A LICENSE
15 IF:

16 (A) THE LICENSEE EMPLOYS A PERSON WHO HAS NOT SUBMITTED
17 TO A BACKGROUND CHECK OR AN OWNER OF THE MASSAGE FACILITY HAS
18 NOT SUBMITTED TO A BACKGROUND CHECK AS REQUIRED PURSUANT TO
19 SUBSECTIONS (4)(c) AND (4)(c.5) OF THIS SECTION;

20 (B) THE LICENSEE EMPLOYS A PERSON WHO HAS BEEN CONVICTED
21 OF OR ENTERED A PLEA OF NOLO CONTENDERE THAT IS ACCEPTED BY THE
22 COURT FOR AN OFFENSE LISTED IN SUBSECTION (4)(a)(IV)(C) OF THIS
23 SECTION; IS REGISTERED AS A SEX OFFENDER OR IS REQUIRED BY LAW TO
24 REGISTER AS A SEX OFFENDER, AS DESCRIBED IN SECTION 16-22-103; OR
25 HAS A PENDING CRIMINAL ACTION THAT INVOLVES OR IS RELATED TO THE
26 OFFENSES DESCRIBED IN SUBSECTION (4)(a)(IV)(C) OR (4)(a)(IV)(D) OF
27 THIS SECTION; OR

1 (C) AN OWNER OF THE LICENSED MASSAGE FACILITY HAS BEEN
2 CONVICTED OF OR ENTERED A PLEA OF NOLO CONTENDERE THAT IS
3 ACCEPTED BY THE COURT FOR AN OFFENSE LISTED IN SUBSECTION
4 (4)(a)(IV)(C) OF THIS SECTION; IS REGISTERED AS A SEX OFFENDER OR IS
5 REQUIRED BY LAW TO REGISTER AS A SEX OFFENDER, AS DESCRIBED IN
6 SECTION 16-22-103; OR HAS A PENDING CRIMINAL ACTION THAT INVOLVES
7 OR IS RELATED TO THE OFFENSES DESCRIBED IN SUBSECTION (4)(a)(IV)(C)
8 OR (4)(a)(IV)(D) OF THIS SECTION; AND

9 (c) In investigating the fitness of any applicant, ~~licensee, or~~
10 OWNER OR PROSPECTIVE OWNER, OR EMPLOYEE OR PROSPECTIVE
11 employee, ~~or the agent of the licensee or applicant pursuant to subsection~~
12 ~~(4)(a)(III) of this section, the county sheriff's office shall conduct a~~
13 ~~background check on the applicant's or licensee's criminal history record~~
14 ~~and provide the local licensing authority, or the licensing authority's~~
15 ~~designee, information to determine whether the applicant or licensee is~~
16 ~~approved or denied for a license based on the criminal history record~~
17 ~~information. In the event the licensing authority takes into consideration~~
18 ~~information concerning the~~ A LICENSING AUTHORITY SHALL REQUIRE THE
19 APPLICANT, OWNER OR PROSPECTIVE OWNER, OR EMPLOYEE OR
20 PROSPECTIVE EMPLOYEE TO SUBMIT TO A BACKGROUND CHECK IN
21 ACCORDANCE WITH SUBSECTION (4)(c.5) OF THIS SECTION. WHEN
22 CONSIDERING AN applicant's, ~~or licensee's~~ OWNER'S OR PROSPECTIVE
23 OWNER'S, OR EMPLOYEE'S OR PROSPECTIVE EMPLOYEE'S criminal history
24 record, the licensing authority shall also consider any information
25 provided by the applicant, ~~or licensee~~ OWNER OR PROSPECTIVE OWNER, OR
26 EMPLOYEE OR PROSPECTIVE EMPLOYEE regarding the criminal history,
27 including, but not limited to, evidence of mitigating factors,

1 rehabilitation, character references, and educational achievements,
2 especially the mitigating factors pertaining to the period of time between
3 the applicant's, OWNER'S OR PROSPECTIVE OWNER'S, OR EMPLOYEE'S OR
4 PROSPECTIVE EMPLOYEE'S last criminal conviction and the consideration
5 of the applicant's, OWNER'S OR PROSPECTIVE OWNER'S, OR EMPLOYEE'S OR
6 PROSPECTIVE EMPLOYEE'S application for a license or renewal,
7 OWNERSHIP OR PROSPECTIVE OWNERSHIP OF A MASSAGE FACILITY, OR
8 EMPLOYMENT OR PROSPECTIVE EMPLOYMENT BY A MASSAGE FACILITY.

9 (c.5) (I) AN APPLICANT WHO HOLDS A LICENSE OR IS APPLYING FOR
10 A LICENSE, AN OWNER OR PROSPECTIVE OWNER, OR AN EMPLOYEE OR
11 PROSPECTIVE EMPLOYEE SHALL SUBMIT TO A FINGERPRINT-BASED
12 CRIMINAL HISTORY RECORD CHECK. THE APPLICANT, OWNER OR
13 PROSPECTIVE OWNER, OR EMPLOYEE OR PROSPECTIVE EMPLOYEE SHALL
14 PAY THE COSTS ASSOCIATED WITH THE FINGERPRINT-BASED CRIMINAL
15 HISTORY RECORD CHECK.

16 (II) A PERSON WHO IS, AS OF THE EFFECTIVE DATE OF THIS
17 SUBSECTION (4)(c.5), AN APPLICANT WHO HOLDS A LICENSE, AN OWNER,
18 OR AN EMPLOYEE SHALL HAVE THE APPLICANT'S, OWNER'S, OR EMPLOYEE'S
19 FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY OR ANY
20 THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION
21 FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY
22 RECORD CHECK NO LATER THAN OCTOBER 1, 2025. AN APPLICANT FOR A
23 NEW LICENSE, A PROSPECTIVE OWNER, OR A PROSPECTIVE EMPLOYEE
24 SHALL HAVE THE APPLICANT'S FINGERPRINTS TAKEN BY A LOCAL LAW
25 ENFORCEMENT AGENCY OR ANY THIRD PARTY APPROVED BY THE
26 COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF OBTAINING
27 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK BEFORE, AS

1 APPLICABLE, BEING GRANTED A LICENSE, ASSUMING AN OWNERSHIP
2 INTEREST IN A MASSAGE FACILITY THAT WOULD MAKE THE PROSPECTIVE
3 OWNER AN OWNER, OR COMMENCING EMPLOYMENT WITH A MASSAGE
4 FACILITY. THE APPLICANT, OWNER OR PROSPECTIVE OWNER, OR EMPLOYEE
5 OR PROSPECTIVE EMPLOYEE SHALL AUTHORIZE THE ENTITY TAKING THE
6 APPLICANT'S FINGERPRINTS TO SUBMIT, AND THE ENTITY SHALL SUBMIT,
7 THE COMPLETE SET OF THE APPLICANT'S FINGERPRINTS TO THE COLORADO
8 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A
9 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

10 (III) IF AN APPROVED THIRD PARTY TAKES THE APPLICANT'S,
11 OWNER'S OR PROSPECTIVE OWNER'S, OR EMPLOYEE'S OR PROSPECTIVE
12 EMPLOYEE'S FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY
13 CAPTURED USING COLORADO BUREAU OF INVESTIGATION-APPROVED
14 LIVSCAN EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE
15 APPLICANT'S, OWNER'S OR PROSPECTIVE OWNER'S, OR EMPLOYEE'S OR
16 PROSPECTIVE EMPLOYEE'S INFORMATION FOR MORE THAN THIRTY DAYS.

17 (IV) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE
18 APPLICANT'S, OWNER'S OR PROSPECTIVE OWNER'S, OR EMPLOYEE'S OR
19 PROSPECTIVE EMPLOYEE'S FINGERPRINTS TO CONDUCT A CRIMINAL
20 HISTORY RECORD CHECK USING THE BUREAU'S RECORDS. THE COLORADO
21 BUREAU OF INVESTIGATION SHALL ALSO FORWARD THE FINGERPRINTS TO
22 THE FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF
23 CONDUCTING A NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY
24 RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION; THE
25 APPLICANT, OWNER OR PROSPECTIVE OWNER, OR EMPLOYEE OR
26 PROSPECTIVE EMPLOYEE; THE LICENSING AUTHORITY; AND THE ENTITY
27 TAKING FINGERPRINTS SHALL COMPLY WITH THE FEDERAL BUREAU OF

1 INVESTIGATION'S REQUIREMENTS TO CONDUCT A FINGERPRINT-BASED
2 CRIMINAL HISTORY RECORD CHECK.

3 (V) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN
4 THE RESULTS OF ITS CRIMINAL HISTORY RECORD CHECK TO THE LICENSING
5 AUTHORITY, AND THE LICENSING AUTHORITY IS AUTHORIZED TO RECEIVE
6 THE RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION'S CRIMINAL
7 HISTORY RECORD CHECK. THE LICENSING AUTHORITY SHALL USE THE
8 INFORMATION RESULTING FROM THE CRIMINAL HISTORY RECORD CHECKS
9 TO INVESTIGATE AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED
10 TO HOLD A LICENSE OR BE AN OWNER OR EMPLOYEE PURSUANT TO THIS
11 SECTION.

12 (VI) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
13 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS
14 SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE
15 LOCAL LICENSING AUTHORITY SHALL REQUIRE THE APPLICANT TO SUBMIT
16 TO A NAME-BASED JUDICIAL RECORD CHECK, AS DEFINED IN SECTION
17 22-2-119.3 (6)(d).

18 (5) A ~~board of county commissioners may~~ LOCAL GOVERNMENT
19 SHALL adopt a resolution or ordinance to prohibit activities to prevent the
20 operation of illicit massage businesses that engage in human
21 trafficking-related offenses as described in sections 18-3-503 and
22 18-3-504. Prohibited activities include:

23 (6) (a) If authorized by the ~~county~~ LOCAL GOVERNMENT resolution
24 or ordinance, a law enforcement officer may follow the penalty
25 assessment procedure described in section 16-2-201 for any violation OF
26 THE PROHIBITIONS SET FORTH IN SUBSECTION (5) OF THIS SECTION. As part
27 of the ~~county~~ LOCAL GOVERNMENT ordinance or resolution authorizing the

1 penalty assessment procedure, the ~~board of county commissioners~~ LOCAL
2 GOVERNMENT may adopt a graduated fine schedule for violations
3 ~~pursuant to~~ OF THE PROHIBITIONS SET FORTH IN subsection (5) of this
4 section. ~~The~~ A graduated fine schedule may provide for increased penalty
5 assessments for repeat offenses by the same person.

6 (b) ~~The board of county commissioners~~ A LOCAL GOVERNMENT
7 may specify in the resolution or ordinance that a massage facility that
8 engages in two or more violations of the resolution or ordinance is a
9 public nuisance, as described in section 16-13-303, unless the violation
10 is already a public nuisance, as described in section 16-13-303. The
11 county attorney of ~~such~~ A county, THE CITY ATTORNEY OF A CITY AND
12 COUNTY, THE CITY OR TOWN ATTORNEY OF A MUNICIPALITY, or the district
13 attorney acting pursuant to section 16-13-302, may bring an action in the
14 district court of the county for an injunction against the massage facility
15 that violates the resolution or ordinance.

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

18 **31-15-407. Statewide policy to prevent the operation of illicit**
19 **massage businesses - municipal regulation required - legislative**
20 **declaration.** (1) ~~As used in this section, unless the context otherwise~~
21 ~~requires, "illicit massage business" means a business that may provide~~
22 ~~massage but engages in human trafficking-related offenses, as described~~
23 ~~in sections 18-3-503 and 18-3-504.~~

24 (2) ~~If acting under home rule authority, a municipality that adopts~~
25 ~~a resolution or ordinance to license a massage facility or prohibit~~
26 ~~activities to prevent the operation of illicit massage businesses that~~
27 ~~engage in human trafficking-related offenses, as described in section~~

1 ~~30-15-401.4, the municipal police department shall conduct a background~~
2 ~~check on the applicant's or licensee's criminal history record and provide~~
3 ~~the municipality information to determine whether the applicant or~~
4 ~~licensee is approved or denied for a license based on the criminal history~~
5 ~~record information.~~ THE GENERAL ASSEMBLY FINDS AND DECLARES THAT
6 BECAUSE PREVENTING THE OPERATION OF ILLICIT MASSAGE BUSINESSES,
7 AS DEFINED IN SECTION 30-15-401.4 IS A MATTER OF STATEWIDE CONCERN
8 AND LICENSING AND REGULATION OF MASSAGE FACILITIES IS A MATTER OF
9 MIXED STATEWIDE AND LOCAL CONCERN, IT IS NECESSARY, APPROPRIATE,
10 AND IN THE BEST INTEREST OF ALL COLORADANS TO:

11 (a) REQUIRE, UNIFORMLY THROUGHOUT THE STATE AS A MATTER
12 OF STATEWIDE POLICY, THAT EVERY CURRENT AND PROSPECTIVE
13 OPERATOR, OWNER, AND EMPLOYEE OF A MASSAGE FACILITY SUBMIT TO
14 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AS REQUIRED BY
15 SECTION 30-15-401.4; AND

16 (b) REQUIRE EVERY COUNTY, CITY AND COUNTY, AND
17 MUNICIPALITY IN THE STATE THAT HAS A MASSAGE FACILITY WITHIN ITS
18 JURISDICTIONAL BOUNDARIES TO ESTABLISH BUSINESS LICENSURE
19 REQUIREMENTS FOR MASSAGE FACILITIES IN ACCORDANCE WITH THE
20 REQUIREMENTS AND LIMITATIONS SET FORTH IN SECTION 30-15-401.4.

21 (2) IN ACCORDANCE WITH THE REQUIREMENTS AND LIMITATIONS
22 OF, AND EXCEPT AS OTHERWISE PROVIDED IN, SECTION 30-15-401.4,
23 EVERY STATUTORY OR HOME RULE MUNICIPALITY SHALL ADOPT A LOCAL
24 ORDINANCE OR RESOLUTION TO REGULATE MASSAGE FACILITIES AND
25 PREVENT THE OPERATION OF ILLICIT MASSAGE BUSINESSES.

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 2024 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.