

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 24-0749.05 Jason Gelender x4330

HOUSE BILL 24-1371

HOUSE SPONSORSHIP

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Appropriations

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State, Veterans, & Military Affairs
Appropriations

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 ESTABLISH A PROCESS THAT**
105 **REQUIRES PERIODIC CRIMINAL BACKGROUND CHECKS FOR**
106 **MASSAGE FACILITY OPERATORS, 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>.)

Current law allows, but does not require, a county or a

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.

SENATE
3rd Reading Unamended
May 3, 2024

SENATE
Amended 2nd Reading
May 2, 2024

HOUSE
3rd Reading Unamended
April 25, 2024

HOUSE
Amended 2nd Reading
April 24, 2024

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), (4)(a)(V), (4)(a)(XI), (4)(c), (5) introductory portion, and (6);
5 **repeal** (1)(a)(V), (1)(a)(VI), (1)(a)(VII), and (1)(a)(VIII); and **add**
6 (2)(a.3), (2)(a.5), (2)(a.7), (2)(e.5), (2)(e.7), (2)(h.3), (2)(h.5), (3.5),
7 (4)(a)(XI.5), (4)(c.5), and (4.5) as follows:

8 **30-15-401.4. Statewide policy to prevent the operation of illicit**
9 **massage businesses - local regulation authorized - background checks**
10 **required - legislative declaration - definitions.** (1) (a) The general
11 assembly finds and declares that:

12

1 (III) ~~Cities~~ ALL LOCAL GOVERNMENTS in ~~Colorado~~ THE STATE
2 already have the authority to enact RESOLUTIONS OR ordinances to
3 establish licensing authorities to regulate OR OTHERWISE REGULATE
4 massage ~~businesses~~ FACILITIES and to deter and shut down illicit massage
5 ~~businesses~~ FACILITIES; AND

6 (IV) ~~Counties in Colorado currently do not have the authority to~~
7 ~~enact ordinances to establish licensing authorities to regulate massage~~
8 ~~businesses and to deter and shut down illicit massage businesses~~
9 BECAUSE PREVENTING THE OPERATION OF ILLICIT MESSAGE FACILITIES BY
10 REQUIRING CURRENT AND PROSPECTIVE OPERATORS, OWNERS, AND
11 EMPLOYEES OF MESSAGE FACILITIES TO SUBMIT TO PERIODIC
12 BACKGROUND CHECKS IS A MATTER OF STATEWIDE CONCERN AND
13 LICENSING AND OTHER REGULATION OF MESSAGE FACILITIES IS A MATTER
14 OF MIXED STATEWIDE AND LOCAL CONCERN THAT LOCAL GOVERNMENTS
15 HAVE SIGNIFICANT DISCRETION TO ADDRESS IN ACCORDANCE WITH LOCAL
16 NEEDS, IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF ALL
17 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 MESSAGE FACILITY SUBMIT TO
21 A BACKGROUND CHECK, WHICH GENERALLY MEANS A FINGERPRINT-BASED
22 CRIMINAL HISTORY RECORD CHECK, AS REQUIRED BY THIS SECTION; AND

23 (B) REQUIRE EVERY LOCAL GOVERNMENT IN THE STATE THAT HAS
24 A MESSAGE FACILITY WITHIN ITS JURISDICTIONAL BOUNDARIES TO
25 ESTABLISH A LOCAL PROCESS THAT ENSURES THAT THE BACKGROUND
26 CHECKS ARE CONDUCTED THROUGHOUT THE STATE IN ACCORDANCE WITH
27 THE 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,~~ FURTHER FINDS AND
13 ~~DECLARES that:~~

14 (I) A ~~county~~ LOCAL GOVERNMENT may adopt a ~~local~~ resolution or
15 ordinance to establish business licensure requirements to regulate
16 massage facilities or to regulate and prohibit unlawful activities for the
17 sole purpose of deterring illicit massage businesses and preventing human
18 trafficking;

19 (II) IT IS CRITICAL FOR EFFECTIVE LOCAL ENFORCEMENT AGAINST
20 HUMAN TRAFFICKING THAT LOCAL GOVERNMENTS WORK TOGETHER
21 AGAINST THIS INCREASING CRIMINAL ACTIVITY;

22 (III) LICENSING AUTHORITIES AND LOCAL LAW ENFORCEMENT
23 AGENCIES ARE ENCOURAGED TO REPORT TO THE DEPARTMENT OF
24 REGULATORY AGENCIES INFORMATION REGARDING CRIMINAL ACTIVITIES
25 INVOLVING MASSAGE THERAPISTS;

26 (IV) MOST LICENSED MASSAGE THERAPISTS IN COLORADO ARE
27 PRACTICING LAWFULLY AND ETHICALLY; AND

1 (V) THE GENERAL ASSEMBLY DOES NOT INTEND TO MAKE THE
2 PRACTICE OF LAWFUL MASSAGE THERAPY MORE DIFFICULT FOR
3 MASSAGE THERAPISTS IN COLORADO.

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

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

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

18 (a.7) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)(a.7)(II)
19 OF THIS SECTION, "EMPLOYEE" MEANS:

20 (I) (A) AN INDIVIDUAL WHO IS EMPLOYED BY A MASSAGE
21 FACILITY; OR

22 (B) AN INDEPENDENT CONTRACTOR WHO IS HIRED BY A MASSAGE
23 FACILITY TO PERFORM WORK THAT IS PART OF THE ROUTINE OPERATIONS
24 OF THE MASSAGE FACILITY.

25 (II) FOR THE PURPOSE OF DETERMINING WHO IS REQUIRED TO
26 SUBMIT TO A BACKGROUND CHECK REQUIRED BY SUBSECTION (4)(c.5) OF
27 THIS SECTION, "EMPLOYEE" DOES NOT INCLUDE:

1 (A) A MASSAGE THERAPIST; OR

2 (B) AN INDEPENDENT CONTRACTOR WHO PERFORMS JANITORIAL
3 SERVICES OR OTHER ROUTINE FACILITY MAINTENANCE SERVICES FOR A
4 MASSAGE FACILITY AND HAS NO CONTACT WITH OR ONLY INCIDENTAL
5 CONTACT WITH CLIENTS OF THE MASSAGE FACILITY.

6

7 (e) "Licensing authority" means the governing body of ~~the board~~
8 ~~of county commissioners of a county~~ A LOCAL GOVERNMENT or, IF A
9 LOCAL GOVERNMENT HAS EXERCISED ITS AUTHORITY TO ADOPT A
10 RESOLUTION OR ORDINANCE THAT ESTABLISHES LICENSURE
11 REQUIREMENTS FOR MASSAGE FACILITIES OR TO REGULATE AND PROHIBIT
12 UNLAWFUL ACTIVITIES RELATED TO MASSAGE FACILITIES, any authority
13 designated by ~~county charter or county~~ THE LOCAL GOVERNMENT'S
14 CHARTER OR IN A resolution OR ORDINANCE TO ADMINISTER OR ENFORCE
15 THE BUSINESS LICENSURE REQUIREMENTS, REGULATIONS, OR PROHIBITIONS
16 FOR MASSAGE FACILITIES ESTABLISHED BY THE LOCAL GOVERNMENT.

17 (e.5) "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY
18 COUNTY, A CITY AND COUNTY, OR A HOME RULE OR STATUTORY
19 MUNICIPALITY.

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

21 (I) A COUNTY SHERIFF'S OFFICE;

22 (II) A MUNICIPAL POLICE DEPARTMENT; OR

23 (III) A TOWN MARSHAL'S OFFICE.

24 (h.3) "OPERATOR" MEANS A PERSON THAT IS LICENSED BY A
25 LICENSING AUTHORITY TO OPERATE A MASSAGE FACILITY IN ACCORDANCE
26 WITH A LOCAL RESOLUTION OR ORDINANCE OR A PERSON THAT IS
27 OPERATING A MASSAGE FACILITY WITHOUT A LICENSE WITHIN THE

1 TERRITORY OF A LOCAL GOVERNMENT THAT DOES NOT REQUIRE
2 LICENSURE OF MASSAGE FACILITIES; EXCEPT THAT, FOR THE PURPOSE OF
3 DETERMINING WHETHER A PERSON IS REQUIRED TO SUBMIT TO A
4 BACKGROUND CHECK REQUIRED BY SUBSECTION (4)(c.5) OF THIS SECTION,
5 "OPERATOR" DOES NOT INCLUDE A MASSAGE THERAPIST.

6 (h.5) "OWNER" MEANS A PERSON OTHER THAN AN OPERATOR THAT
7 HOLDS A LEGAL OWNERSHIP INTEREST IN A MASSAGE FACILITY; EXCEPT
8 THAT A PERSON THAT IS NOT INVOLVED IN THE OPERATION OF A MASSAGE
9 FACILITY AND WHOSE OWNERSHIP INTEREST CONSISTS ONLY OF STOCK IN
10 A PUBLICLY TRADED COMPANY THAT OWNS OR OPERATES A MASSAGE
11 FACILITY IS NOT AN OWNER.

12
13 (3)(a) In addition to any other powers, a ~~board of county~~
14 ~~commissioners~~ LOCAL GOVERNMENT may adopt a resolution or ordinance
15 to establish business licensure requirements or to regulate and prohibit
16 unlawful activities to prevent the operation of illicit massage businesses
17 that engage in human trafficking-related offenses as described in sections
18 18-3-503 and 18-3-504. If a ~~board of county commissioners~~ LOCAL
19 GOVERNMENT adopts a resolution or ordinance to establish business
20 licensure requirements pursuant to subsection (4) of this section or to
21 prohibit unlawful activities pursuant to subsection (5) of this section, the
22 resolution or ordinance must not be more restrictive than the requirements
23 set forth in this section.

24 (b) ~~Counties that adopt~~ WHEN DEVELOPING a resolution or
25 ordinance FOR ADOPTION pursuant to this section, A COUNTY AND A
26 MUNICIPALITY WITHIN THE COUNTY shall consult with ~~the cities within the~~
27 ~~county~~ EACH OTHER. BY MUTUAL AGREEMENT BETWEEN A COUNTY AND

1 A MUNICIPALITY WITHIN THE COUNTY, A MUNICIPALITY MAY ELECT TO
2 HAVE A COUNTY'S RESOLUTION OR ORDINANCE ADOPTED PURSUANT TO
3 THIS SECTION APPLY TO MASSAGE FACILITIES OPERATING WITHIN THE
4 JURISDICTIONAL BOUNDARIES OF THE MUNICIPALITY IN LIEU OF ADOPTING
5 ITS OWN ORDINANCE OR RESOLUTION.

6 (c) A LOCAL GOVERNMENT IS NOT REQUIRED TO ADOPT A
7 RESOLUTION OR ORDINANCE AS OTHERWISE REQUIRED BY THIS
8 SUBSECTION (3) IF THERE ARE NO MASSAGE FACILITIES OPERATING WITHIN
9 THE JURISDICTIONAL BOUNDARIES OF THE LOCAL GOVERNMENT.

10 (3.5) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3)(c) OF
11 THIS SECTION, A LOCAL GOVERNMENT SHALL ESTABLISH A PROCESS,
12 WHICH MAY BE ESTABLISHED BY RESOLUTION OR ORDINANCE OR
13 OTHERWISE, TO REQUIRE THAT, AS A CONDITION FOR A PERSON REMAINING
14 AS OR BECOMING AN OPERATOR, OWNER, OR EMPLOYEE:

15 (a) A PERSON WHO IS AN OPERATOR, OWNER, OR EMPLOYEE ON THE
16 EFFECTIVE DATE OF THE RESOLUTION OR ORDINANCE SUBMIT TO A
17 BACKGROUND CHECK ON OR BEFORE THE EARLIER OF OCTOBER 1, 2025, OR
18 ANY OTHER DATE SPECIFIED BY A LOCAL GOVERNMENT IN ITS PROCESS;

19 (b) A PROSPECTIVE EMPLOYEE SUBMIT TO A BACKGROUND CHECK
20 BEFORE COMMENCING EMPLOYMENT WITH A MASSAGE FACILITY; AND

21 (c) A PROSPECTIVE OPERATOR OR OWNER SUBMIT TO A
22 BACKGROUND CHECK AT LEAST THIRTY DAYS BEFORE, AS APPLICABLE,
23 BEING GRANTED A LICENSE TO OPERATE A MASSAGE FACILITY OR
24 ASSUMING AN OWNERSHIP INTEREST IN A MASSAGE FACILITY THAT WOULD
25 MAKE THE PROSPECTIVE OWNER AN OWNER.

26 (4) (a) ~~If a board of county commissioners~~ LOCAL GOVERNMENT
27 adopts a resolution or ordinance to establish business licensure

1 requirements for massage facilities as set forth in subsection (3)(a) of this
2 section, the business licensure requirements may only include:

3

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

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

7 (B) ~~The county~~ LOCAL GOVERNMENT zoning or subdivision
8 regulations do not allow for the operation of a massage facility;

9 (C) The applicant OR AN OWNER, PROSPECTIVE OWNER, OR
10 EMPLOYEE has been convicted of or entered a plea of guilty or nolo
11 contendere that is accepted by the court for a felony or misdemeanor for
12 prostitution, as described in section 18-7-201; solicitation of a prostitute,
13 as described in section 18-7-202; a human trafficking-related offense, as
14 described in section 18-3-503 or 18-3-504; money laundering, as
15 described in section 18-5-309; ~~or similar crimes;~~

16 (D) The applicant OR AN OWNER, PROSPECTIVE OWNER, OR
17 EMPLOYEE is registered as a sex offender or is required by law to register
18 as a sex offender, as described in section 16-22-103;

19 (E) ~~The applicant has a pending criminal action that involves or~~
20 ~~is related to the offenses described in subsection (4)(a)(IV)(C) or~~
21 ~~(4)(a)(IV)(D) of this section; or~~

22 (F) The applicant has one more previous revocations or
23 suspensions of a license to operate a massage facility;

24 (G) AN EMPLOYEE OF THE MASSAGE FACILITY FOR WHICH THE
25 APPLICANT HAS FILED AN APPLICATION FOR A LICENSE HAS NOT SUBMITTED
26 TO A REQUIRED BACKGROUND CHECK BEFORE COMMENCING EMPLOYMENT
27 WITH THE MASSAGE FACILITY PURSUANT TO SUBSECTIONS (4)(c) AND

1 (4)(c.5) OF THIS SECTION; OR

2 (H) THE APPLICANT OR AN OWNER OR PROSPECTIVE OWNER OF THE
3 MASSAGE FACILITY FOR WHICH THE APPLICANT HAS FILED AN APPLICATION
4 FOR A LICENSE HAS NOT SUBMITTED TO A REQUIRED BACKGROUND CHECK
5 PURSUANT TO SUBSECTIONS (4)(c) AND (4)(c.5) OF THIS SECTION AT LEAST
6 THIRTY DAYS BEFORE, AS APPLICABLE, BEING GRANTED A LICENSE TO
7 OPERATE THE MASSAGE FACILITY OR ASSUMING AN OWNERSHIP INTEREST
8 IN A MASSAGE FACILITY THAT WOULD MAKE THE PROSPECTIVE OWNER AN
9 OWNER.

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

17 ■ ■

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

20 (XI.5) GRANTING THE LICENSING AUTHORITY, OR THE LICENSING
21 AUTHORITY'S DESIGNEES, AUTHORITY TO REVOKE OR SUSPEND A LICENSE
22 IF:

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

27 (B) THE LICENSEE EMPLOYS A PERSON WHO HAS BEEN CONVICTED

1 OF OR ENTERED A PLEA OF NOLO CONTENDERE THAT IS ACCEPTED BY THE
2 COURT FOR AN OFFENSE LISTED IN SUBSECTION (4)(a)(IV)(C) OF THIS
3 SECTION OR IS REGISTERED AS A SEX OFFENDER OR IS REQUIRED BY LAW TO
4 REGISTER AS A SEX OFFENDER, AS DESCRIBED IN SECTION 16-22-103; OR
5 [REDACTED]

6 (C) AN OWNER OF THE LICENSED MASSAGE FACILITY HAS BEEN
7 CONVICTED OF OR ENTERED A PLEA OF NOLO CONTENDERE THAT IS
8 ACCEPTED BY THE COURT FOR AN OFFENSE LISTED IN SUBSECTION
9 (4)(a)(IV)(C) OF THIS SECTION OR IS REGISTERED AS A SEX OFFENDER OR
10 IS REQUIRED BY LAW TO REGISTER AS A SEX OFFENDER, AS DESCRIBED IN
11 SECTION 16-22-103; AND

12 (c) In investigating the fitness of any applicant, licensee, or
13 OWNER OR PROSPECTIVE OWNER, OR EMPLOYEE OR PROSPECTIVE
14 employee, ~~or the agent of the licensee or applicant pursuant to subsection~~
15 ~~(4)(a)(III) of this section, the county sheriff's office shall conduct a~~
16 ~~background check on the applicant's or licensee's criminal history record~~
17 ~~and provide the local licensing authority, or the licensing authority's~~
18 ~~designee, information to determine whether the applicant or licensee is~~
19 ~~approved or denied for a license based on the criminal history record~~
20 ~~information. In the event the licensing authority takes into consideration~~
21 ~~information concerning the~~ A LICENSING AUTHORITY SHALL REQUIRE THE
22 APPLICANT, OWNER OR PROSPECTIVE OWNER, OR EMPLOYEE OR
23 PROSPECTIVE EMPLOYEE TO SUBMIT TO A BACKGROUND CHECK IN
24 ACCORDANCE WITH SUBSECTION (4)(c.5) OF THIS SECTION. WHEN
25 CONSIDERING AN applicant's, ~~or licensee's~~ OWNER'S OR PROSPECTIVE
26 OWNER'S, OR EMPLOYEE'S OR PROSPECTIVE EMPLOYEE'S criminal history
27 record, the licensing authority shall also consider any information

1 provided by the applicant, ~~or licensee~~ OWNER OR PROSPECTIVE OWNER, OR
2 EMPLOYEE OR PROSPECTIVE EMPLOYEE regarding the criminal history,
3 including, but not limited to, evidence of mitigating factors,
4 rehabilitation, character references, and educational achievements,
5 especially the mitigating factors pertaining to the period ~~of time~~ between
6 the applicant's, OWNER'S OR PROSPECTIVE OWNER'S, OR EMPLOYEE'S OR
7 PROSPECTIVE EMPLOYEE'S last criminal conviction and the consideration
8 of the applicant's, OWNER'S OR PROSPECTIVE OWNER'S, OR EMPLOYEE'S OR
9 PROSPECTIVE EMPLOYEE'S application for a license or renewal,
10 OWNERSHIP OR PROSPECTIVE OWNERSHIP OF A MASSAGE FACILITY, OR
11 EMPLOYMENT OR PROSPECTIVE EMPLOYMENT BY A MASSAGE FACILITY.

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

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

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

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

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

1 APPLICANT, OWNER OR PROSPECTIVE OWNER, OR EMPLOYEE OR
2 PROSPECTIVE EMPLOYEE; THE LICENSING AUTHORITY; AND THE ENTITY
3 TAKING FINGERPRINTS SHALL COMPLY WITH THE FEDERAL BUREAU OF
4 INVESTIGATION'S REQUIREMENTS TO CONDUCT A FINGERPRINT-BASED
5 CRIMINAL HISTORY RECORD CHECK.

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

15 (VI) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
16 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS
17 SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE
18 LOCAL LICENSING AUTHORITY SHALL REQUIRE THE APPLICANT TO SUBMIT
19 TO A NAME-BASED JUDICIAL RECORD CHECK, AS DEFINED IN SECTION
20 22-2-119.3 (6)(d).

21 (4.5) (a) A PERSON IS PROHIBITED FROM BEING AN OWNER IF THE
22 PERSON EITHER:

23 (I) HAS NOT SUBMITTED TO A REQUIRED BACKGROUND CHECK AT
24 LEAST THIRTY DAYS BEFORE ASSUMING AN OWNERSHIP INTEREST IN A
25 MASSAGE FACILITY THAT WOULD MAKE THE PROSPECTIVE OWNER AN
26 OWNER PURSUANT TO SUBSECTIONS (4)(c) AND (4)(c.5) OF THIS SECTION;
27 OR

1 (II) HAS BEEN CONVICTED OF OR ENTERED A PLEA OF NOLO
2 CONTENDERE THAT IS ACCEPTED BY THE COURT FOR AN OFFENSE LISTED
3 IN SUBSECTION (4)(a)(IV)(C) OF THIS SECTION OR IS REGISTERED AS A SEX
4 OFFENDER OR IS REQUIRED BY LAW TO REGISTER AS A SEX OFFENDER, AS
5 DESCRIBED IN SECTION 16-22-103.

6 (b) AN OPERATOR OR OWNER IS PROHIBITED FROM EMPLOYING AS
7 AN EMPLOYEE A PERSON WHO HAS NOT SUBMITTED TO A REQUIRED
8 BACKGROUND CHECK PURSUANT TO SUBSECTIONS (4)(c) AND (4)(c.5) OF
9 THIS SECTION.

10 (c) AN OPERATOR OR OWNER THAT LEARNS THAT A PROSPECTIVE
11 EMPLOYEE OR EMPLOYEE HAS BEEN CONVICTED OF OR ENTERED A PLEA OF
12 NOLO CONTENDERE THAT IS ACCEPTED BY THE COURT FOR AN OFFENSE
13 LISTED IN SUBSECTION (4)(a)(IV)(C) OF THIS SECTION OR IS REGISTERED
14 AS A SEX OFFENDER OR IS REQUIRED BY LAW TO REGISTER AS A SEX
15 OFFENDER, AS DESCRIBED IN SECTION 16-22-103 MAY HIRE THE
16 PROSPECTIVE EMPLOYEE TO WORK AT A MASSAGE FACILITY OR CONTINUE
17 TO EMPLOY THE EMPLOYEE AT A MASSAGE FACILITY IF THE OPERATOR OR
18 OWNER BELIEVES THAT EMPLOYING THE PROSPECTIVE EMPLOYEE OR
19 EMPLOYEE DOES NOT POSE A THREAT TO CUSTOMERS OR EMPLOYEES OF
20 THE MASSAGE FACILITY.

21 (5) A ~~board of county commissioners~~ LOCAL GOVERNMENT may
22 adopt a resolution or ordinance to prohibit activities to prevent the
23 operation of illicit massage businesses that engage in human
24 trafficking-related offenses as described in sections 18-3-503 and
25 18-3-504. Prohibited activities include:

26 (6) (a) If authorized by the ~~county~~ LOCAL GOVERNMENT resolution
27 or ordinance, a law enforcement officer may follow the penalty

1 assessment procedure described in section 16-2-201 for any violation OF
2 THE PROHIBITIONS SET FORTH IN SUBSECTION (5) OF THIS SECTION. As part
3 of the ~~county~~ LOCAL GOVERNMENT ordinance or resolution authorizing the
4 penalty assessment procedure, the ~~board of county commissioners~~ LOCAL
5 GOVERNMENT may adopt a graduated fine schedule for violations
6 ~~pursuant to~~ OF THE PROHIBITIONS SET FORTH IN subsection (5) of this
7 section. ~~The~~ A graduated fine schedule may provide for increased penalty
8 assessments for repeat offenses by the same person.

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

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

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

27 (2) ~~If acting under home rule authority, a municipality that adopts~~

1 ~~a resolution or ordinance to license a massage facility or prohibit~~
2 ~~activities to prevent the operation of illicit massage businesses that~~
3 ~~engage in human trafficking-related offenses, as described in section~~
4 ~~30-15-401.4, the municipal police department shall conduct a background~~
5 ~~check on the applicant's or licensee's criminal history record and provide~~
6 ~~the municipality information to determine whether the applicant or~~
7 ~~licensee is approved or denied for a license based on the criminal history~~
8 ~~record information.~~ THE GENERAL ASSEMBLY FINDS AND DECLARES THAT
9 BECAUSE PREVENTING THE OPERATION OF ILLICIT MESSAGE BUSINESSES,
10 AS DEFINED IN SECTION 30-15-401.4, IS A MATTER OF STATEWIDE
11 CONCERN AND LICENSING AND REGULATION OF MESSAGE FACILITIES IS A
12 MATTER OF MIXED STATEWIDE AND LOCAL CONCERN, IT IS NECESSARY,
13 APPROPRIATE, AND IN THE BEST INTEREST OF ALL COLORADANS TO
14 REQUIRE, UNIFORMLY THROUGHOUT THE STATE AS A MATTER OF
15 STATEWIDE POLICY, THAT EVERY CURRENT AND PROSPECTIVE OPERATOR,
16 OWNER, AND EMPLOYEE OF A MESSAGE FACILITY SUBMIT TO A
17 BACKGROUND CHECK, AS DEFINED IN SECTION 30-15-401.4 (2)(a.5),
18 WHICH GENERALLY MEANS A FINGERPRINT-BASED CRIMINAL HISTORY
19 RECORD CHECK AS REQUIRED BY SECTION 30-15-401.4.

20 (2) IN ACCORDANCE WITH SECTION 30-15-401.4(3.5) AND SUBJECT
21 TO THE EXCEPTION SET FORTH IN SECTION 30-15-401.4 (3)(c), EVERY
22 STATUTORY OR HOME RULE MUNICIPALITY SHALL ESTABLISH A LOCAL
23 PROCESS TO ENSURE THAT REQUIRED BACKGROUND CHECKS ARE
24 CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
25 30-15-401.4.

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.