

**RESOLUTION NO. 26-**\_\_\_\_\_ It was moved by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_ to adopt the following Resolution.

WHEREAS, Title 30, Article 15, Part 4, Colorado Revised Statutes (“C.R.S.”), requires local governments throughout the State of Colorado to establish a local process that ensures background checks are conducted for every current and prospective operator, owner, and employee of a massage facility in accordance with the requirements and limitations set forth in C.R.S. § 30-15-401.4; and

WHEREAS, Section 30-15-401.4, C.R.S., authorizes the Board of County Commissioners to adopt a resolution to establish the process for conducting the required background checks for every current and prospective operator, owner, and employee of a massage facility within its jurisdictional boundaries; and

WHEREAS, the Board now desires to adopt regulations for background checks for every current and prospective operator, owner, and employee of a massage facility within its jurisdictional boundaries in accordance with state law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County pursuant to the authority of Section 30-15-401.4, C.R.S., the following regulations regarding mandatory background checks for current and prospective operators, owners, and employees of a massage facility are hereby adopted:

**ARAPAHOE COUNTY MASSAGE FACILITY RESOLUTION No. 26-**

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**Section 1: Definitions**

As used in this Resolution, the following words shall have the following meanings:

- A. “Background Check” means a fingerprint-based criminal history record check pursuant to Section 2 of this Resolution, and conducted in accordance with Sections 30-15-401.4(3.5) and 24-33.5-424.5, C.R.S. “Background check” also includes, to the extent allowed or required, as applicable, by Section 24-33.5-424.5(1)(g) when a fingerprint-based criminal history record check cannot be completed or reveals a record of arrest without disposition, a criminal history

record check using the Colorado bureau of investigation's records and a name-based judicial record check performed using state judicial department records.

- B. Except as otherwise provided in Section 1.B.3, "employee" means:
1. An individual who is employed by a massage facility; or
  2. An independent contractor who is hired by a massage facility to perform work that is part of the routine operations of the massage facility.
  3. For purposes of determining who is required to submit to a background check pursuant to Section 2 of this Resolution, "employee" does not include:
    - (i) A massage therapist; or
    - (ii) An independent contractor who performs janitorial services or other routine facility maintenance services for a massage facility and has no contact with or only incidental contact with clients of the massage facility.
- C. "Massage" or "massage therapy" has the same meaning as defined in Section 12-235-104(4), C.R.S.
- D. "Massage facility" means any place of business where massage therapy or full body massage is practiced or administered.
- E. "Massage therapist" has the same meaning as defined in Section 12-235-104(5), C.R.S.
- F. "Name-based judicial record check" has the same meaning as defined in Section 22-2-119.3(6)(d), C.R.S.
- G. "Operator" means a person that is licensed by a licensing authority to operate a massage facility in accordance with a local resolution or ordinance or a person that is operating a massage facility without a license within the territory of a local government that does not require licensure of massage facilities; except that, for the purpose of determining whether a person is required to submit to a background check pursuant to Section 2 of this Resolution, "operator" does not include a massage therapist.
- H. "Owner" means a person other than an operator that holds a legal ownership interest in a massage facility; except that a person that is not involved in the operation of a massage facility and whose ownership interest consists only of stock in a publicly traded company that owns or operates a massage facility is not an owner.

- 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.

## **Section 2: Background Checks Required**

- A. Pursuant to Section 30-15-401.4(3.5), C.R.S., as a condition for a person remaining or becoming as an operator, owner, or employee of a massage facility, the operator, owner, or employee shall submit their fingerprints to any third party approved by the Colorado bureau of investigation for the purpose of obtaining a fingerprint-based criminal history record check as follows:
1. An operator, owner, or employee on the effective date of this Resolution shall submit to a background check pursuant to this Section 2, and performed in accordance with Section 24-33.5-424.5, C.R.S., on or before July 1, 2026;
  2. A prospective employee shall submit to a background check pursuant to this Section 2, and performed in accordance with Section 24-33.5-424.5, C.R.S., before commencing employment with a massage facility; and
  3. A prospective operator or owner shall submit to a background check pursuant to this Section 2, and performed in accordance with Section 24-33.5-424.5, C.R.S., at least 30 days before, as applicable, being granted a license to operate a massage facility or assuming an ownership interest in a massage facility that would make the prospective owner an owner.
- B. The operator, owner, employee, prospective operator, prospective owner, or prospective employee shall authorize the third-party approved entity taking their fingerprints to submit, and the third-party approved entity shall submit, the complete set of fingerprints to the Colorado bureau of investigation for the purpose of conducting a fingerprint-based criminal history record check.
- C. The operator, owner, employee, prospective operator, prospective owner, or prospective employee shall pay all costs associated with the fingerprint-based criminal history record check.
- D. The approved third party taking the operator, owner, employee, prospective operator, prospective owner, or prospective employee's fingerprints may electronically capture the fingerprints using Colorado bureau of investigation-approved livescan equipment. The approved third party taking the operator, owner, employee, prospective operator, prospective

owner, or prospective employee's fingerprints shall not keep the operator, owner, employee, prospective operator, prospective owner, or prospective employee's information for more than thirty days after the information is collected.

- E. Pursuant to Section 24-33.5-424.5, C.R.S., the Colorado bureau of investigation shall use operator, owner, employee, prospective operator, prospective owner, or prospective employee's fingerprints to conduct a fingerprint-based criminal history record check using the bureau's records, and the Colorado bureau of investigation shall also forward the fingerprints to the federal bureau of investigation for the purpose of conducting a fingerprint-based criminal history record check. The Colorado bureau of investigation; the operator, owner, employee, prospective operator, prospective owner, or prospective employee; Arapahoe County; the Arapahoe County Sheriff's Office; and the entity taking fingerprints shall comply with the federal bureau of investigation's requirements to conduct a fingerprint-based criminal history record check.
- F. Pursuant to Section 24-33.5-424.5, C.R.S., the Colorado bureau of investigation shall return the results of its fingerprint-based criminal history record check to the Arapahoe County Sheriff's Office, and the Arapahoe County Sheriff's Office is authorized to receive the results of the federal bureau of investigation's fingerprint-based criminal history record check.
- G. The Arapahoe County Sheriff's Office shall use the information resulting from the fingerprint-based criminal history record check to investigate and determine whether an operator, owner, employee, prospective operator, prospective owner, or prospective employee of a massage facility is qualified to remain or become an operator, owner, or employee.
- H. When the results of a fingerprint-based criminal history record check of an operator, owner, employee, prospective operator, prospective owner, or prospective employee of a massage facility performed pursuant to this Section 2 of the Resolution reveal a record arrest without a disposition, the Arapahoe County Sheriff's Office shall require the operator, owner, employee, prospective operator, prospective owner, or prospective employee to submit to a name-based judicial record check performed using state judicial department records.

### **Section 3: Persons Prohibited**

- A. A person is prohibited from being an owner if the person has been convicted of or entered a plea of nolo contendere that is accepted by the court for a felony or misdemeanor for solicitation of a prostitute, as described in Section 18-7-202, C.R.S.; a human trafficking-related offense, as described in Section 18-3-503, C.R.S., or 18-3-504, C.R.S.; or money laundering, as described in Section 18-5-309, C.R.S.

- B. A person is prohibited from being an owner if the person is registered as a sex offender or is required by law to register as a sex offender, as described in Section 16-22-103, C.R.S.
- C. An operator or owner that learns that a prospective employee or employee has been convicted of or entered a plea of nolo contendere that is accepted by the court for a felony or misdemeanor for solicitation of a prostitute, as described in Section 18-7-202, C.R.S.; a human trafficking-related offense, as described in Section 18-3-503, C.R.S., or 18-3-504, C.R.S.; or money laundering, as described in Section 18-5-309, C.R.S., may hire the prospective employee to work at a massage facility or continue to employ the employee at a massage facility if the operator or owner believes that employing the prospective employee or employee does not pose a threat to customers or employees of the massage facility.
- D. An operator or owner that learns that a prospective employee or employee is registered as a sex offender or is required by law to register as a sex offender, as described in Section 16-22-103, C.R.S., may hire the prospective employee to work at a massage facility or continue to employ the employee at a massage facility if the operator or owner believes that employing the prospective employee or employee does not pose a threat to customers or employees of the massage facility

#### **Section 4: Enforcement**

The provisions of this Resolution shall be enforced by the Arapahoe County Sheriff's Office.

#### **Section 5: Severability**

If any of the provisions of this Resolution are determined by a court with proper jurisdiction to be invalid, such determination shall not affect the remaining provisions in this Resolution.

#### **Section 6: Applicability**

The provisions of this Resolution shall apply to, and may be enforced within, all areas of unincorporated Arapahoe County. It shall also apply to, and may be enforced within, any municipality that adopts the provisions of this Resolution, or any portion thereof, or otherwise elects to rely on Arapahoe County's background check requirement, for purposes of enforcement within such municipality and to satisfy the municipality's obligations under applicable state law including Sections 30-15-401.4 and 31-15-407, C.R.S. as applicable.

#### **Section 7: Effective Date**

This Resolution shall effective as of May 26, 2026.

The vote was:

Commissioner Baker, \_\_\_; Commissioner Campbell, \_\_\_; Commissioner Fields, \_\_\_;  
Commissioner Summey, \_\_\_; Commissioner Warren-Gully, \_\_\_.