

# MASSAGE FACILITY REGULATION

BOCC Study Session March 30, 2026

# Legislative Background

## **HB22-1300:**

- Authorized BOCCs to establish business licensure requirements for massage businesses
- Authorized BOCCs to prohibit activities associated with human trafficking-related offenses

## **HB24-1371:**

- Extended authority to establish business licensure requirements and/or to all local governments
- Imposed requirements for fingerprint-based criminal history records checks of current and prospective owners, operators and employees (current by Oct. 1, 2025)

## **SB25-146:**

- Extended Oct. 1, 2025 date to July 1, 2026

C.R.S. § 30-15-401.4(3.5)  
Fingerprint-  
Based Criminal  
History  
Background  
Checks  
(MANDATORY)

- Must have process requiring background checks to remain or become operator, owner or employee of massage facility

Submission schedule

- Operator, owner or employee → before July 1, 2026
- Prospective employee → before commencing employment
- Process must be established by ordinance or resolution
- Must comply with 34 U.S.C. § 41101 and meet F.B.I. implementation criteria and with C.R.S. § 24-33.5-424.5 (requires name-based judicial record check when results reveal record of arrest without disposition)

C.R.S. § 30-15-401.4(4)  
**Business  
Licensure  
(DISCRETIONARY)**

**May impose (only) following requirements:**

- Requiring massage facility obtain license before opening and operating as massage facility;
- Requiring admin fee (max \$150) for issuing/renewing licenses
- Designating a licensing authority to receive, review, approve or deny applications;
- Authorizing denial of application if:
  - Admin fee not paid;
  - Local zoning or subdivision regs not allow for operating massage facility;
  - Applicant, owner/prospective owner or employee has been convicted or pled guilty or nolo contendere for felony or misdemeanor solicitation of a prostitute, human-trafficking-related offense or money laundering [but statute allows hiring/continuing to employ if owner believes they do not pose a threat to customers or employees]
  - Applicant, owner/prospective owner or employee is registered (or required to register) as sex offender [but statute allows hiring/continuing to employ if owner believes they do not pose a threat to customers or employees]
  - Applicant has one or more prior revocations or suspensions of license to operate massage facility
  - Employee of facility applicant seeking to license has not submitted to required background check
  - Applicant or owner/prospective owner of facility applicant seeking to license has not submitted to required background check at least 30 days prior (as applicable) to obtaining license or assuming ownership for prospective owner

# Business Licensure (DISCRETIONARY)

## May impose (only) following requirements (cont.):

- Authorizing discretionary denial of application based on consideration of applicant, owner/prospective owner or employee/prospective employee's conviction or plea of guilty or nolo contendere for felony or misdemeanor fraud, theft or embezzlement;
- Requiring licensees to maintain, on site, list of employees with start date, full legal name, DOB, home address, telephone number and employment position;
- Requiring licensees and employees to have valid govt ID that must be immediately presented to licensing authority (or designee) or LE upon request;
- Requiring massage therapists to maintain copies of licensure that must be immediately presented to licensing authority (or designee) or LE upon request;
- Requiring licensees to maintain complete set of records (accounts, invoices, payroll, employment records, log book of all massage therapy administered at facility that must minimally contain date, time, type of massage therapy administered and name of massage therapist to be kept for at least one year after);

# Business Licensure (DISCRETIONARY)

## May impose (only) following requirements (cont.):

- Designating licensing authority (or designee) responsible for enforcing resolution or ordinance;
- Setting penalties for violations of prohibited activities (next section);
- Authorizing revocation or suspension of license if:
  - Licensee employs person who has not submitted to background check or facility is owned by person who has not submitted to background check;
  - Licensee employs person convicted of or pled guilty or nolo contendere to felony or misdemeanor solicitation of prostitute, human trafficking-related offense or money laundering or is registered or required to register as sex offender
  - Owner has been convicted of or pled guilty or nolo contendere to felony or misdemeanor solicitation of prostitute, human trafficking-related offense or money laundering or is registered or required to register as sex offender
- Authorizing revocation or suspension of license for violating prohibited acts (next section)

C.R.S. § 30-15-401.4(5)  
**Prohibition of  
Trafficking-  
Related  
Activities  
(DISCRETIONARY)**

**Prohibited activities may include:**

- Allowing person who is not licensed massage therapist to perform massage in massage facility
- Advertising that prostitution, sexual acts, escort services, sexual services or services related to trafficking disguised as legitimate services are available
- Permitting sexual acts or services in or near facility or in relation to massage therapy
- Denying inspection of facility by LE or licensing authority inspectors
- Impeding immediate identification of employees of facility to LE or licensing authority inspectors
- Failing to immediately report to LE acts of sexual misconduct occurring in facility
- Allowing employee or contractor to perform massage without being fully clothed

# Prohibition of Trafficking- Related Activities (DISCRETIONARY)

## Prohibited activities may include (cont.):

- Requiring client nudity as part of massage without client's prior consent
- Allowing facility to be open and practicing massage therapy without licensed massage therapist on premises
- Permitting person in massage facility to make agreement with employee or contractor to engage in any prostitution-related offense in the facility or at any other location
- Permitting facility to be used for housing, sheltering or harboring any person or as living or sleeping quarters for any person—except owner and owner's family members who operate facility as a home business are exempt
- Operating erotic parlor on premises of massage facility
  - Erotic parlor defined as facility enticing clients through advertising or other business practices directed towards sexual desire, lust or passion

C.R.S. § 30-15-401.4(4.5)

## State Law Prohibitions

### State Law Prohibitions:

- Prohibits person from being owner if:
  - Has not submitted to background check at least 30 days before assuming ownership interest that makes prospective owner an owner
  - Has been convicted or pled nolo contendere to felony or misdemeanor solicitation of prostitute, human trafficking-related offense or money laundering or is registered or required to register as sex offender
- Prohibits owner or operator from employing person who has not submitted to required background check
- Owner or operator who learns that prospective employee or current employee has been convicted or pled nolo contendere to felony or misdemeanor solicitation of prostitute, human trafficking-related offense or money laundering or is registered or required to register as sex offender can hire or continue to employ them if owner or operator believes that employing them at a massage facility does not pose a threat to customers or employees of the facility

# SHERIFF'S OFFICE RECOMMENDATIONS

## **Background Checks**

- For fingerprint-based criminal history records checks, use CBI-approved third-party vendors (Identogo, Colorado Fingerprinting)
- For name-based judicial records searches, place onus on owner/employee

## **Licensing Regime**

- Decline at this time

## **Prohibiting Trafficking-Related Activities**

- Decline at this time