

HB1371_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

HB24-1371 be amended as follows:

- 1 Amend printed bill, page 3, strike lines 4 and 5 and substitute "(4)(a)(IV),
2 (4)(a)(V), (4)(a)(XI), (4)(c), (5) introductory".
- 3 Page 3, lines 6 and 7, strike "(1)(a)(VIII), and (4)(a)(II);" and substitute
4 "and (1)(a)(VIII);".
- 5 Page 3, strike line 8 and substitute "(2)(h.3), (2)(h.5), (3.5), (4)(a)(XI.5),
6 (4)(c.5), and (4.5) as"
- 7 Page 3 line 11, strike "**required**" and substitute "**authorized -**
8 **background checks required**".
- 9 Page 4, strike line 3.
- 10 Page 4, line 4, strike "MUNICIPALITIES" and substitute:
11 "(III) ~~Cities~~ ALL LOCAL GOVERNMENTS".
- 12 Page 4, line 5, after "enact" insert "RESOLUTIONS OR" and after "regulate"
13 insert "OR OTHERWISE REGULATE".
- 14 Page 4, line 6, strike the first "businesses" and substitute "~~businesses~~
15 FACILITIES" and strike "businesses, SOME".
- 16 Page 4, strike lines 7 through 9 and substitute "~~businesses~~ FACILITIES;
17 AND".
- 18 Page 4, line 13, strike "BUSINESSES" and substitute "FACILITIES BY
19 REQUIRING CURRENT AND PROSPECTIVE OPERATORS, OWNERS, AND
20 EMPLOYEES OF MASSAGE FACILITIES TO SUBMIT TO PERIODIC
21 BACKGROUND CHECKS".
- 22 Page 4, line 14 after the second "AND" insert "OTHER".
- 23 Page 4, line 16, strike "CONCERN," and substitute "CONCERN THAT LOCAL
24 GOVERNMENTS HAVE SIGNIFICANT DISCRETION TO ADDRESS IN
25 ACCORDANCE WITH LOCAL NEEDS,".
- 26 Page 4, line 20, after "TO" insert "A BACKGROUND CHECK, WHICH
27 GENERALLY MEANS".

- 1 Page 4, line 21, strike "CHECK" and substitute "CHECK,".
- 2 Page 4, lines 23 and 24, strike "COUNTY, CITY AND COUNTY, AND
3 MUNICIPALITY" and substitute "LOCAL GOVERNMENT".
- 4 Page 4, lines 25 and 26, strike "BUSINESS LICENSURE REQUIREMENTS FOR
5 MASSAGE FACILITIES" and substitute "A LOCAL PROCESS THAT ENSURES
6 THAT THE BACKGROUND CHECKS ARE CONDUCTED THROUGHOUT THE
7 STATE".
- 8 Page 5, strike lines 12 through 17 and substitute:
- 9 "(b) The general assembly ~~finds, therefore,~~ FURTHER FINDS AND
10 DECLARES that:
- 11 (I) A ~~county~~ LOCAL GOVERNMENT may adopt a ~~local~~ resolution or
12 ordinance to establish business licensure requirements to regulate
13 massage facilities or to regulate and prohibit unlawful activities for the
14 sole purpose of deterring illicit massage businesses and preventing human
15 trafficking;".
- 16 Renumber succeeding subparagraphs accordingly.
- 17 Page 5, line 19, strike "COUNTIES AND MUNICIPALITIES" and substitute
18 "LOCAL GOVERNMENTS".
- 19 Page 5, line 21, strike "LOCAL LICENSING AUTHORITIES" and substitute
20 "LICENSING AUTHORITIES AND LOCAL LAW ENFORCEMENT AGENCIES".
- 21 Page 5, line 23, strike "LICENSED".
- 22 Page 6, line 1, strike "LICENSED".
- 23 Page 6, line 17, strike "'EMPLOYEE' MEANS AN" and substitute "EXCEPT
24 AS OTHERWISE PROVIDED IN SUBSECTION (2)(a.7)(II) OF THIS SECTION,
25 "EMPLOYEE" MEANS:
- 26 (I) (A) AN".
- 27 Page 6, line 18, strike "FACILITY OR AN" and substitute "FACILITY; OR
28 (B) AN".
- 29 Page 6, line 20, strike "FACILITY; EXCEPT THAT, FOR" and substitute
30 "FACILITY.
- 31 (II) FOR".

1 Page 6, line 23, strike "INCLUDE A MASSAGE THERAPIST." and substitute
2 "INCLUDE:

3 (A) A MASSAGE THERAPIST; OR

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

8 Page 6, strike lines 24 through 27.

9 Page 7, strike lines 1 through 4 and substitute:

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

20 Page 7, strike lines 14 through 17 and substitute "WITH A LOCAL
21 RESOLUTION OR ORDINANCE OR A PERSON THAT IS OPERATING A MASSAGE
22 FACILITY WITHOUT A LICENSE WITHIN THE TERRITORY OF A LOCAL
23 GOVERNMENT THAT DOES NOT REQUIRE LICENSURE OF MASSAGE
24 FACILITIES; EXCEPT THAT, FOR THE PURPOSE OF DETERMINING WHETHER
25 A PERSON IS REQUIRED TO SUBMIT TO A BACKGROUND CHECK REQUIRED BY
26 SUBSECTION (4)(c.5) OF THIS SECTION, "OPERATOR" DOES NOT INCLUDE A
27 MASSAGE THERAPIST.".

28 Page 7, strike lines 24 through 27.

29 Strike page 8.

30 Page 9, strike lines 1 through 15 and substitute:

31 "(3)(a) In addition to any other powers, a ~~board of county~~
32 ~~commissioners~~ LOCAL GOVERNMENT may adopt a resolution or ordinance
33 to establish business licensure requirements or to regulate and prohibit
34 unlawful activities to prevent the operation of illicit massage businesses
35 that engage in human trafficking-related offenses as described in sections

1 18-3-503 and 18-3-504. If a ~~board of county commissioners~~ LOCAL
2 GOVERNMENT adopts a resolution or ordinance to establish business
3 licensure requirements pursuant to subsection (4) of this section or to
4 prohibit unlawful activities pursuant to subsection (5) of this section, the
5 resolution or ordinance must not be more restrictive than the requirements
6 set forth in this section."

7 Page 10, after line 4 insert:

8 "(3.5)(a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3)(c)
9 OF THIS SECTION, A LOCAL GOVERNMENT SHALL ESTABLISH A PROCESS,
10 WHICH MAY BE ESTABLISHED BY RESOLUTION OR ORDINANCE OR
11 OTHERWISE, TO REQUIRE THAT, AS A CONDITION FOR A PERSON REMAINING
12 AS OR BECOMING AN OPERATOR, OWNER, OR EMPLOYEE:

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

18 (II) A PROSPECTIVE OPERATOR, OWNER, AND EMPLOYEE SUBMIT TO
19 A BACKGROUND CHECK BEFORE, AS APPLICABLE, BEING GRANTED A
20 LICENSE TO OPERATE A MASSAGE FACILITY, ASSUMING AN OWNERSHIP
21 INTEREST IN A MASSAGE FACILITY THAT WOULD MAKE THE PROSPECTIVE
22 OWNER AN OWNER, OR COMMENCING EMPLOYMENT WITH A MASSAGE
23 FACILITY."

24 Page 10, line 5, strike "If WHEN" and substitute "If".

25 Page 10, line 8, strike "~~may only~~" MUST" and substitute "may only".

26 Page 10, strike lines 10 through 16.

27 Page 10, after line 19, insert:

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

30 Page 11, line 6, strike "or" and substitute "or

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

33 (G) THE APPLICANT OR AN OWNER, PROSPECTIVE OWNER, OR
34 EMPLOYEE OF THE MASSAGE FACILITY FOR WHICH THE APPLICANT HAS
35 FILED AN APPLICATION FOR A LICENSE HAS NOT SUBMITTED TO A REQUIRED

1 BACKGROUND CHECK PURSUANT TO SUBSECTIONS (4)(c) and (4)(c.5) OF
2 THIS SECTION."

3 Page 11, line 8, strike "OR DETERMINE THAT AN".

4 Page 11, strike lines 9 and 10 and substitute "after considering,".

5 Page 11, strike lines 16 through 27.

6 Page 12, strike lines 1 through 10.

7 Page 16, after line 17 insert:

8 "(4.5) (a) A PERSON IS PROHIBITED FROM BEING AN OWNER IF THE
9 PERSON EITHER:

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

12 (II) HAS BEEN CONVICTED OF OR ENTERED A PLEA OF NOLO
13 CONTENDERE THAT IS ACCEPTED BY THE COURT FOR AN OFFENSE LISTED
14 IN SUBSECTION (4)(a)(IV)(C) OF THIS SECTION; IS REGISTERED AS A SEX
15 OFFENDER OR IS REQUIRED BY LAW TO REGISTER AS A SEX OFFENDER, AS
16 DESCRIBED IN SECTION 16-22-103; OR HAS A PENDING CRIMINAL ACTION
17 THAT INVOLVES OR IS RELATED TO THE OFFENSES DESCRIBED IN
18 SUBSECTION (4)(a)(IV)(C) OR (4)(a)(IV)(D) OF THIS SECTION.

19 (b) A LICENSEE, OPERATOR, OR OWNER IS PROHIBITED FROM
20 EMPLOYING AS AN EMPLOYEE A PERSON WHO EITHER:

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

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

30 Page 16, lines 18 and 19, strike "~~may~~ LOCAL GOVERNMENT SHALL" and
31 substitute "LOCAL GOVERNMENT may".

32 Page 17, line 19, strike "**municipal regulation**" and substitute
33 "**background checks**".

34 Page 18, line 7, strike "30-15-401.4" and substitute "30-15-401.4,".

- 1 Page 18, lines 10 and 11, strike "TO:
2 (a) REQUIRE" and substitute "TO REQUIRE".
- 3 Page 18, line 13, after "TO" insert "A BACKGROUND CHECK, AS DEFINED IN
4 SECTION 30-15-401.4 (2)(a.5), WHICH GENERALLY MEANS".
- 5 Page 18 strike lines 15 through 25 and substitute "SECTION 30-15-401.4.
6 (2) IN ACCORDANCE WITH SECTION 30-15-401.4(3.5) AND SUBJECT
7 TO THE EXCEPTION SET FORTH IN SECTION 30-15-401.4 (3)(c), EVERY
8 STATUTORY OR HOME RULE MUNICIPALITY SHALL ESTABLISH A LOCAL
9 PROCESS TO ENSURE THAT REQUIRED BACKGROUND CHECKS ARE
10 CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
11 30-15-401.4."
- 12 Page 1, strike lines 104 and 105 and substitute "A LOCAL GOVERNMENT
13 TO ESTABLISH A PROCESS THAT REQUIRES PERIODIC CRIMINAL".

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