

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 22-1226

BY REPRESENTATIVE(S) Tipper and Carver, Bird, Duran, Herod, McCluskie, Valdez D.;
also SENATOR(S) Jaquez Lewis and Cooke.

CONCERNING THE CONTINUATION OF LICENSING REQUIREMENTS FOR MASSAGE THERAPISTS, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS OF THE 2021 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.

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

SECTION 1. In Colorado Revised Statutes, **amend** 12-235-120 as follows:

12-235-120. Repeal of article - review of functions. This article 235, and the functions of the director as set forth in this article 235, are repealed, effective ~~September 1, 2022~~ SEPTEMBER 1, 2031. Before the repeal, the functions of the director are scheduled for review in accordance with section 24-34-104.

SECTION 2. In Colorado Revised Statutes, 24-34-104, **repeal** (23)(a)(V); and **add** (32)(a)(VII) as follows:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (23) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2022:

~~(V) The licensure of massage therapists by the director of the division of professions and occupations in accordance with article 235 of title 12;~~

(32) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2031:

~~(VII) THE LICENSURE OF MASSAGE THERAPISTS BY THE DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN ACCORDANCE WITH ARTICLE 235 OF TITLE 12.~~

SECTION 3. In Colorado Revised Statutes, 12-235-108, **amend** (1)(b) as follows:

12-235-108. License - denial of license application. (1) Every applicant for a license to practice massage therapy shall:

(b) Pass ~~one of the following examinations:~~

~~(F) The massage and bodywork licensing examination offered by the Federation of State Massage Therapy Boards;~~

~~(H) A national certification examination offered by the National Certification Board for Therapeutic Massage and Bodywork; or~~

~~(HH) an examination approved by the director;~~

SECTION 4. In Colorado Revised Statutes, 12-235-111, **amend** (1)(d) as follows:

12-235-111. Grounds for discipline - definitions. (1) The director is authorized to take disciplinary action pursuant to section 12-235-112 against any person who has:

(d) Falsified information in any application; or attempted to obtain or obtained a license by fraud, deception, or misrepresentation; ENGAGED IN FRAUD, MISREPRESENTATION, DECEPTION, OR CHEATING IN TAKING OR FURNISHING THE RESULTS OF THE EXAMINATION REQUIRED BY SECTION 12-235-108 (1)(b); OR HAD THE PERSON'S SCORE ON THE EXAMINATION REQUIRED BY SECTION 12-235-108 (1)(b) INVALIDATED BY THE TESTING PROVIDER BECAUSE THE PERSON WAS DETERMINED TO HAVE CHEATED OR ENGAGED IN FRAUD, MISREPRESENTATION, OR DECEPTION IN TAKING THE EXAMINATION;

SECTION 5. Act subject to petition - effective date. This act takes effect September 1, 2022; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be

held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO