

There is legislation occurring that we want you to be aware of:

HB16-1320 is legislation initiated by DORA, and sponsored by Representatives Foote and Carver, and Senator Cooke, which is intended to close loopholes in the current Massage Therapy Practice Act that are being exploited for illegal activity. Over the last two years, DORA has dealt with more than 30 cases of human trafficking that fell through loopholes in the existing Massage Therapy Practice Act and have allowed criminal activity to occur through traffickers being able to have unlicensed activity without penalty.

- There has been a lot of confusion and misinformation about what the bill actually does. CCMT (Colorado Coalition of Massage Therapists), made up of representatives of AMTA, ABMP, and massage schools has been working with DORA since we learned they were going to present this bill.
- It specifies that a person must be at least 18 years of age or older to qualify for a massage therapy license.
- Expands criminal penalties to those facilitating unauthorized practice.
- Clarifies how local authority can regulate massage parlors. To prevent overregulation, a narrow definition of massage parlor will be established in rule by DORA, so as not to add regulatory burden on all massage therapy businesses, such as sole practitioners. The bill also clarifies that regardless of the venue where massage is being practiced, it must be performed by a state licensed individual.
- Clarifies grounds for discipline to reduce loopholes for inappropriate conduct. The additional grounds for discipline re very specific to trafficking. The bill states **that a therapist** may not expose an intimate part of their body to the view of a client. Intimate part is defined as “the external genitalia, the perineum, the anus, the buttocks, the pubes, or the breast of any person.” Person, in this context means **therapist**. It does not mean a therapist can’t work on the glutes of a client.
- Moves current list of exemptions from licensure to rule to further define and close loopholes. Current statute exempts from massage therapy licensure, a list of specific practices that employ touch but are not massage therapy. Some of these exemptions have been exploited by criminals to hide illegitimate activity. The bill will move these exemptions to rule where they can be defined in more detail and loopholes closed. The existing exemptions will continue without interruption until a thorough stakeholder process and public notice and comment on rulemaking has occurred. **The first stakeholder meeting has been scheduled for May 16, 2016** from 9:00 – 11:00 am, at 1560 Broadway, Room 110D, Denver, CO 80202.

To clarify some misunderstandings:

- HB 1320 **will not** require a massage therapy license for people who are practicing alternative methods that employ contact but who are not acting as a massage therapists.

- The alternative methods, practices and modalities that are currently listed in statute as being exempted from having to get a massage therapy license will continue to be exempted from under new rules that will be promulgated by DORA.
- Under amendments requested by CCMT, that were passed in the House, DORA **will be required** to continue to exempt practices that meet certain standards such as:
 - Practices that are credentialed by a national or international professional organization or credentialing agency
 - Practices that require a minimum level of training, demonstration of competence, adherence to an approved scope of practice and ethical standards.
- As amended, HB 1320 will allow local governments the authority to regulate massage parlors. We asked DORA to use other wording such as adult entertainment or human trafficking, but too many local governments have massage parlor language, and it was felt the name change would cause too much confusion. The definition of massage parlor will be defined in rule by DORA. This will not mean people who are licensed by the state will have to also get a local license. Local governments will not be allowed to expand local regulation that goes beyond what the state currently does and they must follow all of the definitions that the state has for the profession.