



Associated Bodywork & Massage Professionals

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April 12, 2022

To: Colorado Springs City Council

RE: Colorado Springs Massage Establishment Draft Ordinance

ABMP appreciates that the City of Colorado Springs reached out regarding the massage establishment ordinance. We understood the ordinance would look much like Aurora, Colorado's, ordinance. However, this ordinance has significantly different language that we cannot support.

Some of the definitions in the revised ordinance are offensive to massage therapists. Lawful massage therapists do not engage in sex in their practices. What we believe you are trying to address are those who are engaged in sex and use the term *massage*, but let's be clear: These are most likely not licensed massage therapists. If the ordinance is addressing massage establishments, we encourage you to revisit the language.

Aurora's ordinance provides the following language:

"Sexual Act" means sexual contact, sexual intrusion, or sexual penetration as defined in Section 18-3-401, C.R.S."

That is the entire language in the ordinance regarding sex. The language that we find in the draft of the Colorado Springs ordinance is as follows:

"SPECIFIED ANATOMICAL AREAS: A. Less than completely and opaquely covered: human genitals, pubic region, buttocks, and breast below a point above the top of the areola.
B. Human male genitals in a discernible turgid state even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Acts, simulated acts, exhibitions, representations, depictions, or descriptions of:
A. Human genitals in a state of sexual stimulation or arousal.
B. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.
C. Intrusion, however slight, of any object, any part of an animal's body, or any part of a person's body, into the genital or anal openings of any person's body or into the body of an animal.
D. Cunnilingus, fellatio, anilingus, masturbation, bestiality, or lewd exhibition of genitals or an excretory function.
E. Flagellation, mutilation, or torture for purposes of sexual arousal, gratification, or abuse."

This language should not be in an ordinance that regulates massage establishments. Massage therapists in Colorado have at least 500 hours of education and have passed a national exam and criminal background check. They are not engaging in sex with their clients. We believe the language from the Aurora ordinance is sufficient and covers everything the Colorado Springs ordinance may be attempting to address. In fact, the definitions above are not cited anywhere else in the proposed ordinance. As there is no referral to this definition at all, we encourage the city council to delete this language and use the Aurora language.

We appreciate that the exemptions include sole practitioners working out of their homes or their clients' homes. The reality is that sole practitioners work alone and are not engaged in human trafficking or requiring employees to have sex with clients. We ask that the City Council consider exempting all sole practitioners.

ABMP cannot support the ordinance with language regarding sexual acts in the ordinance. In general, we oppose establishment licensing, as it is another fee placed on massage therapists in an attempt to combat sexual businesses, which have nothing to do with massage therapy. We are not in favor of massage establishment ordinances in general, but we work with municipalities to help them address the issues they believe need to be addressed, while ensuring the ordinance is not burdensome or denigrating for massage therapists. We cannot support this ordinance as drafted.

If you have any questions regarding our positions or comments, please contact me at 303-679-7645 or laura@abmp.com. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, reading "Laura B. Embleton". The signature is written in a cursive, flowing style with a large initial 'L'.

Laura B. Embleton, Government Relations Director
Associated Bodywork & Massage Professionals