

Ryan Parsell
Government Affairs Executive Director
El Paso County

January 25, 2022

Mr. Parsell,

The Colorado Coalition of Massage Therapists (CCMT) includes a partnership of Colorado massage therapists and massage schools, over 5,200 Associated Massage and Bodywork members, and more than 2,200 American Massage Therapy Association members. CCMT appreciates your willingness to include the massage therapy community during the drafting of the proposed El Paso County massage establishment licensing ordinance.

CCMT understands why you may believe this ordinance is necessary. CCMT recognizes that the proposed ordinance is attempting to eradicate prostitution and human trafficking from unincorporated El Paso County. However, it remains unfortunate that this effort is being financed by lawful and licensed massage therapists.

CCMT is opposed to massage establishment licensing. It is a financial burden on licensed massage therapists, who, on average, earn \$25,000 per year and must already pay for a massage therapy license to practice in the state. Colorado massage therapists must have the required education and training to receive a license. Licensing requirements include 500 hours of education and passing a national examination and a criminal background check. Colorado massage therapists have been vetted to practice lawfully. They are not participating in illicit sex businesses and should not be spending their hard-earned income on establishment licensing fees to solve the problem of human trafficking.

However, CCMT does appreciate that solo practitioners have been exempt from the proposed establishment ordinance. CCMT also appreciates that the administrative fee for an establishment license is limited to \$50 per year. Below are the specific concerns that CCMT has with the proposed language.

- §3.1—This language appears to require a license from every individual seeking to obtain a massage establishment license. Many owners of spas and massage therapy establishments are not massage therapists. Consider corporations like Massage Envy or Hand & Stone Massage and Facial Spa. Some business owners who buy these franchises are not massage therapists. As such, CCMT suggests adding to the definitions section a Massage Establishment Manager, requiring the manager to be a licensed massage therapist. The ordinance drafted in Aurora is a good example to follow. Aurora identifies a manager in the definitions and requires licenses from managers. Also attached in this email is the link to the Aurora Ordinance.
- §4—CCMT believes the disciplinary fines are too low. Illicit sex businesses operate in cash and can easily pay \$25, \$50, or \$100 per day in fines. Lower fines will not deter illicit activity. We encourage implementing higher fines, such as \$50 for a first offense, \$200 for a second offense, and \$500 for ongoing violations. For consideration, Montana has drafted a bill that would implement fines of \$1,000 per day for practicing without a license for all professions, not just massage therapy.
- CCMT has concerns about the proposed inspection process. In many massage therapy businesses, there is not always a receptionist at the front desk. Solo practitioners might not have a receptionist.

Meanwhile, massage therapists are in their private treatment rooms with clients in various states of undress. CCMT expects inspectors will exercise discretion and know not to enter or disrupt closed rooms. CCMT understands the necessity of inspections. Businesses are likely not trying to evade the inspection process but are trying to perform a service with their client. In addition, can requested records be presented as digital records in addition to the paper records?

- CCMT would like to confirm that this ordinance only applies to unincorporated portions of El Paso County. Also, if someone has an establishment license in Colorado Springs would they be exempt from being required to obtain an El Paso County establishment license?

CCMT appreciates the opportunity to work with you to make this proposed ordinance as unobjectionable as possible. CCMT still has concerns with tying these illegal activities to massage therapy in this matter. Thank you for hearing these concerns, your consideration of these recommended amendments, and for working with CCMT.

Sincerely,



A handwritten signature in cursive script that reads 'Laura B. Embleton'.

Laura B. Embleton
Government Relations Director
Associated Bodywork and Massage Professionals



Bekka Lambert
President, AMTA Colorado Chapter



A handwritten signature in cursive script that reads 'Chris Smith'.

Chris Smith
Director of Education
Colorado School of Healing Arts



A handwritten signature in cursive script that reads 'Kristen L. Will'.

Kristen L. Will
Director of Education
Colorado School of Healing Arts