



Associated Bodywork & Massage Professionals

25188 Genesee Trail Rd, Ste 200
Golden, CO 80401
800-458-2267
fax 800-667-8260
www.abmp.com

Laura Bauer
City Clerk
Commerce City
7887 E. 60th Ave.
Commerce City, CO 80022

July 8, 2019

Ms. Bauer,

I appreciate your willingness to include the massage therapy community during the drafting of the proposed ordinance for massage establishment licensing in Aurora. Associated Bodywork and Massage Professionals is a national membership organization with over 80,000 members nationwide and over 5,500 in Colorado. We also have over 25 members in Commerce City with an additional 930 members within a 10 mile radius of Commerce City, who may work in Commerce City.

We are glad that you are willing to work with us about our concerns and want to let you know that we understand why you think such an ordinance is necessary. We know the proposed ordinance is attempting to eradicate places of prostitution and human trafficking from Aurora. It is unfortunate that this is being done through a small population of legitimate licensed massage therapists. It would be great if it was possible to require licenses of illegal, illicit businesses, or to have it named something other than massage facilities, which implies that all massage facilities are a problem.

As you are aware, massage therapists are required to have a state license in Colorado. In order to obtain this license, these therapists have to go to school for 500 hours and then pass a national exam and a criminal background check. They have been vetted and it is established that they are fit to practice. We also understand that some of the individuals perpetrating illegal acts in Commerce City are licensed massage therapists. The overwhelming majority of licensed massage therapists work as health care professionals, they are not engaged in the businesses you seek to root out. It is our understanding that the intent behind the proposed ordinance is to deal with businesses that appeal to clients looking for sex.

We remain opposed to the notion of massage establishment licensing as it is a burden on licensed massage therapists, 99% of whom are practicing legally and ethically without any disciplinable issues. Individual massage therapists, on average, earn \$25,000 per year. Imposing an additional licensing fee through an establishment license for individual licensees, and possibly on top of additional municipalities charging similar fees, adds up to a steep fee for those who are on the lower end of the pay scale. In addition, licensing addressed towards massage establishments further pulls the entire profession toward the notion that all massage therapists are engaged in sex. These ordinances denigrate the hard work and professional demeanor of legitimate massage therapists.

We worked with Mr. Vaughn in drafting the Aurora Ordinance. There are some strong, effective provisions in this ordinance that we are in favor of. Specifically calling out behavior in these illicit businesses and immediately revoking their license if this behavior is seen, with the opportunity for due process after the

revocation. We also know that the inability to open a similar business in the same location for two years also has a big impact on these operations.

We don't like that this applies to licensed massage therapists, the majority of whom do not hide people in their businesses, reside in a business setting, or wear lingerie to work. Why penalize lawfully practicing massage therapists?

We appreciate that sole practitioners are exempt from the ordinance. They are not engaged in human trafficking as they are working alone. In addition, the handlers of trafficking establishments do not have the control they need with sole practitioners. We believe that Mr. Vaughn also gave currently licensed massage therapists a pass when this ordinance came into effect in Aurora. It isn't in the ordinance, but it happened. It would be great to exempt currently licensed massage therapists from having to comply with the ordinance. We also advocate to take the word "massage" out of the ordinance. Have it apply to illicit businesses, or businesses that require licenses. This would perhaps cast a wider net and include cosmetology and nail spas.

I am working, with Mr. Vaughn and others, to draft language for statutes and ordinances that would address the issue of these businesses in the criminal code with referrals to state licensing boards to revoke professional licenses if they have been found to engage in this unlawful, illicit business. This language would have a Class 1 Misdemeanor attached for licensed massage therapists who engage in illicit businesses, as well as going after owners and managers of these businesses who hire individuals who are not licensed professionals to engage in a business that requires licensed individuals. In addition, we are floating language that would either go after landlords who knowingly lease to these places or allow landlords to break their contracts if an illegal business is found at a location.

Addressing human trafficking and the sex trade is much bigger than the massage therapy profession. This is a criminal activity that municipalities and states are trying to address. Massage therapists should not be the only ones financing these investigations.

Again, we do so appreciate the opportunity to work with you to make this proposed ordinance as unobjectable as possible. We still have concerns with tying these illegal activities to massage therapy in this matter. And, we are concerned that other municipalities in metropolitan areas adopting similar ordinances will have the unintended consequence of forcing therapists to obtain multiple local establishment licenses in addition to their state license required to practice massage therapy. Thank you for listening to our concerns and for working with us. Thank you for your consideration of these recommended amendments.

Sincerely,

The block contains a circular logo on the left with the letters "abmp" inside. To the right of the logo is a handwritten signature in cursive script that reads "Laura B. Embleton".

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