

SB151_L.004

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health, Insurance & Environment.SB13-151 be amended as follows:

1 Amend reengrossed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 30-11-101, add (1)
4 (l) as follows:

5 **30-11-101. Powers of counties.** (1) Each organized county
6 within the state shall be a body corporate and politic and as such shall be
7 empowered for the following purposes:

8 (l) TO ADOPT AND ENFORCE ORDINANCES REGULATING MASSAGE
9 THERAPISTS IN ORDER TO PRESERVE PUBLIC HEALTH, SAFETY, AND
10 WELFARE AND PROTECT AGAINST THE PROLIFERATION OF PROSTITUTION
11 WITHIN THE COUNTY.

12 SECTION 2. In Colorado Revised Statutes, 31-15-401, add (1)
13 (r) as follows:

14 **31-15-401. General police powers.** (1) In relation to the general
15 police power, the governing bodies of municipalities have the following
16 powers:

17 (r) TO ADOPT AND ENFORCE ORDINANCES REGULATING MASSAGE
18 THERAPISTS IN ORDER TO PRESERVE PUBLIC HEALTH, SAFETY, AND
19 WELFARE AND PROTECT AGAINST THE PROLIFERATION OF PROSTITUTION
20 WITHIN THE MUNICIPALITY.

21 SECTION 3. In Colorado Revised Statutes, 10-4-634, amend (1)
22 as follows:

23 **10-4-634. Assignment of payment for covered benefits.** (1) On
24 and after thirty days after April 5, 2004, a policy of motor vehicle
25 insurance coverage pursuant to this part 6 shall allow, but not require, an
26 insured under the policy to assign, in writing, payments due under
27 medical payments coverage of the policy to a licensed hospital or other
28 licensed health care provider, an occupational therapist as defined in
29 section 12-40.5-103, C.R.S., or a massage therapist as defined in section
30 ~~12-35.5-103 (8), C.R.S.~~, for services provided to the insured that are
31 covered under the policy.

32 SECTION 4. In Colorado Revised Statutes, amend 10-4-637 as
33 follows:

34 **10-4-637. No discrimination by profession.** Reimbursement for
35 lawfully performed health care services covered by a policy providing
36 medical payments coverage under a motor vehicle policy issued pursuant
37 to this part 6 shall not be denied when such services are a covered benefit



1 and rendered within the scope of practice for a licensed health care
2 provider, a massage therapist, as defined in section 12-35.5-103, C.R.S.,
3 or an occupational therapist, as defined in section 12-40.5-103, C.R.S.,
4 performing the services.

5 **SECTION 5.** In Colorado Revised Statutes, 10-16-106.7, **amend**

6 (1) (a) as follows:

7 **10-16-106.7. Assignment of health insurance benefits.**

8 (1) (a) Any carrier that provides health coverage to a covered person
9 shall allow, but not require, such covered person under the policy to
10 assign, in writing, payments due under the policy to a licensed hospital,
11 other licensed health care provider, an occupational therapist as defined
12 in section 12-40.5-103, C.R.S., or a massage therapist, as defined in
13 section 12-35.5-103 (8), C.R.S., also referred to in this section as the
14 "provider", for services provided to the covered person that are covered
15 under the policy.

16 **SECTION 6.** In Colorado Revised Statutes, 12-48.5-103, **amend**

17 (6) as follows:

18 **12-48.5-103. Definitions.** As used in this article, unless the
19 context otherwise requires:

20 (6) "Massage parlor" means an establishment providing massage,
21 but it does not include training rooms of public and private schools
22 accredited by the state board of education or approved by the division
23 charged with the responsibility of approving private occupational schools,
24 training rooms of recognized professional or amateur athletic teams, and
25 licensed health care facilities. A facility that is operated for the purpose
26 of massage therapy performed by a massage therapist is not a massage
27 parlor. For purposes of this subsection (6), "massage therapist" has the
28 meaning set forth in section 12-35.5-103. For the purposes of this
29 subsection (6), a massage therapy school may include an equivalency
30 program approved by the state educational board or division charged with
31 the responsibility of approving private occupational schools.

32 **SECTION 7.** In Colorado Revised Statutes, 24-34-104, **repeal**

33 (44.5) as follows:

34 **24-34-104. General assembly review of regulatory agencies
35 and functions for termination, continuation, or reestablishment.**

36 (44.5) ~~The following agencies, functions, or both, shall terminate on
37 September 1, 2013: The registration of massage therapists by the director
38 of the division of professions and occupations in accordance with article
39 35.5 of title 12, C.R.S.~~

40 **SECTION 8. Act subject to petition - effective date.** This act
41 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August
2 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
3 referendum petition is filed pursuant to section 1 (3) of article V of the
4 state constitution against this act or an item, section, or part of this act
5 within such period, then the act, item, section, or part will not take effect
6 unless approved by the people at the general election to be held in
7 November 2014 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor."

9 Page 1, line 102, strike "REQUIRING" and substitute "PERMITTING THE
10 AUTOMATIC REPEAL OF THE STATE REGULATION OF MASSAGE
11 THERAPISTS AND INSTEAD ALLOWING LOCAL GOVERNMENTS TO
12 REGULATE MASSAGE THERAPISTS TO PRESERVE PUBLIC HEALTH,
13 SAFETY, AND WELFARE WITHIN THEIR JURISDICTIONS."

14 Page 1, strike lines 103 through 106.

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