

LEGISLATIVE DIGEST

[Health Code - Massage Practitioners, Establishments, and Associated Fees]

Ordinance amending the Health Code to comprehensively revise regulation of massage practitioners and establishments by, among other things: 1) eliminating the exemption of massage establishments employing only State-certified massage practitioners from the permitting and regulatory authority of the Department of Public Health; 2) increasing the number of instructional hours required for general and advanced massage practitioner permits; 3) denying massage establishment permits to applicants who have been convicted of or are currently charged with criminal acts related to human trafficking; 4) aligning massage practitioner attire requirements with State law; 5) incorporating State human trafficking information posting requirements into local law for enforcement purposes; 6) revising the timing and criteria for granting, denying, suspending, and revoking general and advanced massage practitioner permits, massage establishment permits, outcall massage service permits, and sole practitioner massage establishment permits; 7) specifying massage practitioner permit application and annual license fees; 8) updating the application and annual license fee amounts for massage establishments, outcall massage services, and sole practitioner massage establishments to reflect the currently authorized amounts; and 9) grouping related requirements and making other changes to enhance clarity and promote compliance.

Existing Law

Article 29 of the Health Code provides a comprehensive permitting and regulatory framework for massage practitioners and massage establishments over which the Department of Public Health (DPH) has jurisdiction.

A massage practitioner requires a permit issued by DPH in order to provide massage services, unless the practitioner holds a certificate to practice issued by the California Massage Therapy Council (“CAMTC”). Similarly, a massage establishment generally requires a permit from DPH in order to operate, but not if it employs only CAMTC-certified massage practitioners.

Applicants for a massage practitioner permit need to complete 100 hours of instruction in massage in order to receive a permit. An advanced permit is awarded to practitioners who have completed 200 hours of instruction.

Massage establishment permit applicants are required to pass criminal background checks, and supply substantial information about their proposed business. Establishment permit holders must satisfy a number of requirements and restrictions in operating their business and are subject to inspections for non-compliance. Both massage practitioners and massage

establishments are entitled to DPH Director's hearings for permit denials, suspensions, or revocations.

Amendments to Current Law

Under the Ordinance as amended, massage establishments employing only state-certified massage practitioners would require a DPH permit and would be subject to all of the same requirements as other massage establishments in the City. Applicants for a massage practitioner permit would have to complete 250 hours of instruction for a general permit, and 500 hours for an advanced permit. The amended ordinance would also deny an establishment permit to anyone with an ownership interest in the proposed establishment who had been convicted of, or is currently charged with criminal acts related to human trafficking. The amended Ordinance also conforms the provisions of Article 29 governing massage practitioner attire posting requirements for posting human trafficking information to state law for the purpose of ensuring that DPH will have local enforcement authority.

The amended Ordinance also adjusts the timing and criteria for various permit actions and clarifies the amount of fees due for each type of permit. It also contains a major reorganization of existing provisions to gather the related requirements together, ensure consistency among the various requirements, promote compliance, and facilitate effective enforcement.

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