

File No. 141302

Committee Item No. 1

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use & Transportation

Date April 20, 2015

Board of Supervisors Meeting

Date \_\_\_\_\_

#### Cmte Board

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Public Correspondence                        |

OTHER (Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Completed by: Andrea Ausberry Date April 16, 2015

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

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

2

3 **Ordinance amending the Health Code to comprehensively revise regulation of massage**

4 **practitioners and establishments by, among other things: 1) eliminating the exemption**

5 **of massage establishments employing only State-certified massage practitioners from**

6 **the permitting and regulatory authority of the Department of Public Health; 2)**

7 **increasing the number of instructional hours required for general and advanced**

8 **massage practitioner permits; 3) denying massage establishment permits to applicants**

9 **who have been convicted of or are currently charged with criminal acts related to**

10 **human trafficking; 4) aligning massage practitioner attire requirements with State law;**

11 **5) incorporating State human trafficking information posting requirements into local**

12 **law for enforcement purposes; 6) revising the timing and criteria for granting, denying,**

13 **suspending, and revoking general and advanced massage practitioner permits,**

14 **massage establishment permits, outcall massage service permits, and sole practitioner**

15 **massage establishment permits; 7) specifying massage practitioner permit application**

16 **and annual license fees; 8) updating the application and annual license fee amounts for**

17 **massage establishments, outcall massage services, and sole practitioner massage**

18 **establishments to reflect the currently authorized amounts; and 9) grouping related**

19 **requirements and making other changes to enhance clarity and promote compliance.**

20 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.

21 **Additions to Codes** are in *single-underline italics Times New Roman font*.

22 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.

23 **Board amendment additions** are in double-underlined Arial font.

24 **Board amendment deletions** are in ~~strikethrough Arial font~~.

25 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

1 Section 1. Article 29 of the Health Code is hereby amended by renumbering and  
2 revising, with the new section number in parentheses, Sections 29.1 (29.5), 29.2 (29.10), 29.3  
3 (29.11), 29.4 (29.12), 29.5 (29.13), 29.6 (29.15), 29.7 (29.16), 29.8 (29.18), 29.10 (29.25),  
4 29.11 (29.26), 29.12 (29.27 and 29.32), 29.13 (29.28), 29.14 (29.29), 29.15 (29.32), 29.16  
5 (29.32), 29.17 (29.32), 29.18 (29.32), 29.19 (29.33), 29.20 (29.31), 29.21 (29.34), 29.22  
6 (29.12 and 29.29), 29.23 (29.4), 29.24 (29.14 and 29.30), 29.25 (29.2 and 29.3), 29.26  
7 (29.40-29.42), 29.27 (29.45), 29.28 (29.46), 29.29 (29.47), 29.30 (29.48), 29.31 (29.49), and  
8 29.32 (29.50); deleting Section 29.9; and adding new Sections 29.1, 29.40, and 29.51, to read  
9 as follows:

10 **ARTICLE 29**

11 **LICENSING AND REGULATION OF**

12 **MESSAGE PRACTITIONERS AND ESTABLISHMENTS**

13 **GENERAL PROVISIONS**

14 **SEC. 29.1 FINDINGS AND PURPOSE.**

15 **SEC. 29.2. ADMINISTRATION AND ENFORCEMENT.**

16 **SEC. 29.3. COMPLAINT LINE.**

17 **SEC. 29.4. TRANSFER OF PERMIT.**

18 **SEC. 29.5. DEFINITIONS.**

19 **MESSAGE PRACTITIONER PERMITS**

20 **SEC. 29.10. PERMIT REQUIRED FOR MESSAGE PRACTITIONER; EXEMPTIONS.**

21 **SEC. 29.11. APPLICATION FOR GENERAL OR ADVANCED MESSAGE**

22 **PRACTITIONER PERMIT.**

23 **SEC. 29.12. ISSUANCE OF MESSAGE PRACTITIONER PERMIT.**

1                    SEC. 29.13. TEMPORARY MASSAGE PRACTITIONER PERMITS.

2                    SEC. 29.14. EDUCATIONAL MATERIALS.

3                    SEC. 29.15. MASSAGE PRACTITIONER IDENTIFICATION CARD.

4                    SEC. 29.16. MASSAGE PRACTITIONER ANNUAL LICENSE FEE.

5                    SEC. 29.17. MASSAGE PRACTITIONER CONDUCT REQUIREMENTS.

6                    SEC. 29.18. SUSPENSION OR REVOCATION OF MASSAGE PRACTITIONER  
7                    PERMIT.

8  
9    ESTABLISHMENT PERMITS

10                    SEC. 29.25. ESTABLISHMENT PERMIT REQUIRED; EXEMPTIONS.

11                    SEC. 29.26. APPLICATION FOR ESTABLISHMENT PERMIT.

12                    SEC. 29.27. REQUIREMENTS FOR MASSAGE FACILITIES.

13                    SEC. 29.28. REFERRAL OF PERMIT APPLICATION TO OTHER DEPARTMENTS.

14                    SEC. 29.29. ISSUANCE OF ESTABLISHMENT PERMIT.

15                    SEC. 29.30. BUSINESS TAX AND ZONING INFORMATION.

16                    SEC. 29.31. ESTABLISHMENT ANNUAL LICENSE FEE.

17                    SEC. 29.32. ESTABLISHMENT OPERATING REQUIREMENTS.

18                    SEC. 29.33. INSPECTION.

19                    SEC. 29.34. SUSPENSION OR REVOCATION OF ESTABLISHMENT PERMIT.

20  
21    FEES

22                    SEC. 29.40. MASSAGE PRACTITIONER FEES.

23                    SEC. 29.41. ESTABLISHMENT FEES.

24                    SEC. 29.42. ADJUSTMENT OF FEES.

1 ENFORCEMENT AND PENALTIES

2 SEC. 29.45. VIOLATIONS AND ADMINISTRATIVE PENALTIES.

3 SEC. 29.46. COST RECOVERY.

4 SEC. 29.47. VIOLATIONS AND CRIMINAL PENALTIES.

5 SEC. 29.48. COOPERATIVE EFFORTS WITH LAW ENFORCEMENT.

6 SEC. 29.49. UNDERTAKING FOR THE GENERAL WELFARE.

7 SEC. 29.50. SEVERABILITY.

8 SEC. 29.51. NO CONFLICT WITH STATE OR FEDERAL LAW.

9  
10 GENERAL PROVISIONS

11 SEC. 29.1. FINDINGS AND PURPOSE.

12 (a) In 2008, the Legislature enacted uniform statewide regulations pertaining to massage  
13 therapy (Senate Bill No. 731 (2008), amended by Assembly Bill 619 (2011)) codified in Business and  
14 Professions Code Sections 4600 et seq. The regulations created a private nonprofit benefit  
15 corporation, the California Massage Therapy Council ("CAMTC"), which was authorized to regulate  
16 and standardize the issuance of certificates to massage professionals throughout the state.

17 (b) The 2008 law as amended also served to exempt massage practitioners and massage  
18 therapists who are certified by the CAMTC and massage establishments that employ only CAMTC-  
19 certified practitioners from local permitting and other regulatory requirements except for reasonable  
20 health and safety standards. This has had a preemptive effect on the ability of cities and counties to  
21 effectively regulate massage establishments.

22 (c) The lack of local regulation has led to a marked increase in the number of massage  
23 establishments that have opened in San Francisco, especially in some areas of the City that now exhibit  
24 a significant concentration of such establishments.

1           (d) The lack of regulation has also allowed many illicit massage establishments to open,  
2 sometimes under euphemistic monikers like “relaxation spa” or “health club.” These illicit  
3 establishments are generally outlets of the sex trade, and some engage in human trafficking and other  
4 human rights violations. Such massage establishments are detrimental to the health and safety of the  
5 community and adversely impact the local economy by driving legitimate business away, potentially  
6 affecting the vitality of neighborhoods and the provision of adequate services for residents and visitors  
7 alike.

8           (e) In 2014, the Legislature passed, and Governor Brown signed, Assembly Bill No. 1147  
9 (“AB 1147”), which authorizes local governments to use their regulatory and land use authority to  
10 ensure the public’s safety, reduce human trafficking, and enforce local standards for the operation of  
11 the business of massage therapy in the best interests of the affected community.

12           (f) Under AB 1147, cities and counties regained broad control over the ability to regulate  
13 establishments that provide massage therapy services, and CAMTC retained responsibility over  
14 regulating those individuals who hold a CAMTC certificate to practice massage therapy.

15           (g) Through this Article 29, the City seeks to exercise its authority under AB 1147 to  
16 regulate all massage establishments, including those that employ only CAMTC-certified practitioners,  
17 and to regulate massage practitioners who do not hold a CAMTC certificate.

18           **SEC. 29.2. ADMINISTRATION AND ENFORCEMENT.**

19           This Article shall be administered and enforced by the Department of Public Health. The  
20 Director, after a noticed public hearing, may adopt rules and regulations to carry out the provisions of  
21 this Article.

22           **SEC. 29.3. COMPLAINT LINE.**

23           The Director shall maintain a phone line for inquiries and complaints regarding massage  
24 businesses and practitioners.

25           **SEC. 29.4. TRANSFER OF PERMIT.**

1 No permit issued under this Article shall be transferable under any circumstances, including but  
2 not limited to the sale of the massage establishment.

3 **SEC. 29.51. DEFINITIONS.**

4 For the purposes of this Article:

5 "Advanced Massage Practitioner" means a Massage Practitioner whom the Department has  
6 granted an advanced permit rather than a general permit on the basis of having satisfied the additional  
7 education requirements set forth in Section 29.11(c).

8 "Approved School" or "Approved Massage School" means a school that provides instruction  
9 and training in massage and meets the requirements of California Business and Professions Code  
10 Section 4601(a).

11 "CAMTC" means the California Massage Therapy Council as ~~defined~~established in the  
12 California Business and Professions Code Section 4602 § 4600(e), or any successor agency.

13 "CAMTC Certified Practitioner" means an individual who administers massage for  
14 compensation and holds a valid and active certificate to practice massage issued by CAMTC pursuant  
15 to California Business and Professions Code Sections 4604 or 4604.2.

16 "City" means the City and County of San Francisco.

17 "Compensation" means a payment, loan, advance, donation, contribution, deposit, forgiveness  
18 of debt, or gift of money or anything of value.

19 "Convicted" means having pled guilty or having received a verdict of guilty, including a  
20 verdict following a plea of nolo contendere, to a crime.

21 "Department" means Department of Public Health.

22 "Director" means the Director of the Department of Public Health or any individual  
23 designated by the Director to act on his or her behalf.

24 "Establishment" means Massage Establishment, Outcall Massage Service, and Sole Practitioner  
25 Massage Establishment collectively, except where otherwise specified.

1 "Health Care Provider" shall mean any person whose activities are licensed or regulated under  
2 Division 2 of the California Business and Professions Code or any initiative act referred to in that  
3 Division.

4 "Massage" means any method of pressure on or friction against, or stroking, kneading,  
5 rubbing, tapping, pounding, vibrating, or stimulating of the external soft pads of the body with  
6 the hands or with the aid of any ~~mechanical-electrical~~ apparatus or appliances, ~~with or without~~  
7 ~~such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, lotions, ointments, or~~  
8 ~~other similar preparations.~~

9 "Massage ~~e~~Establishment" means a fixed place of business where more than one  
10 ~~person individual administers~~ engages in or carries on, or permits to be engaged in or carried on, the  
11 ~~practice of m~~Massage for Compensation, excluding those locations where Massage is provided only  
12 on an outcall basis.

13 "Massage ~~P~~Practitioner" means any individual ~~who, for any monetary consideration~~  
14 ~~whatsoever, engages in the practice of massage who administers Massage for Compensation pursuant~~  
15 to a permit issued by the Director under this Article 29. Except as otherwise specified, "Massage  
16 pPractitioner" shall include ~~s~~ both general ~~massage practitioners~~ and advanced ~~massage~~  
17 practitioners, as provided in Section 29.211. "Massage Practitioner" does not include CAMTC  
18 Certified Practitioner.

19 "Non-profit ~~O~~rganization" means any organization having a formally recognized exemption  
20 ~~fraternal, charitable, religious, benevolent, or any other nonprofit organization having a regular~~  
21 ~~membership association primarily for mutual social, mental, political, and civic welfare, to which~~  
22 ~~admission is limited to the members and guests and revenue accruing therefrom to be used exclusively~~  
23 ~~for the benevolent purposes of said organization and which organization or agency is exempt from~~  
24 ~~federal income taxation, under the Internal Revenue Laws of the United States as a bona fide fraternal,~~  
25 ~~charitable, religious, benevolent, or non-profit organization. pursuant to the Internal Revenue Code.~~



1 "Outcall Massage Service" means any business ~~other than a not permitted as a~~  
2 Massage Establishment or Sole practitioner massage establishment ~~that provides under~~  
3 ~~the provisions of this Article, wherein the primary function of such business is to engage in or carry on~~  
4 massage for Compensation ~~not at a fixed location but~~ at a location designated by the client ~~or~~  
5 ~~customer rather than on its premises.~~

6 "Owner" means any individual, partnership, firm, association, corporation, or combination of  
7 individuals of whatever form or character with an ownership interest in a business that provides  
8 Massage services.

9 "Permittee" means the owner, proprietor, manager, or operator of a massage establishment,  
10 outcall massage service, or solo practitioner massage establishment.

11 "Person" means any individual, partnership, firm, association, joint stock company,  
12 corporation, or combination of individuals of whatever form or character.

13 "Recognized school for massage" means any school or institution of learning which teaches the  
14 theory, ethics, practice, profession, and work of massage, which requires a resident course of study of  
15 not less than 100 hours to be completed before the student shall be furnished with a diploma or  
16 certificate of graduation, and which has been approved pursuant to California Education Code  
17 Sections 94301 et seq., or, if said school or institution is not located in California, has complied with  
18 standards commensurate with those required in said Sections 94301 et seq. and has obtained  
19 certification under any similar state approval program, if such exists.

20 "Sole practitioner massage establishment" means a Massage practice at a fixed  
21 place of business where a person holding and solely owned by an advanced massage  
22 practitioner permit holder or CAMTC Certified Practitioner, engages in or carries on, or permits to  
23 be engaged in or carried on, the practice of who is the only person who provides massage for  
24 Compensation. The business location ~~Said fixed place of business~~ may be shared by two to four  
25 advanced massage practitioners or CAMTC Certified Practitioners in any combination, or two

1 ~~to four advanced massage practitioners and one or more hHealth Care Providers or healing arts~~  
2 ~~practitioners, except as otherwise provided pursuant to Section 29.2914(e).~~

3  
4 **MESSAGE PRACTITIONER PERMITS**

5 **SEC. 29.102. PERMIT REQUIRED FOR MESSAGE PRACTITIONER;**  
6 **EXEMPTIONS.**

7 (a) Permit Required. It shall be unlawful for any individual ~~who is not certified as a~~  
8 ~~massage practitioner or therapist by the CAMTC pursuant to the California Business and Professions~~  
9 ~~Code to engage in the practice to administer Message for Compensation without first obtaining a~~  
10 ~~Message Practitioner permit from the Director, unless that individual is exempt from the permit~~  
11 ~~requirement under subsection (b).~~

12 ~~(b) An individual may receive a permit as either a general massage practitioner or an~~  
13 ~~advanced massage practitioner, as provided in Section 29.3. As used in this Article, the term "massage~~  
14 ~~practitioner" shall refer to both general massage practitioners and advanced massage practitioners,~~  
15 ~~unless otherwise specifically provided in this Article.~~

16 (b) Exemptions. The following massage service providers are exempt from the permit  
17 requirement in subsection (a):

18 (1) CAMTC Certified Practitioners.

19 (e2) ~~A permit is not required where the individual is a A licensed or certificated~~  
20 ~~hHealth eCare Provider practitioner practicing massage as part of his or her health care~~  
21 ~~practice. For purposes of this Section, "health care practitioner" shall mean any person whose~~  
22 ~~activities are licensed or regulated under Division 2 of the California Business and Professions Code~~  
23 ~~or any initiative act referred to in that division.~~

24 (d3) ~~A permit is not required where the individual is a barber, cosmetologist, esthetician,~~  
25 ~~or manicurist licensed or certificated pursuant to Division 3, Chapter 10, of the California~~

1 Business and Professions Code, practicing massage as part of his or her work as a barber,  
2 cosmetologist, esthetician, or manicurist and within the scope of any relevant state restrictions  
3 on the practice of massage by members of those professions.

4 ~~(e) An individual practicing massage under the direction of a non-profit organization, and the~~  
5 ~~organization itself are exempt from permit and license fees under this Article, but the individual and the~~  
6 ~~organization must obtain the necessary permits and licenses and otherwise comply with all relevant~~  
7 ~~requirements.~~

8 **SEC. 29.113. APPLICATION FOR GENERAL OR ADVANCED MASSAGE**  
9 **PRACTITIONER PERMIT. ; ~~GENERAL AND ADVANCED PRACTITIONERS NOT CERTIFIED BY~~**  
10 **~~THE CAMTC.~~**

11 (a) Permit Application. ~~Unless certified as a massage practitioner or therapist by the CAMTC~~  
12 ~~pursuant to the California Business and Professions Code, e~~Every applicant for a mMessage  
13 pPractitioner permit shall:

14 (1) Ffile an application with the Director upon a form provided by the Director;

15 (2) PProvide a complete set of fingerprints in the manner required by the Director for the  
16 purpose of undergoing a criminal background check; and

17 (3) Ppay a non-refundable application fee, as set forth in Section 29.2640.

18 (b) Applicant Information. The application form for a massage practitioner permit shall  
19 require the applicant to provide set forth, under penalty of perjury, the following information:

20 (1) The applicant's Nname and residence address ~~of the applicant;~~

21 (2) A unique identifying number from at least one government-issued form of  
22 identification, such as a social security card, a state driver's license or identification card, or a  
23 passport;

24 (3) Written evidence that the applicant is at least 18 years of age;

25 (4) The Aapplicant's height, weight, and color of hair and eyes;

1           (5) The applicant's work history Business, occupation, or employment of the applicant  
2 for the five years immediately prior to the date of application; ~~this information shall include, but~~  
3 ~~not be limited to, a statement as to whether or not the applicant, in working as a massage practitioner~~  
4 ~~or bodywork technician or similar occupation under a permit or license, has had such permit or license~~  
5 ~~revoked or suspended, and the reasons therefor;~~ and

6           (6) All permits, certificates, or licenses related to the practice of Massage currently  
7 or formerly held by the applicant in San Francisco or elsewhere, including any discipline imposed by  
8 the issuing authority and a statement whether the applicant is currently the subject of a disciplinary  
9 process; and

10           (7) All felony or misdemeanor convictions and pending criminal charges that are  
11 unresolved; and

12           (8) Any additional information as required by the Director.

13           (c) Minimum Educational Requirements for General and Advanced Permits. Massage  
14 Practitioner permits shall be awarded at the general or advanced level, depending on the number of  
15 hours of instruction and training the applicant has completed. An applicant for a general  
16 ~~m~~Massage ~~p~~Practitioner permit shall provide, ~~as part of the application, the name and address of~~  
17 ~~the recognized school for massage attended, the dates attended, and the original of the diploma or~~  
18 ~~certificate of completion awarded the applicant, in a form acceptable to the Director, documentation~~  
19 showing that the applicant has completed not less than ~~250~~100 hours of instruction in massage  
20 and related subjects at an Approved Massage School. An applicant for an advanced ~~m~~Massage  
21 ~~p~~Practitioner permit shall provide acceptable documentation that the applicant has successfully  
22 completed 500 hours of such instruction. ~~, as part of the application, the name and address of the~~  
23 ~~recognized school or schools for massage attended, the dates attended, and the original of the~~  
24 ~~diploma(s) or certificate(s) of completion awarded the applicant showing that the applicant has~~  
25 ~~completed not less than 200 hours of instruction.~~ The additional 250-100 hours of instruction

1 required for the advanced ~~m~~Massage ~~p~~Practitioner permit may be completed at one or more  
2 Approved sSchools. If the applicant already holds a current general ~~m~~Massage ~~p~~Practitioner  
3 permit, he or she needs only submit documentation for the additional ~~250~~100 hours of  
4 instruction necessary for the advanced ~~m~~Massage ~~p~~Practitioner permit.

5 (d) Proficiency Test. The Director shall administer a ~~culturally sensitive~~ test to all  
6 applicants, in the applicant's own language, to confirm basic proficiency in ~~m~~Massage before  
7 issuing a permit.

8 ~~(e) The Director is hereby authorized to require in the application any other information~~  
9 ~~including, but not limited to, any information necessary to discover the truth of the matters set forth in~~  
10 ~~the application.~~

11 **SEC. 29.124. ISSUANCE OF MASSAGE PRACTITIONER PERMIT. ~~FOR~~**  
12 ~~PRACTITIONERS NOT CERTIFIED BY THE CAMTC.~~

13 (a) Time for Decision. ~~Within 14 days following a hearing, or, if no hearing is held, within~~  
14 60 business days following receipt of a completed application for a ~~m~~Massage ~~p~~Practitioner  
15 permit, ~~for a practitioner who is not certified as a massage practitioner or therapist by the CAMTC~~  
16 ~~pursuant to the California Business and Professions Code~~ the Director shall either issue the permit  
17 or mail a written statement of his or her reasons for denial thereof to the applicant. If the  
18 Director takes neither action, the permit shall be deemed issued.

19 (b) Hearing on Application. ~~The Director may, in his or her discretion, hold a hearing on any~~  
20 ~~pending application for a Massage Practitioner permit. The Director shall give the applicant at least~~  
21 ~~10 days' written notice of the time and place of the hearing.~~

22 (cb) Grounds for Denial. No ~~m~~Massage ~~p~~Practitioner permit shall be issued if the  
23 Director finds:

- 24 (1) The applicant is exempt from the permit requirement pursuant to Section 29.10; or  
25

1           (2) The applicant has provided materially false information, documents, or  
2 testimony in support of the application or in any other matter before the Director; or

3           ~~(2) The applicant has not complied fully with the provisions of this Article; or~~

4           (3) Within five years immediately prior to the date of application, the applicant  
5 has had any license, certificate, or permit related to the practice of ~~m~~Massage revoked or, if  
6 from another jurisdiction, suspended under circumstances that qualify for revocation under this Article  
7 29, or is currently the subject of an unresolved disciplinary process that may result in suspension or  
8 revocation; or

9           (4) The applicant has been eConvicted of, or is currently charged with, any of the  
10 following offenses ~~or convicted of an offense outside the State of California that would have~~  
11 ~~constituted any of the following offenses if committed within the State of California:~~

12                   (A) Any felony involving the use of coercion, ~~or~~ force, orand violence  
13 upon another person; or

14                   (B) Any misdemeanor sexual battery; or

15                   (C) Any offense involving sexual misconduct with children; or

16                   (D) Any offense requiring registration pursuant to Section 290 of the  
17 California Penal Code or, for Convictions outside California, any offense requiring registration in  
18 California under Penal Code Section 290.005.

19           (5) The applicant has failed to satisfy the education requirements or pass the massage  
20 proficiency test; or

21           (6) The Director concludes that there is good cause to deny the permit in accordance  
22 with Section 26 of the Business and Tax Regulations Code.

23           ~~(de)~~ Discretionary Exception for Criminal Convictions. The Director may issue a  
24 ~~m~~Massage pPractitioner permit to any individual eConvicted of one of the offenses listed in  
25 Ssubsection ~~(cb)~~(4) of this Section if the Director finds that the offense was not violent, the

1 conviction occurred at least five years prior to the date of application, and the applicant has  
2 not been ~~e~~Convicted subsequently of ~~one of these a listed~~ offenses.

3 ~~(ed)~~ Right to Director's Hearing. If an application for a ~~m~~Massage ~~p~~Practitioner permit is  
4 denied, ~~and provided that the Director did not hold a hearing on the application as provided in~~  
5 ~~subsection (b) of this Section 29.12, within 30 days of the date of receipt of the notice of denial,~~ the  
6 applicant may appeal the ~~decision~~ denial within 30 days of receipt of the notice of denial by  
7 notifying the Director in writing ~~and explaining~~ The notice shall set forth in detail the ground or  
8 grounds for the appeal. ~~Within 30 days of receipt of the notice of appeal,~~ The Director shall  
9 conduct a hearing to consider the appeal within 30 days of receiving the notice of appeal and ~~At~~  
10 ~~least 10 days prior to the hearing, the Director~~ shall notify the applicant of the time and place of  
11 the hearing at least 10 days in advance of the hearing. The Director shall oversee the hearing,  
12 provide the applicant an opportunity to speak at the hearing, and issue a ruling within 30 days  
13 of the conclusion of the hearing. ~~its conclusion.~~ The Director's ruling shall be the final decision of the  
14 Department. If the Director does not rule within 30 days of the conclusion of the hearing, the permit  
15 denial shall be deemed sustained.

16 **SEC. 29.135. TEMPORARY AND TRAINEE MASSAGE PRACTITIONER PERMITS;**  
17 **TRAINEE PERMIT FOR PRACTITIONERS NOT CERTIFIED BY THE CAMTC.**

18 (a) Temporary Permit During Application Period. Upon completion and submission of an  
19 application for a ~~m~~Massage ~~p~~Practitioner permit ~~for a practitioner who is not certified as a~~  
20 ~~massage practitioner or therapist by the CAMTC pursuant to the California Business and Professions~~  
21 ~~Code, as required in Section 29.3 of this Article,~~ and upon payment of all fees for the permit, an  
22 applicant may request a temporary ~~m~~Massage ~~p~~Practitioner permit. If requested, the Director  
23 shall issue the temporary ~~m~~Massage ~~p~~Practitioner permit, ~~which is~~ shall be valid for the period  
24 during which the application is under review, but in no event for more than 60 business days.  
25 The Director may revoke the temporary permit at any time if he or she finds that the applicant

1 has failed to meet any of the requirements of Section 29.412 or violated any provision of this  
2 Article 29.

3 (b) Trainee Permits. The Director may adopt rules and procedures for issuing trainee  
4 permits, not to exceed three months in duration, to persons who have otherwise successfully  
5 completed an application for a mMassage pPractitioner permit, and who are currently  
6 registered in an Approved recognized sMassage School of massage, and who seek to fulfill the  
7 training requirement imposed by the school.

8 **SEC. 29.14. EDUCATIONAL MATERIALS.**

9 The Director shall provide all persons receiving a Massage Practitioner permit with  
10 educational materials regarding their rights and informing them of available resources, such as health  
11 services and victim assistance, as well as emergency numbers and hotlines to call for information and  
12 assistance.

13 **SEC. 29.156. MASSAGE PRACTITIONER IDENTIFICATION CARD. FOR**  
14 **PRACTITIONERS NOT CERTIFIED BY THE CAMTC.**

15 The Director shall provide each all mMassage Practitioners granted a permit, who are not  
16 certified as a massage practitioner or therapist by the CAMTC pursuant to the California Business and  
17 Professions Code, with a photo identification card. Massage eEstablishments must post  
18 practitioner identification cards at all times in a public area for all Massage pPractitioners  
19 working at any mMassage eEstablishment or sole Sole pPractitioner mMassage eEstablishment.  
20 The identification card must be presented to any City health inspector or law enforcement  
21 officer upon request. at all times during the regular business hours of any massage establishment or  
22 solo practitioner massage establishment.

23 **SEC. 29.167. MASSAGE PRACTITIONER ANNUAL LICENSE FEE.**

24 Every mMassage pPractitioner shall pay to the Tax Collector an annual license fee, as  
25 set forth in Section 29.2641.



1                    **SEC. 29.17.    MESSAGE PRACTITIONER CONDUCT REQUIREMENTS.**

2                    (a) Required Attire. Massage Practitioners shall remain fully clothed while administering  
3 massage or otherwise visible to clients on business premises, including premises designated by the  
4 client through an Outcall Massage Service. The Massage Practitioner's attire shall not include: (1)  
5 attire that is transparent, see-through, or that substantially exposes the practitioner's undergarments;  
6 (2) swim attire, unless the practitioner is providing a water-based massage modality that has been  
7 approved by CAMTC; or (3) attire that exposes the individual's breasts, buttocks, or genitals.

8                    (b) Lewd Conduct Prohibited. Massage Practitioners shall not engage in lewd conduct on  
9 business premises, including locations designated by the client through an Outcall Massage Service.  
10 Lewd acts include, but are not limited to: the performance of acts or simulated acts of sexual  
11 intercourse, masturbation, sodomy, bestiality, copulation (oral, anal or vaginal), or flagellation; the  
12 actual or simulated caressing or fondling by one adult human being of the anus or genitals of another  
13 adult human being; the actual or simulated displaying of the pubic hair, anus, vagina, penis, vulva,  
14 buttocks, areola, or any other external genitalia of the human body.

15                    **SEC. 29.18.    SUSPENSION OR REVOCATION OF MESSAGE PRACTITIONER**  
16 **PERMIT., ~~FOR PRACTITIONERS NOT CERTIFIED BY THE CAMTC.~~**

17                    (a) Grounds for Suspension or Revocation. The Director may revoke or suspend any  
18 mMassage pPractitioner permit for a praetitioner who is not certified as a massage praetitioner or  
19 therapist by the CAMTC pursuant to the California Business and Professions Code, after a public  
20 hearing, if the Director finds:

21                    (1) Facts sufficient to support denial of a Massage Practitioner permit on any ground  
22 set forth in Section 29.12 The Massage Practitioner has willfully violated any of the provisions of this  
23 Article; or

24                    (2) The Massage Practitioner has violated the conduct requirements in Section 29.17  
25 The massage praetitioner has provided materially false documents or testimony; or



1           ~~SEC. 29.9. REGISTRATION OF MASSAGE ESTABLISHMENTS THAT EMPLOY ONLY~~  
2 ~~CAMTC CERTIFIED PRACTITIONERS.~~

3           ~~(a) All massage establishments that employ only massage practitioners who are certified by~~  
4 ~~the CAMTC pursuant to the California Business and Professions Code, must provide copies of those~~  
5 ~~certificates, and the home and work addresses of those massage practitioners to the San Francisco~~  
6 ~~Department of Public Health for all massage practitioners employed by the establishment. The~~  
7 ~~massage establishment must provide notice of any changes within thirty (30) days.~~

8           ~~(b) All massage establishments that employ only massage practitioners who are certified by~~  
9 ~~CAMTC must notify the Department if any CAMTC certified massage practitioner loses their CAMTC~~  
10 ~~certification.~~

11           ~~(c) Any massage establishment that employs any massage practitioner who is not certified by~~  
12 ~~CAMTC must obtain a permit to operate a massage establishment from the San Francisco Department~~  
13 ~~of Public Health in accordance with this Article 29.~~

14           ~~(d) Upon notice from CAMTC, that the CAMTC certification of a massage practitioner has~~  
15 ~~been suspended or revoked, the Department shall send written notice to the massage establishment that~~  
16 ~~it must obtain a permit from the San Francisco Department of Public Health in order to continue to~~  
17 ~~operate, and that it must apply for the permit within thirty (30) days of the notice. Failure to either~~  
18 ~~apply for a San Francisco permit or to regain exempt status by employing only CAMTC certified~~  
19 ~~massage practitioners within thirty (30) days, may result in administrative penalties as set forth in this~~  
20 ~~Article 29, Section 29.27.~~

21           ~~SEC. 29. 2510. ESTABLISHMENT PERMIT REQUIRED; EXEMPTIONS. FOR A~~  
22 ~~MASSAGE ESTABLISHMENT, SOLO PRACTITIONER; MASSAGE ESTABLISHMENT, OR~~  
23 ~~OUTCALL MASSAGE SERVICE, EXEMPTIONS FOR PRACTITIONERS NOT CERTIFIED BY THE~~  
24 ~~CAMTC.~~

1 (a) Permit Required. It shall be unlawful for any ~~person-Owner of a Massage Establishment,~~  
2 ~~Outcall Massage Service, or Sole Practitioner Massage Establishment~~ to ~~operate that Establishment~~  
3 ~~engage in, conduct, or carry on, or to permit to be engaged in, conducted, or carried on, in or upon at~~  
4 ~~any location premises~~ in the City ~~the operation of a massage establishment, solo practitioner-massage~~  
5 ~~establishment, or outcall massage service~~ without first obtaining a permit from the Director. In the  
6 event that a business owner or operator disclaims that the business provides Massage services, the  
7 Director may hold a hearing to determine whether an Establishment permit is required. ~~, unless all~~  
8 ~~persons employed by that establishment or service are certified as massage practitioner(s) or~~  
9 ~~therapist(s) by the CAMTC pursuant to the California Business and Professions Code.~~

10 (b) Exemptions. The following businesses may provide massage services without obtaining an  
11 Establishment permit.

12 (1) Hospitals, nursing homes, and other ~~S~~state-licensed health care facilities  
13 providing massage services to their patients shall not be required to obtain a permit under this  
14 Section 29.25, where the services are provided by a ~~licensed or certificated h~~Health ~~c~~Care  
15 ~~Provider practitioner~~ or an individual practicing massage under the direction of a ~~h~~Health ~~c~~Care  
16 ~~Provider practitioner.~~ For purposes of this Section, "health care practitioner" shall mean any person  
17 whose activities are licensed or regulated under Division 2 of the California Business and Professions  
18 Code or any initiative act referred to in that division.

19 (e2) A permit shall not be required under this Section where the services are  
20 provided on the premises (~~1A~~) by a ~~licensed or certificated h~~Health ~~c~~Care ~~Provider practitioner~~ or  
21 (~~2B~~) by a barber, cosmetologist, esthetician, or manicurist, licensed or certificated pursuant to  
22 Division 3, Chapter 10, of the California Business and Professions Code, practicing massage  
23 as part of his or her work as a barber, cosmetologist, esthetician, or manicurist, and within the  
24 scope of any relevant state restrictions on the practice of massage by members of those  
25 professions.

1            (c) Previously Exempt Massage Businesses. A massage business previously exempt from the  
2 Establishment permit requirement under prior Section 29.9 but not currently exempt under subsection  
3 (b) of this Section 29.25 may continue to operate without an Establishment permit until its application  
4 for a permit is submitted and decided; provided that the Owner submits a completed application within  
5 three months of the effective date of the ordinance deleting former Section 29.9; and further provided  
6 that the business complies with all provisions of this Article and any rules and regulations that apply to  
7 Establishments during the interim period in which it operates without a permit. The Director shall  
8 conduct a public hearing on the application as provided in Section 29.29(b). The Director may deny  
9 the application for an Establishment permit on any ground enumerated in Sections 29.29 and 29.34,  
10 grant the permit, or grant the permit with conditions.

11            ~~A non-profit organization providing massage services on its premises, and the individuals~~  
12 ~~providing the massage services, are exempt from permit and license fees under this Article, but the~~  
13 ~~organization and the individuals must obtain the necessary permits and licenses and otherwise comply~~  
14 ~~with all relevant requirements.~~

15            **SEC. 29.2611. APPLICATION FOR ~~MASSAGE ESTABLISHMENT, SOLO~~**  
16 **~~PRACTITIONER MASSAGE ESTABLISHMENT, OR OUTCALL MASSAGE SERVICE PERMIT, FOR~~**  
17 **~~PRACTITIONERS NOT CERTIFIED BY THE CAMTC.~~**

18            (a) Application Requirements. ~~Unless all massage practitioners or therapists providing~~  
19 ~~services are certified as a massage practitioner or therapist by CAMTC pursuant to the California~~  
20 ~~Business and Professions Code, every applicant for a massage establishment, solo practitioner~~  
21 ~~massage establishment, or outcall massage service permit To apply for an Establishment permit, the~~  
22 Owner shall:

- 23            (1) ~~f~~File an application with the Director upon a form provided by the Director;
- 24            (2) ~~p~~Provide a complete set of fingerprints in the manner required by the Director  
25 from any person with an ownership interest in the Establishment, ~~through the Live Scan process, or any~~

1 ~~comparable successor technology~~, for the purpose of a undergoing a criminal background check;  
2 and

3 (3) ~~p~~Pay a non-refundable application fee, as set forth in Section 29.2641.; ~~and~~

4 ~~(4) Permit inspection of any Massage facilities proposed to be operated under the~~  
5 ~~Establishment permit by all relevant City departments.~~

6 (b) Applicant Information. The application form shall require the applicant to provide set  
7 forth, under penalty of perjury, the following information:

8 (1) The Owner's name(s), address(es), and any other identifying information requested  
9 by the Director;

10 (12) The exact nature A description of the all services to be rendered by the  
11 Establishment;

12 (23) The address of the proposed place of business Establishment and of any  
13 facilities proposed to be operated under the Establishment permit facilities thereof, and a copy of the  
14 rental agreement or lease showing the names of the landlord and all of the tenants or lessees  
15 who are parties to the rental agreement; or, if the Owner owns the premises, a copy of the deed and a  
16 disclosure of any other person or entity with a shared ownership interest in the premises;

17 (34) The number of individuals to be employed by the business Establishment,  
18 and, except in the case of a solo Sole massage pPractitioner Massage eEstablishment, the names  
19 and permit or certificate numbers of any mMassage pPractitioners or CAMTC Certified  
20 Practitioners who shall operate under that permit;

21 (4) The name, residence address, and date of birth of each applicant;

22 (5) Any history of previous massage All permits, certificates, or licenses related to  
23 the practice of Massage or the operation of an Establishment, currently or formerly held by an Owner,  
24 issued in San Francisco or issued by CAMTC or elsewhere, including any discipline imposed by the  
25 issuing authority and a statement whether the permit holder is currently the subject of a disciplinary

1 ~~process, including whether any such permit or license has been revoked and the reasons therefor, for~~  
2 ~~each applicant; and~~

3 (6) All felony or misdemeanor convictions and pending criminal charges that are  
4 unresolved for the applicant each person with an ownership interest in the Establishment, within the  
5 preceding ten years, including, but not limited to, felony sexual assault; sexual battery (Cal. Penal  
6 Code 243.4), rape (Cal. Penal Code 261); statutory rape (Cal. Penal Code 261.5); prostitution offenses  
7 related to pimping (Cal. Penal Code 266 and applicable subsections); pandering (Cal. Penal Code  
8 266i); sex crimes for which registration is required under the Sex Offender Registration Act (Cal.  
9 Penal Code 290); keeping or residing in house of ill fame (Cal. Penal Code 315); keeping disorderly  
10 house (Cal. Penal Code 316); human trafficking (Cal. Penal Code 236.1); convictions in any other  
11 state of any offense which, if committed or attempted in this state, would have been punishable as one  
12 or more of the referenced offenses of this subdivision; and, conspiracy or attempt to commit any such  
13 offense described in the subsections above.; and

14 (e) Any additional information as required by the The Director, is hereby authorized  
15 to require in the application any other information including, but not limited to, information related to  
16 the health, hygiene, and sanitation of the premises. and any information necessary to confirm the  
17 accuracy of the matters set forth in the application.

18 (e) ~~The Director is hereby authorized to require in the application any other information~~  
19 ~~including, but not limited to, information related to the health, hygiene, and sanitation of the premises~~  
20 ~~and any information necessary to confirm the accuracy of the matters set forth in the application.~~

21 (cd) Organizational Owners. If an applicant for a massage the Owner of the eEstablishment  
22 or outcall massage service permit is or includes a corporation, the name of the corporation shall  
23 be set forth exactly as shown in its articles of incorporation together with the names and  
24 residence addresses of each of the officers, directors, and each stockholder holding more  
25 than 10 percent of the stock of the corporation. If the Owner application is or includes a

1 partnership, the application shall set forth the name and the residence address of each of the  
2 partners, including limited partners. If one or more of the partners is a corporation, the  
3 provisions of this ~~Section subsection~~ pertaining to corporate applicants applies. The applicant  
4 ~~shall provide the same permit and criminal history~~ information required ~~of individual applicants, set~~  
5 ~~forth~~ in subsections (a)(2), (b)(1), (b)(5), and (b)(6) of this Section, ~~above~~ for each officer, director,  
6 and stockholder holding more than 10 percent of the stock of the corporation, or for each  
7 partner, including limited partners.

8 (de) Proof of Advanced Permit or CAMTC Certification for Sole Practitioners. In addition to  
9 the information required under subsections (b) ~~and (e) of this Section~~, an applicant for a ~~sole~~ Sole  
10 p~~Practitioner~~ m~~Massage~~ e~~Establishment~~ permit shall provide proof that he or she holds a  
11 current, valid advanced ~~m~~Massage ~~p~~Practitioner permit or CAMTC certificate. ~~issued by the~~  
12 ~~Director under Section 29.2.~~

13 (ef) Compliance with Planning Code Notice Requirement. Applicants shall also submit  
14 proof of compliance with any applicable Planning Code requirements regarding notice and  
15 posting of the proposed e~~Establishment~~.

16 ~~(g) An advanced massage practitioner holding a solo practitioner massage establishment~~  
17 ~~permit shall not be required to pay any additional permit fee for an outcall massage service permit.~~

18 ~~(h) Within 14 days following a hearing, or, if no hearing is held, within 60 business days~~  
19 ~~following receipt of a completed application for a permit for a massage establishment that does not~~  
20 ~~solely employ practitioners certified as a massage practitioner or therapist by the State of California~~  
21 ~~pursuant to the California Business and Professions Code the Director shall either issue the permit or~~  
22 ~~mail a written statement of his or her reasons for denial thereof to the applicant. If the Director takes~~  
23 ~~neither action, the permit shall be deemed issued.~~

24 ~~(i) No massage establishment permit shall be issued if the Director finds:~~

25 ~~(1) The applicant has provided materially false documents or testimony; or~~



1           ~~(2) The applicant has not complied fully with the provisions of this Article; or~~

2           ~~(3) Within five years immediately prior to the date of application, the applicant has had~~  
3 ~~any license or permit related to the operation of a massage establishment revoked by the City, another~~  
4 ~~City or County, or by the CAMTC; or~~

5           ~~(4) The applicant has been convicted of any of the following offenses or convicted of an~~  
6 ~~offense outside the State of California that would have constituted any of the following offenses if~~  
7 ~~committed within the State of California, within the last five years: felony sexual assault; sexual battery~~  
8 ~~(Cal. Penal Code 243.4), rape (Cal. Penal Code 261); statutory rape (Cal. Penal Code 261.5);~~  
9 ~~prostitution offenses related to pimping (Cal. Penal Code 266 and applicable subsections); pandering~~  
10 ~~(Cal. Penal Code 266i); sex crimes for which registration is required under the Sex Offender~~  
11 ~~Registration Act (Cal Penal Code 290); keeping or residing in house of ill fame (Cal. Penal Code 315);~~  
12 ~~keeping disorderly house (Cal. Penal Code 316); supervision of a prostitute (Cal. Penal Code 652.23);~~  
13 ~~human trafficking (Cal. Penal Code 236.1); convictions in any other state of any offense which, if~~  
14 ~~committed or attempted in this state, would have been punishable as one or more of the referenced~~  
15 ~~offenses of this subdivision; and, conspiracy or attempt to commit any such offense described in the~~  
16 ~~subsections above; or,~~

17           ~~(5) A massage establishment permit at the same location was revoked within the prior~~  
18 ~~24 months.~~

19           ~~(j) If an application for a massage practitioner permit is denied, within 30 days of the date of~~  
20 ~~receipt of the notice of denial, the applicant may appeal the decision by notifying the Director in~~  
21 ~~writing. The notice shall set forth in detail the ground or grounds for the appeal. Within 30 days of~~  
22 ~~receipt of the notice of appeal, the Director shall conduct a hearing to consider the appeal. At least 10~~  
23 ~~days prior to the hearing, the Director shall notify the applicant of the time and place of the hearing.~~  
24 ~~The Director shall oversee the hearing, provide the applicant an opportunity to speak at the hearing,~~  
25 ~~and issue a ruling within 30 days of its conclusion. The Director's ruling shall be final.~~

1           **SEC. 29.2712. OPERATING REQUIREMENTS FOR ALL MASSAGE FACILITIES.**

2           ~~ESTABLISHMENTS.~~

3           ~~All proposed massage facilities~~ ~~All massage establishments~~ must comply with the following  
4           ~~reasonable health and safety~~ requirements:

5           (a) Toilet Rooms and Other Rooms. Toilet rooms shall be provided for ~~patrons~~ clients in  
6           convenient locations.

7                   (1) Construction of rooms used for toilets, as well as rooms used for, tubs,  
8           steam baths, and showers shall be made waterproof with hard nonabsorbent materials ~~which~~  
9           ~~that~~ are easily cleaned and shall be installed in accordance with the San Francisco Building  
10           Code.

11                   (2) Plumbing fixtures in toilet rooms as well as rooms used for, tubs, steam  
12           baths, and showers shall be installed in accordance with the San Francisco Plumbing Code.

13                   (3) Urinals may be substituted for toilets after one toilet has been provided.

14                   (4) Doors to toilet rooms shall open inward and be self-closing.

15                   (5) Toilet rooms shall be designated as to the gender accommodated therein.

16           (b) Handwashing Facilities. Handwashing facilities shall be provided within or adjacent  
17           to the toilet rooms and shall be equipped with an adequate supply of hot and cold running  
18           water under pressure.

19                   (1) ~~Lavatories or wash basins~~ Handwashing facilities must ~~have~~ provide soap in a  
20           dispenser and sanitary towels.

21                   (2) Handwashing facilities shall be readily accessible to ~~the~~ massage  
22           practitioners.

23           (c) Light and Ventilation. All portions of the ~~massage e~~ Establishment shall be provided  
24           with adequate light ~~and ventilation~~ by means of windows, ~~or skylights,~~ or with an area of not less  
25           ~~than of the total floor area, or shall be provided~~ with an approved artificial light. Adequate

1 ventilation shall be provided by means of windows or and a mechanical operating ventilating  
2 system.

3 (1) Toilet, dressing, and massage rooms shall be provided with at least 108 lux  
4 (10 foot candles) of light.

5 (2) All electrical equipment shall be installed in accordance with the  
6 requirements of the San Francisco Electrical Code.

7 ~~(d) A room, enclosure, or designated area shall be provided where patrons can change and  
8 store their clothes.~~

9 ~~(e) A room, enclosure, or designated area, which is separate from the toilet, massage room(s),  
10 steam room, or other common areas shared by the patrons shall be made available for each employee.~~

11 ~~(f) Every portion of a massage establishment, including appliances and apparatus, shall be  
12 kept clean and operated in a sanitary condition.~~

13 ~~————(1) Adequate and suitable space shall be provided for storage of clean linens,  
14 including, but not limited to, sheets, towels, apparel.~~

15 ~~————(2) Every massage establishment shall provide clean laundered sheets and towels and  
16 shall launder them after each use and store them in a sanitary manner.~~

17 ~~————(3) No towels or sheets shall be laundered or dried in any massage establishment  
18 unless such massage establishment is provided with laundry facilities for such laundering and drying.~~

19 ~~————(4) The massage establishment shall provide smooth, cleanable appropriately labeled  
20 receptacles for the storage of soiled linens and paper towels.~~

21 ~~————(5) The massage establishment shall appropriately bag and dispose of soiled refuse.~~

22 ~~————(6) Every massage establishment shall thoroughly clean its wet and dry heat rooms,  
23 shower compartments, and toilet rooms each business day.~~

24 ~~————(7) Bathtubs shall be thoroughly cleaned and sanitized after each use.~~

1           ~~(g) Any room in which a massage establishment provides massage services shall not be used~~  
2 ~~for residential or sleeping purposes; provided, however, that the Director may allow such room to be~~  
3 ~~used for residential or sleeping purposes if the Director finds that the health and safety of the patrons~~  
4 ~~of the massage establishment will not be jeopardized.~~

5           ~~(h) Massage practitioners shall not engage in lewd or lascivious acts on the premises of a~~  
6 ~~massage establishment during business hours, including but not limited to: the performance of acts, or~~  
7 ~~simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, copulation (oral, anal or~~  
8 ~~vaginal), flagellation; the actual or simulated caressing or fondling by one adult human being of the~~  
9 ~~anus or genitals of another adult human being; the actual or simulated displaying of the pubic hair,~~  
10 ~~anus, vagina, penis, vulva, buttocks, areola, or any other external genitalia of the human body.~~

11           ~~(i) Massage practitioners shall be fully clothed in clean, non-transparent clothing at all times~~  
12 ~~that shall not expose their genitals, pubic area, buttocks or chest, nor shall the operator of a massage~~  
13 ~~business allow or permit any person providing services at the massage establishment to dress in non-~~  
14 ~~conforming clothing~~

15           ~~(j) Massage Establishment interior and exterior doors shall remain unlocked during business~~  
16 ~~hours except in establishments where all practitioners are certified by the CAMTC, when there is no~~  
17 ~~staff available to ensure security for clients and massage staff who are behind closed doors.~~

18           ~~(k) No alcoholic beverages or drugs may be sold, served, used, or possessed on the premises of~~  
19 ~~any massage establishment during business hours. "Alcoholic beverage" includes a mixture of one or~~  
20 ~~more alcoholic beverages ingested separately or as a mixture as defined in Section 23004 of the~~  
21 ~~California Business and Professions Code. "Drug" shall include all narcotics, drugs, or controlled~~  
22 ~~substances as defined in Chapter 2 (commencing with Section 11053) of Division 10 of the California~~  
23 ~~Health and Safety Code.~~

24           ~~(l) Unless the massage establishment operator and all practitioners are CAMTC-certified, the~~  
25 ~~operator of the massage establishment must post a notice informing the public and victims of human~~

1 ~~trafficking of telephone hotline numbers to seek help or report unlawful activity in English, Spanish,~~  
2 ~~Cantonese and Vietnamese, and other appropriate languages as determined by the Department in a~~  
3 ~~conspicuous place near the public entrance of the massage establishment or in another conspicuous~~  
4 ~~location in clear view of the public and employees where similar notices are customarily posted~~  
5 ~~pursuant to Cal. Civil Code Section 52.6.~~

6 **SEC. 29.2813. REFERRAL OF PERMIT APPLICATION TO OTHER**  
7 **DEPARTMENTS., ~~FOR PRACTITIONERS NOT CERTIFIED BY THE CAMTC.~~**

8 (a) Code Compliance. The Director, within 10 days of receiving an application for a  
9 permit to operate a ~~m~~Massage ~~e~~Establishment or ~~sole~~ Sole ~~p~~Practitioner ~~m~~Massage  
10 ~~e~~Establishment ~~permit where one or more practitioners are not certified as a massage practitioner or~~  
11 ~~therapist by the CAMTC pursuant to the California Business and Professions Code,~~ shall refer the  
12 application to the City Department of Building Inspection and the City Police, Fire, and  
13 Planning Departments. Said departments shall inspect the ~~premises facilities~~ proposed to be  
14 operated as a ~~m~~Massage ~~e~~Establishment or a ~~sole~~ Sole ~~p~~Practitioner ~~m~~Massage  
15 ~~e~~Establishment and shall make written findings to the Director concerning compliance with  
16 codes that they administer.

17 (b) Law Enforcement. The Director shall notify the Police Department of all approved  
18 permit applications.

19 **SEC. 29.3014. ISSUANCE OF ~~MESSAGE ESTABLISHMENT, SOLO PRACTITIONER~~**  
20 **~~MESSAGE ESTABLISHMENT, OR OUTCALL MESSAGE SERVICE PERMIT, FOR PRACTITIONERS~~**  
21 **~~NOT CERTIFIED BY THE CAMTC ESTABLISHMENT PERMIT.~~**

22 (a) Within ~~14 days following a hearing, or, if no hearing is held, within~~ 60 business days,  
23 following receipt of a completed application for ~~a massage an~~ eEstablishment ~~permit, or, for~~  
24 ~~applications subject to referral under Section 29.28, within 30 days of receiving all written findings,~~  
25 ~~whichever is later, solo practitioner massage establishment, or outcall message service permit where~~

1 ~~one or more practitioners are not certified as a massage practitioner or therapist by the CAMTC~~  
2 ~~pursuant to the California Business and Professions Code,~~ the Director shall either issue the permit  
3 or mail a written statement of his or her reasons for denial thereof to the applicant. If the  
4 Director takes neither action, the permit shall be deemed issued.

5 (b) Hearing on Application. The Director may, in his or her discretion, hold a hearing on any  
6 pending application for an Establishment permit. The Director shall give the applicant at least 10  
7 days' written notice of the time and place of the hearing.

8 ~~(cb) No massage eEstablishment, solo practitioner massage establishment, or outcall~~  
9 ~~massage service~~ permit shall be issued if the Director finds:

10 (1) The applicant has provided materially false information, documents, or  
11 testimony in support of the application or in any other matter before the Director; or

12 (2) The facilities operation as proposed by the applicant would not comply with  
13 all applicable laws including, but not limited to, the facilities requirements set forth in Section  
14 29.27, the City Building, Planning, Housing, and Fire Codes, or any rule or regulation related to  
15 massage facilities adopted by the Director pursuant to this Article 29; or

16 (3) Within one year prior to the application, the applicant has had any license or  
17 permit of any kind suspended or revoked by the Director; or

18 (4) Within five years immediately prior to the date of application, the applicant  
19 has had any license, certificate, or permit related to the practice of ~~m~~Massage or operation of an  
20 Establishment revoked; or

21 (5) The applicant ~~and any other individual who will be directly engaged in the~~  
22 ~~management and operation of the massage establishment, solo practitioner massage establishment, or~~  
23 ~~outcall massage service~~ has been ~~e~~Convicted of, or is currently charged with, any of the following  
24 offenses ~~or convicted of an offense outside the State of California that would have constituted any of~~  
25 ~~the following offenses if committed within the State of California:~~

1 (A) Any felony involving the use of coercion, ~~or force,~~ and or violence  
2 upon another person; or

3 (B) Any misdemeanor sexual battery; or

4 (C) Any offense involving sexual misconduct with children; or

5 (D) Pimping or pandering; or

6 (E) Any offense related to human trafficking; or

7 (FE) Any offense requiring registration pursuant to Section 290.190 of the  
8 California Penal Code; or, for offenses committed outside California, any offense requiring  
9 registration in California pursuant to Penal Code Section 290.005; or

10 (6) The Director revoked permission to operate a massage business at the same  
11 location within the prior 12 months; or

12 (7) The Director concludes there is good cause to deny the permit in accordance with  
13 Business and Tax Regulations Code Section 26; or

14 (8) The Director finds that the premises or the business will be or is being managed,  
15 conducted, or maintained in such a manner as to endanger the health and safety of the employees or  
16 clients, or to coerce any employee to engage in illegal conduct.

17 (de) Discretionary Exception for Criminal Convictions. The Director may issue a permit  
18 otherwise authorized under this Section to any individual Owner eConvicted of one of the  
19 offenses listed in ~~§~~subsubsection (c)(5) (b)(4) of this Section if the Director finds that the offense  
20 was not violent, the conviction occurred at least five years prior to the date of application, and  
21 the applicant has not been convicted subsequently of any of the listed one of those offenses.

22 ~~(d) The Director may refuse to issue any permit authorized under this Section in any case~~  
23 ~~where there is reasonable grounds to determine that the premises or the business will be or are being~~  
24 ~~managed, conducted, or maintained in such a manner as to endanger the health or safety of the~~  
25 ~~employees or patrons thereof or to coerce any employee to engage in any illegal conduct.~~

1 (e) Sole Practitioners. Notwithstanding the provisions of Section 29.15, the Director  
2 may issue a ~~sole~~ Sole pPractitioner ~~m~~Message ~~e~~Establishment permit authorizing more than  
3 four ~~sole~~ Advanced mMessage pPractitioners or CAMTC Certified Practitioners to operate out of  
4 the same ~~place of business location~~ if the Director finds good cause exists and the operation of  
5 the ~~e~~Establishment will not have a negative impact on the neighborhood.

6 (f) Right to Director's Hearing. If an application for ~~a~~ an Establishment permit ~~authorized~~  
7 ~~under this Section~~ is denied, and provided that the Director did not hold a hearing on the application  
8 as provided in subsection (b) of this Section, the applicant may appeal the denial within 30 days ~~of the~~  
9 ~~date~~ of receipt of the notice of denial, ~~the applicant may appeal the decision~~ by notifying the  
10 Director in writing and explaining. ~~The notice shall set forth in detail~~ the ground or grounds for the  
11 appeal. Within 30 days of receipt of the notice of appeal, the Director shall conduct a hearing  
12 to consider the appeal. At least 10 days prior to the hearing, the Director shall notify the  
13 applicant of the time and place of the hearing. The Director shall oversee the hearing, provide  
14 the applicant an opportunity to speak at the hearing, and issue a ruling within 30 days of ~~its~~ the  
15 conclusion of the hearing. If the Director fails to rule within this time period, the permit denial shall  
16 be deemed sustained. The Director's ruling shall be the final decision of the Department.

17 **SEC. 29.30. BUSINESS TAX AND ZONING INFORMATION.**

18 When issuing or renewing an Establishment permit, the Director and the Tax Collector shall  
19 provide the permit holder with general information, including appropriate referrals to other City  
20 departments, regarding (1) the need and procedure for registering a business with the Tax Collector,  
21 and (2) possible zoning restrictions on the operation of a massage business.

22 **SEC. 29.31. ESTABLISHMENT ANNUAL LICENSE FEE.**

23 Every Establishment permit holder shall pay to the Tax Collector an annual license fee as set  
24 forth in Section 29.41.

25 **SEC. 29.15. EMPLOYMENT OF MASSAGE PRACTITIONERS.**



1 *It shall be the responsibility of every operator of a massage business or outcall massage*  
2 *service, or the employer of any individual purporting to act as a massage practitioner, to ensure that*  
3 *such individual is certified as a massage practitioner or therapist by the CAMTC pursuant to the*  
4 *California Business and Professions Code or has obtained a permit pursuant to this Article.*

5 ~~SEC. 29.16. REGISTER OF EMPLOYEES.~~

6 ~~The operator of a massage establishment, solo practitioner massage establishment, or outcall~~  
7 ~~massage service must maintain a register of all individuals employed as massage practitioners and~~  
8 ~~their CAMTC certificate or Department permit numbers. Such register shall be available for inspection~~  
9 ~~by the Department of Public Health at all times during regular business hours.~~

10 ~~SEC. 29.17. EMPLOYMENT OF PERSONS UNDER THE AGE OF 18 PROHIBITED.~~

11 ~~It shall be unlawful for any permittee to employ any individual who is not at least 18 years of~~  
12 ~~age.~~

13 ~~SEC. 29.18. DISPLAY OF PERMIT; HOURS OF OPERATION.~~

14 ~~(a) Every permit to operate a massage establishment or solo practitioner massage~~  
15 ~~establishment shall be displayed in a conspicuous place within the establishment so that the permit may~~  
16 ~~be readily seen by individuals entering the premises. Every permit to operate an outcall massage~~  
17 ~~service must be made available for inspection by the Department of Public Health at all times while~~  
18 ~~providing massage services.~~

19 ~~(b) No massage establishment, solo practitioner massage establishment, or outcall massage~~  
20 ~~service shall operate or provide massage services during the hours between 10:00 p.m. and 7:00 a.m.~~

21 SEC. 29.32. ESTABLISHMENT OPERATING REQUIREMENTS.

22 (a) Cleanliness and Hygiene. Every portion of the Establishment, including appliances and  
23 apparatuses, shall be kept clean and operated in a sanitary condition.

24 (1) Adequate and suitable space shall be provided for storage of clean linens,  
25 including, but not limited to, sheets, towels, and apparel.

1           (2) The Establishment shall provide clean laundered sheets and towels, launder them  
2 after each use, and store them in a sanitary manner.

3           (3) No towels or sheets shall be laundered or dried in any Establishment unless the  
4 Establishment has suitable laundry facilities.

5           (4) The Establishment shall provide smooth, cleanable, and appropriately labeled  
6 receptacles for the storage of soiled linens and paper towels.

7           (5) The Establishment shall appropriately bag and dispose of soiled refuse.

8           (6) Every Establishment shall thoroughly clean its wet and dry heat rooms, shower  
9 compartments, and toilet rooms each business day.

10          (7) Bathtubs shall be thoroughly cleaned and sanitized after each use.

11          (b) Changing Area. A room, enclosure, or designated area shall be provided where clients  
12 can change and store their clothes.

13          (c) Employee Area. A room, enclosure, or designated area that is separate from the toilet,  
14 massage room(s), steam room, or other common areas shared by the clients shall be made available to  
15 employees at all times.

16          (d) Employment of Minors Prohibited. It shall be unlawful for any Establishment to employ  
17 any individual who is not at least 18 years of age.

18          (e) Register of Practitioners. Every Establishment that hires or contracts with individuals to  
19 provide Massage services shall ensure at all times that each such individual holds a valid and current  
20 Massage Practitioner permit or CAMTC certificate. The Establishment shall maintain a register of  
21 practitioners that includes each practitioner's permit or CAMTC certificate number, which shall be  
22 available for inspection by the Department of Public Health at all times.

23          (f) Practitioner Conduct. Establishments shall be responsible for the conduct of all individuals  
24 providing Massage for Compensation on their business premises and shall ensure that such individuals  
25 do not wear improper attire or engage in lewd conduct as set forth in Section 29.17.

1 (g) Doors to Remain Unlocked. Interior and exterior doors shall remain unlocked while the  
2 Establishment is open. Exterior doors may remain locked if the Establishment is owned by one  
3 individual with no more than one employee or independent contractor.

4 (h) No Alcohol or Illegal Drugs Permitted on Premises. No alcoholic beverages or drugs may  
5 be sold, served, used, or possessed on the premises during business hours. "Alcoholic beverage"  
6 includes a mixture of one or more alcoholic beverages ingested separately or as a mixture as defined in  
7 Section 23004 of the California Business and Professions Code. "Drug" shall include all narcotics,  
8 drugs, or controlled substances as defined in Chapter 2 (commencing with Section 11053) of Division  
9 10 of the California Health and Safety Code.

10 (i) Human Trafficking Information Notices. Establishments must comply with the  
11 requirements of California Civil Code Section 52.6. The required notices of human trafficking  
12 information and telephone hotline numbers shall be posted in English, Spanish, Cantonese,  
13 Vietnamese, and other appropriate languages as determined by the Department.

14 (j) Residential Use. No part of the Establishment premises shall be used as a sleeping room or  
15 for any other residential purpose.

16 (k) Establishment Permit to be Displayed. Every permit to operate a Massage Establishment  
17 or Sole Practitioner Massage Establishment shall be displayed in a conspicuous place within the  
18 Establishment such that the permit may be readily seen by individuals entering the premises. Every  
19 permit to operate an Outcall Massage Service must be made available for inspection by the Department  
20 at all times while providing Massage services.

21 (l) Hours of Operation. No Establishment shall operate or provide Massage services during  
22 the hours between 10:00 p.m. and 7:00 a.m.

23 **SEC. 29.3319. INSPECTION.**

24 (a) Any member of the Department of Public Health may ~~make an inspection of any~~  
25 ~~Establishment massage establishment or solo practitioner massage establishment in the City for the~~

1 ~~purpose of determining that to determine whether the eEstablishment is operating~~ in compliance  
2 with the provisions of state law or this Article 29, or for the purpose of providing health and  
3 safety information to employees of the eEstablishment. ~~Whenever possible, inspectors shall be~~  
4 ~~accompanied by a health outreach worker who is fluent in the primary language(s) spoken by the~~  
5 ~~employees of the Establishment.~~ The Director shall adopt regulations ~~under Section 29.25~~  
6 governing the use of double doors or other structural devices that interfere with reasonable  
7 inspections and do not have legitimate safety or security purposes. (b) Nothing in this  
8 Section shall ~~be construed to~~ limit or restrict the ~~lawful~~ authority of a police officer ~~or other City~~  
9 ~~employee~~ to enter premises licensed under this Article 29. ~~(1) pursuant to a search warrant signed~~  
10 ~~by a magistrate and issued upon a showing of probable cause to believe that contraband is present or~~  
11 ~~that a crime has been committed or attempted, (2) without a warrant in the case of an emergency or~~  
12 ~~other exigent circumstances, or (3) as part of any other lawful entry in connection with a criminal~~  
13 ~~investigation or enforcement action.~~

14 ~~SEC. 29.20. MASSAGE ESTABLISHMENT, SOLO PRACTITIONER MASSAGE~~  
15 ~~ESTABLISHMENT, OR OUTCALL MASSAGE SERVICE LICENSE FEE.~~

16 ~~(a) Every person holding a massage establishment, solo practitioner massage establishment,~~  
17 ~~or outcall massage service permit shall pay to the Tax Collector an annual license fee, as set forth in~~  
18 ~~Section 29.26; provided, however, that the annual license fee shall be \$10 for any person holding a~~  
19 ~~massage establishment permit who is over 60 years old and does not employ others and whose gross~~  
20 ~~receipts from the massage business operated under the authority of said permit for the previous year~~  
21 ~~were less than \$1,000.~~

22 ~~(b) An advanced massage practitioner holding a solo practitioner massage establishment~~  
23 ~~permit shall not be required to pay any additional annual license fee for an outcall massage service~~  
24 ~~permit.~~

1           **SEC. 29.3421. SUSPENSION OR REVOCATION OF MESSAGE ESTABLISHMENT**

2           ~~**PERMIT, SOLO PRACTITIONER MESSAGE ESTABLISHMENT, OR OUTCALL MESSAGE**~~  
3           ~~**SERVICE PERMIT FOR PRACTITIONERS NOT CERTIFIED BY THE CAMTC.**~~

4           (a) Grounds for Suspension or Revocation. The Director may revoke or suspend any  
5           ~~Establishment permit, solo practitioner massage establishment, or outcall massage service permit~~  
6           ~~issued to massage establishments where all of the practitioners are not certified as a massage~~  
7           ~~practitioner or therapist by the CAMTC pursuant to the California Business and Professions Code,~~  
8           after a hearing, if the Director finds:

9                     (1) ~~Facts sufficient to support the denial of an Establishment permit on any ground set~~  
10                    ~~forth in Section 29.29; The permittee has violated any of the provisions of this Article; or~~

11                   (2) The permittee has refused to permit a lawful inspection of any duly authorized  
12                   ~~City health inspector to inspect the its business~~ premises or ~~its the operations therein~~; or

13                   (3) The permittee has engaged in any conduct in connection with the operation  
14                   of the business that violates the operating requirements set forth in Section 29.32, any rules or  
15                   ~~regulations related to Establishment operations, or any state or local laws;~~ or

16                   (4) ~~in the case of a massage establishment or outcall massage service permit, a~~Any  
17                   employee ~~or independent contractor~~ of the permittee has engaged in ~~any~~ conduct that violates  
18                   any state or local laws at permittee's place of business, and the permittee had or, in the  
19                   exercise of due diligence, should have had ~~actual or constructive~~ knowledge ~~by due diligence~~ of the  
20                   illegal conduct ~~In the case of a solo practitioner massage permit, the permittee no longer holds a~~  
21                   ~~current, valid advanced massage practitioner permit issued by the Director;~~ or

22                   (5) The Director determines ~~by clear and convincing evidence~~ that such business  
23                   is being managed, conducted, or maintained without regard for public health or the health of  
24                   ~~clients patrons, customers,~~ or employees, or without due regard ~~to for~~ proper sanitation and  
25                   hygiene; or

1                   (6) The Director finds good cause to suspend or revoke the permit in accordance with  
2 set forth in Business and Tax Regulations Code Sections 24 and 26. The permittee has violated a rule  
3 or regulation adopted by the Director pursuant to Section 29.25.

4                   (b) Hearing. An Establishment permit holder cited for a violation of any provision of Article  
5 29 or the rules and regulations promulgated by the Director under Section 29.2 shall be scheduled to  
6 appear at a hearing held by the Director. Before any hearing is conducted under this Section, †The  
7 Director shall provide the permittee at least 2010 days' written notice of the ~~The notice shall~~  
8 ~~include the~~ time, place, and grounds for the hearing. If requested by permittee, the Director  
9 shall make available all documentary evidence against permittee within two business days of the  
10 request no later than 15 days prior to the hearing. At the hearing, the permittee shall be provided  
11 an opportunity to refute all evidence against him or her. The Director shall oversee the hearing  
12 and issue a ruling within 2030 days of the its conclusion of the hearing. If the Director fails to  
13 issue a ruling in this time period, no suspension or revocation shall be imposed. The Director's ruling  
14 shall be the final decision of the Department.

15                   (c) Summary Suspension. The Director may suspend summarily any massage  
16 eEstablishment, solo practitioner massage establishment, or outcall massage service permit issued  
17 under this Article pending a noticed revocation or suspension hearing ~~on revocation or suspension~~  
18 when, in the opinion of the Director, the public health or safety requires such summary  
19 suspension. ~~Any affected permittee~~ The Director shall provide written ~~be given~~ notice of such  
20 summary suspension to the permit holder by hand delivery or registered mail. ~~in writing delivered~~  
21 ~~to said permittee in person or by registered letter.~~

22                   ~~SEC. 29.22. HEARINGS.~~

23                   ~~The Director may fix a time and place for a hearing on any application for a permit under this~~  
24 ~~Article, which shall not be held more than 45 days after the receipt of the completed application, or, in~~  
25

1 ~~the case of a permit to operate a massage establishment or solo massage practitioner establishment,~~  
2 ~~more than 30 days after receiving the findings required under Section 29.13 of this Article.~~

3 ~~SEC. 29.23. TRANSFER OF PERMIT.~~

4 ~~No permit issued under this Article shall be transferable.~~

5 ~~SEC. 29.24. BUSINESS TAX AND ZONING INFORMATION, RESOURCES FOR MASSAGE~~  
6 ~~PRACTITIONERS.~~

7 ~~(a) Upon issuing or renewing any registration or permit issued under this Article, the Director~~  
8 ~~and the Tax Collector shall also provide the permit holder with general information, including~~  
9 ~~appropriate referrals to other City departments, regarding (1) the need and procedure for registering a~~  
10 ~~business with the Tax Collector, and, (2) possible zoning restrictions on the operation of a massage~~  
11 ~~practice.~~

12 ~~(b) The Director shall provide all persons receiving a massage practitioner permit with~~  
13 ~~educational materials regarding their rights and informing them of available resources such as health~~  
14 ~~services and victim assistance, as well as emergency numbers and hotlines to call for information and~~  
15 ~~assistance.~~

16 ~~SEC. 29.25. RULES AND REGULATIONS; COMPLAINT LINE.~~

17 ~~(a) The Director, after a noticed public hearing, may adopt rules and regulations to carry out~~  
18 ~~the provisions of this Article. Such rules and regulations shall take effect no sooner than 15 days after~~  
19 ~~the public hearing. Violation of any such rule or regulation may be grounds for administrative action~~  
20 ~~against the permittee, including suspension or revocation of the permit as provided in Sections 29.8~~  
21 ~~and 29.21 or an administrative fine as provided in Section 29.27, but the Director shall whenever~~  
22 ~~possible give the permittee a reasonable opportunity to cure the violation before seeking penalties.~~

23 ~~(b) The Director shall maintain a phone line for inquiries and complaints regarding massage~~  
24 ~~businesses and practitioners.~~

1 FEES

2 **SEC. 29.4026. MASSAGE PRACTITIONER FEES.**

3 (a) Required Fees. The application fee for a Massage Practitioner permit shall be \$146. The  
4 annual license fee for a Massage Practitioner permit shall be \$123. The fee shall be due annually on  
5 March 31 of each year, pursuant to Section 76.1, Article 2 of the Business and Tax Regulations Code.

6 (b) Exemption. A Massage Practitioner providing massage services under the direction of a  
7 Non-profit Organization is exempt from annual license fees under this Article.

8 **SEC. 29.41. ESTABLISHMENT FEES.**

9 (a) ~~Massage Establishments.~~ The application fee for a ~~m~~Massage ~~e~~Establishment ~~permit,~~  
10 ~~as provided in Section 29.11,~~ shall be ~~\$681658.~~ The annual license fee for a ~~m~~Massage  
11 ~~e~~Establishment, ~~as provided in Section 29.20,~~ shall be ~~\$1,2141,173.~~ The ~~F~~fee shall be due  
12 annually on March 31 of each year, pursuant to Section 76.1, Article 2 of the Business and  
13 Tax Regulations Code.

14 (b) ~~Sole Practitioner Massage Establishments.~~ The application fee for a ~~sole~~ Sole  
15 ~~p~~Practitioner ~~m~~Massage ~~e~~Establishment ~~permit, as provided in Section 29.11,~~ shall be ~~\$497480.~~  
16 The annual license fee for a ~~sole~~ Sole ~~p~~Practitioner ~~m~~Massage ~~e~~Establishment, ~~and for massage~~  
17 ~~establishments where all practitioners are certified by the CAMTC, as provided in Section 29.20,~~ shall  
18 be ~~\$599579.~~ The ~~F~~fee shall be due annually on March 31 of each year, pursuant to Section  
19 76.1, Article 2 of the Business and Tax Regulations Code.

20 (c) ~~Outcall Massage Services.~~ The application fee for an ~~e~~Outcall ~~m~~Massage ~~s~~Services  
21 ~~permit, as provided in Section 29.11,~~ shall be ~~\$351480.~~ The annual license fee for an ~~e~~Outcall  
22 ~~m~~Massage ~~s~~Service, ~~as provided in Section 29.20,~~ shall be ~~\$306579.~~ The ~~F~~fee shall be due  
23 annually on March 31 of each year, pursuant to Section 76.1, Article 2 of the Business and  
24 Tax Regulations Code.

25 (d) ~~Exceptions.~~



1                   (1) A Non-profit Organization is exempt from application and annual license fees under  
2 this Article 29.

3                   (2) The annual license fee shall be \$10 for any Establishment permit holder who is over  
4 60 years old, does not employ others, and whose gross receipts from the Establishment for the previous  
5 year were less than \$1,000.

6                   (3) An ~~a~~Advanced ~~m~~Massage ~~p~~Practitioner or CAMTC Certified Practitioner,  
7 holding a ~~sole~~ Sole ~~p~~Practitioner ~~m~~Massage ~~e~~Establishment permit, shall not be required to pay  
8 any additional ~~permit~~ application or annual license fee for an ~~e~~Outcall ~~m~~Massage ~~s~~Service  
9 permit.

10                   **SEC. 29.42. ADJUSTMENT OF FEES.**

11                   ~~(e)~~ Beginning with fiscal year 2008-2009, fees set forth in this Article may be adjusted  
12 each year, without further action by the Board of Supervisors, ~~asset forth in this Section.~~ Not  
13 later than April 1, the Director shall report to the Controller the revenues generated by the fees  
14 for the prior fiscal year and the prior fiscal year's costs of operation, as well as any other  
15 information that the Controller determines appropriate to the performance of the duties set  
16 forth in this Section. Not later than May 15, the Controller shall determine whether the current  
17 fees have produced or are projected to produce revenues sufficient to support the costs of  
18 providing the services for which the fees are assessed and that the fees will not produce  
19 revenue which is significantly more than the costs of providing the services for which the fees  
20 are assessed. The Controller shall, if necessary, adjust the fees upward or downward for the  
21 upcoming fiscal year as appropriate to ensure that the program recovers the costs of  
22 operation without producing revenue which is significantly more than such costs. The adjusted  
23 rates shall become operative on July 1.

24                   **ENFORCEMENT AND PENALTIES**

1           **SEC. 29.4527. VIOLATIONS AND ADMINISTRATIVE PENALTIES.**

2           (a) Any person who violates any provision of this Article 29 or any rule or regulation  
3 adopted pursuant to Section 29.252 may, after being provided notice and an opportunity to be  
4 heard, be subject to the following monetary *and permit* penalties ~~and/or permit penalties.~~

5                   (1) Massage Business Establishment Operating Without an Establishment  
6 Permit from the San Francisco Department of Public Health.

7                           (A) Administrative fine: Up to \$1,000 per day of operating without a  
8 permit; and

9                           (B) Permit penalty: Business location and Owner of massage business  
10 Revocation, and Massage Establishment location and permittee are ineligible for an Establishment  
11 new permit from the San Francisco Department of Public Health for 180 days.

12                           (C) Repeat violations: Same penalties as (a)(1)(A) and (a)(1)(B).

13                   (2) ~~Establishment Violating Conditions of California Business and Professions Code~~  
14 ~~Sections 4600-4620 and all Implementing Regulations.~~

15                           (A) ~~Administrative fine: Up to \$1,000 per day of operating without a permit;~~  
16 ~~and~~

17                           (B) ~~Permit penalty: Massage Establishment location and permittee are~~  
18 ~~ineligible for a permit from the San Francisco Department of Public Health for 180 days.~~

19                           (C) ~~Repeat violations: Same penalties as (a)(2)(A) and (a)(2)(B).~~

20                   (23) Massage Establishment Employing Any Person Under 18 Years of Age  
21 Underage Practitioner as Defined in Section 29.17.

22                           (A) Administrative fine: None.

23                           (B) Permit penalty: Mandatory 60-120 days suspension of Massage  
24 Establishment permit.

1 (C) Repeat violations: Revocation for second occurrence within 36  
2 months of first occurrence; ~~and Massage Establishment location and~~ permittee ~~are~~ ineligible for  
3 a ~~new~~subsequent permit for 180 days.

4 (34) Solicitation Charges or Convictions, as Defined by California Penal Code  
5 Section 647(a) or (b) and/or San Francisco Police Code Section 225, for Anyone Working at  
6 ~~Massage Establishment.~~

7 (A) Administrative fine: \$5,000 to be paid by ~~Massage~~ Establishment  
8 permittee; and

9 (B) Permit penalty: Mandatory 60-120 days suspension of ~~Massage~~  
10 Establishment permit.

11 (C) Repeat violations: Revocation; ~~Establishment~~ permittee ineligible for a  
12 ~~subsequent new Massage~~ Establishment permit ~~from the San Francisco Department of Public Health,~~  
13 at any location.

14 (45) Trafficking Charges or Convictions, as Defined by California Penal Code  
15 Section 236.1, for Anyone Working at ~~Massage~~ Establishment.

16 (A) Administrative fine: None.

17 (B) Permit penalty: Revocation; ~~Establishment and P~~ permittee ineligible  
18 for a ~~subsequent new Massage~~ Establishment permit, at any location.

19 (C) Repeat violations: Same penalty as (a)(45)(B).

20 (56) Establishment Knowingly Employing ~~Unlicensed or Uncertified Individual~~  
21 ~~Without Massage Practitioner Permit or CAMTC Certification To Administer Massage Practitioner~~  
22 ~~or Therapist.~~

23 (A) Administrative fine: \$1,000 to be paid by ~~Massage~~ Establishment  
24 permittee.

25 (B) Permit penalty: None.

1 (C) Repeat violations: 15-30 days suspension and up to \$2,500 fine for  
2 ~~2nd~~second occurrence within a 24 month period; 30-60 days suspension or ~~permit~~-revocation,  
3 and up to \$5,000 fine for ~~3rd~~third occurrence within 24 months.

4 (67) Establishment Used for Residential Sleeping Purposes, ~~Without~~  
5 ~~Authorization by the City and County of San Francisco Director of Public Health.~~

6 (A) Administrative fine: Up to \$1,000.

7 (B) Permit penalty: None.

8 (C) Repeat violations: 15-30 days suspension and up to \$2,500 fine  
9 ~~and~~for ~~2nd~~second occurrence within 24 months; 30-60 days suspension and up to \$5,000 fine  
10 for ~~3rd~~third occurrence within 24 months.

11 (78) Presence of Beds Instead of Massage Tables.

12 (A) Administrative fine: None.

13 (B) Permit penalty: ~~Notice of violation only~~ None.

14 (C) Repeat violations: Up to \$1,000 fine for ~~second~~2nd occurrence within  
15 24 months; 15-30 day suspension and up to \$2,500 fine and for ~~3rd~~third occurrence within 24  
16 months.

17 (89) ~~Massage Practitioner-Any Massage Service Provider Improperly Attired in~~  
18 ~~Violation of Section 29.17(a)Not Wearing Attire as Described in Section 29.12(i).~~

19 (A) Administrative fine: Up to \$250 per person to be paid by ~~Massage~~  
20 ~~Establishment permittee,~~ and,

21 (B) Permit penalty: ~~Notice of violation~~ None.

22 (C) Repeat violations: Up to \$500 fine per person to be paid by  
23 Establishment permittee for ~~2nd~~second and each subsequent occurrence; ~~and~~ 60-day  
24 ~~suspension~~ for of Massage pPractitioner permit and 60-day suspension per person ~~of for~~  
25 ~~Massage~~ Establishment permit.

1           (~~910~~) Sanitation ~~Issues~~Violations; Pursuant to Section 29.12(~~f~~)32(a).

2                   (A) Administrative fine: None.

3                   (B) Permit penalty: Notice of violation None.

4                   (C) Repeat violations: Up to \$250 fine and 60-days suspension of for  
5 Massage-Establishment permit.

6           (~~1011~~) Massage-Establishment Operating Past Between the Hours of 10:00 p.m.  
7 and 7:00 a.m.

8                   (A) Administrative fine: Up to \$1,000.

9                   (B) Permit penalty: None.

10                  (C) Repeat violations: 15-30 days suspension and up to \$2,500 for 2nd  
11 second occurrence within 24 months; 30-60 days suspension and up to \$5,000 fine for 3rdthird  
12 and each subsequent occurrence within 24 months.

13           (~~1112~~) Practicing Massage for Compensation Without a Massage Practitioner  
14 Permit or CAMTC Certification.

15                   (A) Administrative fine: \$250 fine.

16                   (~~B~~) Permit penalty: None.

17                   (~~C~~) Repeat violations: \$500 fine for 2nd second occurrence within 24  
18 months; \$1,000 fine for 3rdthird and each subsequent occurrence within 24 months and  
19 individual Practitioner ineligible for Massage Practitioner San Francisco Department of Public Health  
20 permit for 180 days.

21           (~~1213~~) Anyone Engaged In Lewd Conduct or Performing Sex Acts as Defined in  
22 Section 29.12(~~h~~)17(b) on Massage-Establishment Premises During Business Hours.

23                   (A) Administrative fine: \$1,000 to be paid by Massage-Establishment  
24 permittee, and

1 (B) Permit penalty: 60-day *permit* suspension of *Massage*-Establishment  
2 permit.

3 (C) Repeat violations: ~~Permit~~ Revocation of *Massage Practitioner permit*  
4 and both practitioner and *Massage*-Establishment permittee. *Permit holder permanently ineligible*  
5 for subsequent *Massage Practitioner or Establishment Permit*.

6 (~~13~~14) Failure to Post Notices as Required by Section 29.12(~~4~~)32(i).

7 (A) Administrative fine: Written warning for first violation, \$250 for  
8 second and each subsequent violation within 12 months.

9 (B) Permit Penalty: 30-day suspension of *Establishment permit* for third  
10 and subsequent violations within 24 months.

11 (~~14~~15) All Other Violations of San Francisco Health Code Article 29, and Any  
12 *Massage Program Rules and Regulations*.

13 (A) Administrative fine: Up to \$1,000 fine, and

14 (B) Permit penalty: Possible ~~S~~ suspension or revocation.

15 (C) Repeat violations: Up to \$2,500 fine for the second violation in a 24-  
16 month period and possible permit suspension or revocation; up to \$5,000 for the third and  
17 subsequent violations in a 24-month period, and permit suspension or revocation.

18 (b) Notice to Property Owner. Written notice of each *Establishment permit holder* violation  
19 shall be provided to the owner(s) of the property upon which the *Massage* Establishment is  
20 located.

21 (c) Revenue from Fines. Administrative fines collected under this Section shall be used  
22 to support the Department of Public Health and its Health Code enforcement functions.

23 (d) No Bar to Prosecution. Nothing in this Section shall preclude the prosecution of  
24 anyone under Health Code Section 29.2947, the laws of the State of California, or the laws of  
25 the United States of America.

1           **SEC. 29.4628. COST RECOVERY.**

2           Any person who is assessed an administrative fine or whose permit is suspended or  
3           revoked under this Article, regardless of whether any fine, suspension, or revocation is held in  
4           abeyance by the Department, shall be liable to the City for its costs incurred in enforcing this  
5           Article, including but not limited to the costs of inspection, investigation, administration, ~~hearing~~  
6           ~~officer~~, administrative proceedings, court proceedings, monitoring, and attorneys' fees if, at the  
7           conclusion of all proceedings, the fee or permit action is substantially sustained. Within ~~ten business~~  
8           ~~days of the termination of the administrative hearing or other proceeding~~ 30 days of the final decision,  
9           the Department ~~of Public Health~~ shall calculate ~~the amount of its~~ costs. The Director may reduce  
10          the bill of costs for good cause.

11           **SEC. 29.4729. VIOLATIONS AND CRIMINAL PENALTIES.**

12          (a) Criminal Violations. Any Establishment permit holder that violates the requirements of  
13          Section 29.10, 29.15, 29.25, or subsections (d), (e), (j), (k), or (l) of Section 29.32 Any permittee, as  
14          defined in Section 29.1, of a massage establishment or outcall massage service or any employer of a  
15          massage practitioner who violates Health Code Section 29.2 which requires a permit to engage in the  
16          practice of massage, Health Code Section 29.6 which requires presentation of an identification card to  
17          any City health inspector, Health Code Section 29.10 which requires practitioners not certified by the  
18          CAMTC pursuant to the California Business and Professions Code to obtain a permit to operate a  
19          massage establishment, solo practitioner massage establishment, or outcall massage service, Health  
20          Code Section 29.12(g) which prohibits the use of any room in which massage services are provided to  
21          be used as a sleeping room, Health Code Section 29.15 which requires every permit holder or employer  
22          to ensure that a massage practitioner, who is not certified by the CAMTC, has obtained a permit,  
23          Health Code Section 29.16 which requires a register of practitioners to be available for inspection,  
24          Health Code Section 29.17 which prohibits the employment of any individual under the age of 18,  
25          Health Code Section 29.18, which requires display of a permit and prohibits operation between the

1 ~~hours of 10 p.m. and 7 a.m., or any rule or regulation adopted pursuant to Section 29.25,~~ shall be  
2 guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$1,000  
3 or by imprisonment in the County Jail not to exceed six months, or by both. A person  
4 convicted of violating ~~any listed this~~ Section shall be deemed guilty of a separate offense for  
5 every day such violation shall continue.

6 (b) No Bar to Prosecution. Nothing in this Section 29.47 shall preclude the prosecution  
7 of anyone under the laws of the State of California or of the United States of America.

8 **SEC. 29.4830. COOPERATIVE EFFORTS WITH LAW ENFORCEMENT.**

9 The Director ~~of Public Health~~ shall work with the Chief of Police on issues of common  
10 concern affecting the massage industry, such as protections against violence in massage  
11 establishments, crimes against massage practitioners, forced labor, or trafficking.

12 ~~During the six-month period between adoption of this Article and its effective date, the Director~~  
13 ~~of Public Health shall work with the Chief of Police to develop procedures to verify that permit~~  
14 ~~applicants do not have prior criminal convictions that would disqualify the applicants from receiving a~~  
15 ~~permit under this Article.~~

16 **SEC. 29.4931. UNDERTAKING FOR THE GENERAL WELFAREDISCLAIMER.**

17 In regulating massage establishments and massage services as provided in this  
18 Article, the City is assuming an undertaking only to promote the general welfare. It is not  
19 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it  
20 is liable in money damages to any person who claims that such breach proximately caused  
21 injury.

22 **SEC. 29.5032. SEVERABILITY.**

23 If any of the provisions of this Article 29 or the application thereof to any person or  
24 circumstance is held invalid, the remainder of this Article, including the application of such part  
25 or provisions to persons or circumstances other than those to which it is held invalid, shall not



1 be affected thereby and shall continue in full force and effect. To this end, the provisions of  
2 this Article are severable.

3 **SEC. 29.51. NO CONFLICT WITH STATE OR FEDERAL LAW.**

4 Nothing in this Article 29 shall be interpreted or applied so as to create any requirement,  
5 power, or duty in conflict with any federal or state law.

6  
7 Section 2. Effective Date. This ordinance shall become effective 30 days after  
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
9 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
10 of Supervisors overrides the Mayor's veto of the ordinance.

11 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
12 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
13 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
14 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
15 additions, and Board amendment deletions in accordance with the "Note" that appears under  
16 the official title of the ordinance.

17  
18 APPROVED AS TO FORM:  
19 DENNIS J. HERRERA, City Attorney

20 By:   
21 Sherri Sokeland Kaiser  
Deputy City Attorney

22 n:\legana\as2014\1500236\00977805.docx

**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.

n:\egana\as2014\1500236\00977927.doc

**Health Commission  
City and County of San Francisco  
Resolution No. 15-5**

**RESOLUTION TO SUPPORT THE CODIFICATION OF CALIFORNIA STATE A.B. 1147 AND  
ADDITIONAL AMENDMENTS TO INCREASE HEALTH AND SAFETY OF MASSAGE  
ESTABLISHMENTS.**

WHEREAS, the mission of the San Francisco Department of Public Health (SFDPH) is to protect and promote the health of all San Franciscans, particularly San Francisco's vulnerable populations; and

WHEREAS, SFDPH recognizes the many therapeutic benefits of the practice of massage therapy, which include tempering aches and pains, easing stress, and reducing blood pressure; and

WHEREAS, SFDPH has a long history of working in partnership with many of San Francisco's massage establishments and practitioners to support their operation in compliance with the Health Code; and

WHEREAS, the San Francisco Health Code authorizes the Director of Public Health or his/her designee to implement the licensing and regulations of massage practitioners and establishments; and

WHEREAS, in order to ensure the health of San Franciscans, the Director of Public Health has designated the Health Officer and his/her staff of the Environmental Health Branch to implement the Health Code as it relates to permitting and licensing requirements for massage establishments and massage practitioners; and

WHEREAS, in recent years, a change in State law created an unintended loophole that impacted the ability of cities and counties to use their authority to regulate and zone massage establishments; and

WHEREAS, in San Francisco, the inability to impose local regulation has led to a marked increase in the number of massage establishments, especially in some areas of the City that now exhibit a significant concentration of such establishments; and

WHEREAS, in San Francisco and other parts of California, the lack of local regulation has also resulted in the opening of many illicit massage establishments, which have a great impact on vulnerable populations as they are often associated with illegal and criminal activity such as human trafficking and other human rights violations; and

WHEREAS, illicit massage establishments are detrimental to health and safety of the community and also impact the local economy, as they drive legitimate business away, potentially affecting the vitality of neighborhoods and the provision of adequate services for residents and visitors alike; and

WHEREAS, the loophole created by State law has made oversight of local massage establishments under the San Francisco Health Code difficult to enforce and has propagated the closure and subsequent reopening of many illicit establishments; and

WHEREAS, in recognition of these unintended consequences, in September 2013, California enacted Assembly Bill No. 1147 ("A.B. 1147"), which, among other things, amended state law to enable local governments to more effectively zone and regulate massage establishments; and

WHEREAS, to ensure that SFPDH can continue to protect and promote health through the regulation of all massage establishments in San Francisco, San Francisco Health Code must be amended to align local law with A.B. 1147;

NOW THEREFORE BE IT RESOLVED, that to ensure public health, safety and welfare, the Health Commission supports the codification of A.B. 1147, which will restore the ability of SFPDH to regulate all massage establishments and charge cost recovery fees; and be it


FURTHER RESOLVED, that the Health Commission supports additional amendments to the Health Code to enhance enforcement, transparency and education by providing SFPDH with tools to more effectively regulate massage establishments while providing appropriate oversight that allows the law-abiding massage industry to flourish.

FURTHER RESOLVED, that the Health Commission supports collaboration with members of the local massage community to develop amendments to the Health Code that support the ability of massage professionals and businesses to promote their profession and protect public health and safety.

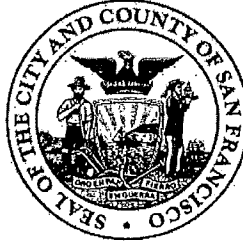
FURTHER RESOLVED, the Environmental Health Branch shall explore options which mitigate the overall burdens of licensing, costs and regulation on massage practitioners and establishments, while maintaining net fiscal neutrality and ensuring public health and safety.

FURTHER RESOLVED, that the Health Commission supports future evaluation of the impact of these regulatory amendments to the Health Code to ensure that identified public health, safety and welfare goals are met.

I hereby certify that the San Francisco Health Commission at its meeting on March 3, 2015 adopted the foregoing resolution.

  
Mark Morewitz, MSW  
Health Commission Executive Secretary

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection  
Sonya Harris, Secretary, Building Inspection Commission

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Economic Development  
Committee, Board of Supervisors

DATE: January 13, 2015

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Land Use and Economic Development Committee has received the following legislation, introduced by Supervisor Tang on December 16, 2014:

**File No. 141302**

**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.**

Page 2  
Department of Building Inspection and Commission  
January 13, 2015

The proposed ordinance is being transmitted pursuant to Charter Section D3.750-5 for public hearing and recommendation. It is pending before the Land Use & Economic Development Committee and will be scheduled for hearing upon receipt of your response.

Please forward me the Commission's recommendation and reports at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: William Strawn, Department of Building Inspection  
Carolyn Jayin, Department of Building Inspection

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Regina Dick-Endrizzi, Director  
**Small Business Commission, City Hall, Room 448**

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Economic Development  
Committee, Board of Supervisors

DATE: January 13, 2015

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS  
Land Use and Economic Development Committee

The Board of Supervisors' Land Use and Economic Development Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

**File No. 141302**

**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.**



Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

\*\*\*\*\*

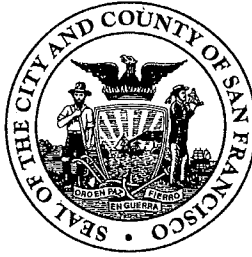
**RESPONSE FROM SMALL BUSINESS COMMISSION - Date:** \_\_\_\_\_

**No Comment**

**Recommendation Attached**

\_\_\_\_\_  
**Chairperson, Small Business Commission**

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Barbara A. Garcia, Director, Department of Public Health  
Jose Cisneros, Treasurer, Office of the Treasurer-Tax Collector  
Donna Levitt, Division Manager, Office of the Labor Standards Enforcement  
Greg Suhr, Chief, Police Department  
Joanne Hayes-White, Chief, Fire Department  
John Rahaim, Director, Planning Department

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Economic Development  
Committee, Board of Supervisors

DATE: January 15, 2015

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Tang on December 16, 2014:

**File No. 141302**

**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.**

Referral from the Board of Supervisors  
Land Use and Economic Development Committee  
January 15, 2015  
Page 2

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c:  
Greg Wagner, Department of Public Health  
Colleen Chawla, Department of Public Health  
Amanda Kahn Fried, Office of the Treasurer-Tax Collector  
Christine Fountain, Police Department  
Inspector John Monroe, Police Department  
Kelly Alves, Fire Department  
Scott Sanchez, Planning Department  
Sarah Jones, Planning Department  
Viktoriya Wise, Planning Department  
AnMarie Rodgers, Planning Department  
Aaron Starr, Planning Department  
Joy Navarrete, Planning Department  
Jeanie Poling, Planning Department



**San Francisco Commission on the Status of Women**

**Resolution in Support of San Francisco Massage Establishment Ordinances 141302 & 141303**

**BE IT KNOWN** That the Commission on the Status of Women of the City and County of San Francisco hereby issue and authorize the execution, by the subscribing Commissioners, of the following resolution:

**WHEREAS**, The Department on the Status of Women has focused efforts on responding to modern day slavery since 2008 and now staffs the Mayor's Task Force on Anti-Human Trafficking, convened by Mayor Edwin M. Lee in 2013, including a committee on Illicit Massage Parlors, the target of a national campaign by Polaris which runs the National Human Trafficking Resource Center to address human trafficking occurring in establishments posing as massage parlors; and,

**WHEREAS**, The Department recognizes that while there are many law abiding massage establishments, the Department of Public Health estimates that 30-50% of massage establishments in San Francisco are fronts for commercial sexual activity and that 1 out of 4 women employed by establishments inspected by the Department of Public Health evidence signs of being trafficked; and,

**WHEREAS**, Supervisor Katy Tang has provided strong leadership in the effort to eradicate human trafficking from massage establishments., including contributing to the recent passage of Assembly Bill 1147 that enables local governments to more effectively regulate massage establishments, and gives San Francisco a vital opportunity to prevent and identify trafficking through its regulation and inspections of massage establishments; and,

**WHEREAS**, Supervisor Tang has introduced two ordinances to amend the Planning Code and the Health Code to strengthen regulations governing massage establishments; and, as part of these amendments, the Department of Public Health is incorporating the innovative use of bilingual health outreach workers into its inspections of massage establishments to provider referrals to women who may be trafficked;

**NOW THEREFORE BE IT RESOLVED** That the San Francisco Commission on the Status of Women supports the amendments to the Health Code and the Planning Code contained in File numbers 141302 and 141303 as a strategy for eradicating human trafficking from massage establishments in San Francisco.

*Nancy Kirshner-Rodriguez*  
Nancy Kirshner-Rodriguez, President

*Andrew Shorter*  
Andrew Shorter, Vice President

*Amy Ackerman*  
Amy Ackerman

*Alicia Gamez*  
Alicia Gamez

*Mary Jung*  
Mary Jung

*Julie D. Soo*  
Julie D. Soo

San Francisco Commission on the Status of Women

February 25, 2015

## Ausberry, Andrea

---

**From:** irene crescio [jac349@aol.com]  
**Sent:** Saturday, April 11, 2015 9:38 AM  
**To:** Wiener, Scott; Cohen, Malia (BOS); Kim, Jane (BOS); Ausberry, Andrea  
**Cc:** Tang, Katy (BOS); Quizon, Dyanna (BOS)  
**Subject:** Files 141302 and 141303

To everyone concerned:

I am writing to show my support to the changes being made pertaining to Massage Parlors in Files 14102 and 14103.

This is long overdue, however I would like clarification to the phrase "with certain exceptions." as shown that all new massage establishments will have to receive Conditional Use approval with certain exceptions.

Also, what will happen with Massage Parlors that currently have Human Trafficking? Will they go on with business as usual?

We definitely know of one Massage Parlor located at 2633 San Bruno Avenue in our Portola District that has twice been brought before the Department of Health at a public hearing for unlicensed and uncertified massage practitioners, various sanitary problems and other violations. It is a given that human trafficking is going on at this location and the girls are still at work behind a locked front door that is illegal for a massage parlor.

Some of us here in the Portola District have met with both Katy and Dyanna showing our concern of the increase in massage parlors here in our neighborhood. Two more have opened in the last year, and we are concerned that they to are fronts for prostitution.

Sincerely,

Irene Crescio, Board Member  
Portola Neighborhood Association (PNA)

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## NOTICE OF PUBLIC HEARING

### BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTATION COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

- Date:** Monday, April 20, 2015
- Time:** 1:30 p.m.
- Location:** Legislative Chamber, Room 250, located at City Hall  
1 Dr. Carlton B. Goodlett Place, San Francisco, CA
- Subject:** File No. 141302. 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.

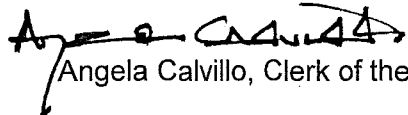
If the legislation passes, the following massage practitioners and establishment fees shall be charged and/or increased:

- 1) New fee for the application for a massage practitioner permit shall be \$146.00;
- 2) New fee for the annual license for a massage practitioner shall be \$123.00;
- 3) Increase of fee for the application for a massage establishment permit would be increased from \$658.00 to \$681.00;

- 4) Increase of fee for the annual license for a massage establishment would be increased from \$1,173.00 to \$1,214.00;
- 5) New fee for the annual license shall be \$10 for any establishment permit holder who is over 60 years old, does not employ others, and whose gross receipts from the establishment for the previous year were less than \$1,000;
- 6) Increase of fee for the application for a sole practitioner massage establishment permit would be increased from \$480.00 to \$497.00;
- 7) Increase of fee for the annual license for a sole practitioner massage establishment would be increased from \$579.00 to \$599.00;

All massage practitioner and establishment annual fees shall be due annually on March 31 of each year, pursuant to Business and Tax Regulations Code, Section 76.1, Article 2.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, April 17, 2015.

  
Angela Calvillo, Clerk of the Board

DATED: April 9, 2015

PUBLISHED/POSTED: April 10 & 16, 2015

# LEGAL ADVERTISING



To ADVERTISE IN SAN MATEO COUNTY CALL: 650-556-1556 • To ADVERTISE IN SAN FRANCISCO CALL: 415-314-1835

## Public Notices

or subcontractor may be awarded a contract for public work on a public works project unless registered with the DIR pursuant to Labor Code section 1725.5. This Project is subject to compliance monitoring and enforcement of prevailing wage requirements by the California Department of Industrial Relations and the San Francisco Office of Labor Standards Enforcement. The objective of the project is to landscape a lot near the College Hill Reservoir in San Francisco. The work is to be performed in SF, CA. The Engineer's estimate is \$446,000. The Contract will be awarded to the lowest responsible and responsive bidder. Bid discounts may be applied as per San Francisco Administrative Code Chapter 14B. The LBE subcontracting goal is 16% and ONLY San Francisco (Local) Small & Micro-LBEs can be utilized to meet this requirement (Firms certified by SF Contract Monitoring Division). SFPUC-LBEs cannot be utilized to meet the 16% LBE subcontracting goal requirement. Please contact Regina Chan at 415 551-4335 for further information. Subcontracting opportunities may include, but not limited, to the following major types of work: **grading and earthwork, concrete foundations, paving, fencing, custom fixture installation for solar panels, electrical, plumbing, irrigation installation, various landscape features, and animal housing units.** Interested bidders are encouraged to attend a pre-bid and contractor networking conference to be held at SFPUC Contractor's Assistance Center, 5 Thomas Mellon Circle Suite 168 at 10AM on April 22, 2015. Prime bidder's attendance at this conference is worth 15 points toward Chapter 14B "Good Faith Outreach" requirements. Bidders must achieve at least 80 points (out of a possible 100 points), as determined by CMD, to be deemed compliant with the "Good Faith Outreach" requirements, unless bidder is exempt from performing good faith outreach efforts under Section 14B.8(B) of the Administrative Code. A site inspection will be held after the pre-bid conference. A Class "A or C-27" California Contractors License is required to bid. Furthermore, each listed subcontractor must possess appropriate active licenses for the work each subcontractor will be performing. In accordance with San Francisco Administrative Code Chapter 6, no bid is accepted and no contract in excess of \$400,000 is awarded by the City and County of San Francisco until such time as (a) the General Manager, SFPUC recommends the contract for award and (b) the SFPUC then adopts a resolution awarding the contract. Pursuant to Charter Section 3.105, all contract awards are subject to certification by the Controller as to the availability of funds. Bidders are hereby advised that the Contractor to whom the Contract is awarded must be certified by the Contract Monitoring Division as being in compliance with the Equal

## Public Notices

Benefits Provisions of Chapter 12B of the City's Administrative Code within two weeks after notification of award by the SFPUC General Manager. This Project is subject to the requirements of the San Francisco Local Hiring Policy for Construction ("Policy") as set forth in Section 6.22(G) of the San Francisco Administrative Code. Bidders are hereby advised that the requirements of the Policy will be incorporated as a material term of any contract awarded for the Project. Refer to Contract Section 00 73 30 for more information. If a bidder objects on any ground to any bid specification or legal requirement imposed by this Advertisement for Bids, the bidder shall, no later than the 10th working day prior to the date of Bid opening, provide written notice to the Manager, Contract Administration Bureau, setting forth with specificity the grounds for the objection.

### CITY AND COUNTY OF SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY INVITATION FOR PROPOSALS

Sealed Bids will be received at One South Van Ness Ave., 3rd Floor, San Francisco, California 94103, before 3:00 p.m., on May 21, 2015 for the following public work:

#### Unity Plaza Development Project (Contract No. 1283)

**A. Proposal Bid Submittal Deadline and Bid Opening:** A Bidder must submit its Proposal to the San Francisco Municipal Transportation Agency (SFMTA) at One South Van Ness Ave., 3rd Floor, San Francisco, California in the format and with the documents required herein before 3:00 p.m. on May 21, 2015. Bids shall be publicly opened immediately after 3:00 p.m. on May 21, 2015 at One South Van Ness Ave., 3rd Floor Conference Room.

#### B. Summary of the Work Description of work:

The work to be done under this Contract is located within the City of San Francisco as shown on the Plans. This generally consists of the construction of a Plaza to the east of an affordable housing complex, and the City College Pedestrian Connector between the City College Ocean Ave. campus west of Phelan Ave. and MTA bus stops at the City College Terminal. Work to be performed under the project includes, but not limited to, the following:

- **Unity Plaza** - Asphalt paving, curbs, fencing, trees and shrubs, and the furnishing and installation of poured-in-place integrally colored concrete paving, concrete walls, concrete planters, retractable bollards, safety surface, climbing structure, light poles and recessed wall lights.
- **Unity Plaza** - Site drainage system, automated irrigation system and landscaping.
- **CCSF Connector** - Asphalt paving, curbs, fencing, trees and shrubs, and the procurement and installation of a poured-in-place concrete stair case, stainless steel handrails, concrete walls, concrete curbs, wall recessed lights, chain link fencing, tile

## Public Notices

art installation and a rain garden.

- **CCSF Connector** - Site drainage system, automated irrigation system and landscaping. The above description of the Work is a general summary only and does not modify the requirements set out in the Specifications, Drawings or other Contract Documents. The estimated cost for this work is \$2.0 million.

**C. Requirements of Bidders**

1. No contractor or subcontractor may be listed on a bid proposal for a public works project (submitted on or after March 1, 2015) unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].
2. No contractor or subcontractor may be awarded a contract for public work on a public works project (awarded on or after April 1, 2015) unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5.
3. This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.
4. All Proposals must be made on the Proposal form bound with the Specifications for the Work.
5. All Bidders must possess the proper license at the time of Contract award. A California State Contractor's License Classification A is required of the prime Bidder for this Contract. Each subcontractor must possess the appropriate license covering the subcontracted Work it will perform.
6. To be eligible for award of the Contract, if it be awarded, Contractor must demonstrate that it has the experience, expertise, financial and bonding capacity, personnel, and equipment to perform the Work.
7. Bidders are hereby notified that the SFMTA has designated this Contract to be set-aside for Small Business Enterprise (SBE) prime bidders only. There will be no SBE goal. However, the SBE prime bidders will be required to demonstrate that they will perform no less than 30% of the work and that SBEs will perform 100% of the work, with the exception of the placement and installation of Lithocrete design elements (waves, chevron, and sun).
8. A pre-bid conference will be held at 1 South Van Ness, Third Floor, Civic Center Conference room, San Francisco, California, at 10:00 A.M., on May 6, 2015, to discuss the salient aspects of the Project, construction issues, the SBE/Non-discrimination requirements, and to answer questions from the prospective Bidders. A pre-bid site visit will be conducted after the pre-bid conference starting at 11:30 am. All bidders are strongly encouraged to attend the pre-bid site visit. Bidders are to meet at 1100 Ocean Avenue at the designated time. All participants must wear proper safety vest and shoes.
9. The Contractor shall comply

## Public Notices

with all applicable Equal Employment Opportunity laws and regulations.

10. The Contractor and its subcontractors shall fully comply with the requirements of the State Apprenticeship Program as set forth in the California Labor Code, Division 3, Chapter 4 (commencing at section 3070) and section 1777.5.
11. The Contractor shall submit proof of a current Business Tax Registration Certificate.
12. The City and County of San Francisco hereby notifies all Bidders that it will affirmatively ensure that in regard to any contract entered into pursuant to this advertisement, small business enterprises will be afforded full opportunity to submit Bids in response to this invitation and will not be discriminated against on the grounds of race, color or national origin in consideration for an award.
13. The award of this Contract is subject to the concurrence of the United States Department of Transportation (DOT). All Bidders will be required to certify that they are not on the United States Controller General's list of ineligible contractors.

**D. Access to Reference Materials, Designs and Specifications**

No deposit is required for the Bid Documents, which may be procured from the SFMTA on the 3rd Floor, One South Van Ness Ave., San Francisco, California 94103. Bid documents may also be obtained by mailing a request to Mr. Allan Andaya at the aforementioned address, faxing a request to (415) 701-4300 or e-mailing a request to allan.andaya@sfmta.com.

The Work described in these Specifications is to be financed with the assistance of a grant from the Federal Transit Administration. All Work described in these Specifications shall be performed in accordance with Federal Transit Administration guidelines and regulations.

**E. Evaluation of Bids**

The award (if an award is made), will be made as provided in these Bid Documents, provided that, if the City believes that the public interest will be best served by accepting other than the lowest Evaluated Bid, it shall have the authority to accept the Bid that will best serve the public interest. At any time prior to award, the Agency may in its sole discretion cancel the solicitation or reject all bids received and rebid the Contract or issue a different contract for all or some portion of the Work identified herein.

**F. Requirements for Award of Contract**

1. In accordance with San Francisco Administrative Code Chapter 6, no Bid is accepted and no contract in excess of \$100,000 is awarded by City and County of San Francisco until such time as the Department Head recommends the contract for award and the board or commission that has jurisdiction over that department then adopts a resolution awarding the contract. Pursuant to Charter section 3.105, all contract awards are subject to certification by the Controller

## Public Notices

as to the availability of funds.

2. The selected Bidder shall cooperate with SFMTA in meeting its commitments and objectives with regard to ensuring nondiscrimination in the award and administration of Department of Transportation (DOT)-assisted contracts and shall use its best efforts to ensure that barriers to participation of SBEs do not exist.
3. To be eligible for participation in the Contract, each subcontractor whose estimated cost of work exceeds \$10,000 must fully comply with the requirements of the "Standard Federal Equal Employment Opportunity Construction Contract Specifications (Executive Order 11246)" and the provisions of the Notice to Bidders, "Small Business Enterprise Program", copies of which are attached to and made part of the Contract Documents.
4. A certified check or corporate surety bond of not less than 10 percent of the amount of the Bid must accompany each Proposal. Each Bidder shall submit with its Bid the names and quotations of all subcontractors as stated in INSTRUCTION FOR PREPARATION AND EXECUTION OF FORMS, AGREEMENT AND BONDS.
5. The Contract will provide for progressive payments. Liquidated damages for failure to complete the work within the specified time are included in the Specifications, and all Bids must cover the entire Work required under this Contract. The City reserves the right to reject any or all Bids.
6. Contractor is required to pay prevailing wages as provided in federal law and the San Francisco Administrative Code. Copies of the prevailing rate of per diem wages, as determined by the Director of the State of California Department of Industrial Relations, are on file at the SFMTA at One South Van Ness Ave., 3rd Floor San Francisco, California, 94103, and are available to any interested party upon request.

## Public Notices

agenda and related files will be available at least 72 hours before the scheduled meetings at the SFPUC website [www.sfwater.org](http://www.sfwater.org), or by calling (415) 554-3165.

### NOTICE OF PUBLIC HEARING LAND USE AND TRANSPORTATION COMMITTEE SF BOARD OF SUPERVISORS APRIL 20, 2015 - 1:30 PM CITY HALL, LEGISLATIVE CHAMBER, RM 250 1 DR. CARLTON B. GOODLETT PL. SF, CA 94102

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: **File No. 141302.** 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.

If the legislation passes, the following massage practitioners and establishment fees shall be charged and/or increased:

1. New fee for the application for a massage practitioner permit shall be \$146.00;
2. New fee for the annual license for a massage practitioner shall be \$123.00;
3. Increase of fee for the application for a massage establishment permit would be increased from \$658.00 to \$681.00;
4. Increase of fee for the annual license for a massage establishment would be increased from \$1,173.00 to \$1,214.00;
5. New fee for the annual

### NOTICE OF PUBLIC HEARINGS

**NOTICE OF PUBLIC HEARINGS** Tuesday, April 28, 2015 - 1:30 PM City Hall, Room 400, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, at a Regular Meeting of the SAN FRANCISCO PUBLIC UTILITIES COMMISSION, and if necessary, May 12, 2015 City Hall, Room 400, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, at a Regular Meeting of the SAN FRANCISCO PUBLIC UTILITIES COMMISSION, and if necessary, May 26, 2015 City Hall, Room 400, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, at a Regular Meeting of the SAN FRANCISCO PUBLIC UTILITIES COMMISSION: Public Hearing, discussion and possible action to adopt a schedules of electric rates and charges for customers of the San Francisco Public Utilities Commission (SFPUC) for phase one of the Community Choice Aggregation Program for renewable power procurement within San Francisco. The detailed



# LEGAL ADVERTISING



TO ADVERTISE IN SAN MATEO COUNTY CALL: 650-556-1556 • TO ADVERTISE IN SAN FRANCISCO CALL: 415-314-1835

## Public Notices Public Notices Public Notices Public Notices Public Notices Public Notices Public Notices Public Notices

### GOVERNMENT

#### NOTICE OF PUBLIC HEARING LAND USE AND TRANSPORTATION SUPERVISORS BOARD OF SUPERVISORS APRIL 20, 2015 - 1:30 PM CITY HALL, LEGISLATIVE CHAMBER, RM 250 1 DR. CARLTON B. GOODLETT PL. SF, CA 94102

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 141302. 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 institutional 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 rules 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. If the legislation passes, the following massage practitioners and establishments fees shall be charged and/or increased:

- New fee for the application for a massage practitioner permit shall be \$145.00.
- New fee for the annual license for a massage practitioner shall be \$123.00.
- Increase of fee for the application for a massage establishment permit would be increased from \$658.00 to \$681.00.
- Increase of fee for the annual license for a massage establishment would be increased from \$1,175.00 to \$1,214.00.

### Public Notices

#### license shall be \$10 for any establishment permit holder who is over 60 years old, does not employ others, and whose gross receipts from the establishment for the previous year were less than \$1,000.

6. Increase of fee for the application for a sole practitioner massage establishment permit would be increased from \$480.00 to \$497.00.

7. Increase of fee for the annual license for a sole practitioner massage establishment would be increased from \$579.00 to \$592.00.

All massage practitioner and establishment annual fees shall be due annually on March 31 of each year, pursuant to Business and Tax Regulations Code, Section 76.1, Article 2.

In accordance with Administrative Code, Section 67-7-1, persons who are unable to attend the hearing begins. These comments will be made as part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Cavillo, Clerk of the Board, City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, April 17, 2015.

### Public Notices

#### cash or check to "Department of Public Works". Please visit the DPW's Contracts, Bid Opportunities and Payments webpage at www.sfdpw.org for more information. Notices regarding Addenda and other bid changes will be distributed by email to Plan Holders.

The Work is located at the intersections of Bacon and Geitlinger Streets in San Francisco, California and consists of pavement renovation, curb ramp and bulb-out construction, drainage work, and all associated work. The time allowed for completion is 60 consecutive calendar days. The Engineer's estimate is approximately \$200,000. For more information, contact the Project Manager, Amy Lam at 415-337-7046.

On July 1, 2014, the registration program under section 1725.5 of the California Labor Code went into effect. The program requires that all contractors and subcontractors who bid or work on a public works project register and pay an annual fee to the California Department of Industrial Relations ("DIR"). Effective March 1, 2015, no contractor or subcontractor may be listed in a bid for a public works project unless registered with the DIR as required by Labor Code section 1725.5 (with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)). Effective April 1, 2015, no contractor or subcontractor may be listed in a bid for public work on a public works project unless registered with the DIR pursuant to Labor Code section 1725.5.

This Project shall incorporate the required partnering elements for Partnering Level 1. Refer to Section 01 33 for more details. All bidders on this San Francisco Administrative Code (SFAC) Section 6.25, "Clean Construction" is required for the performance of all work. The Specifications include liquidated damages. Contract will be on a Lump Sum Bid Items With Unit Prices basis. Progressive payments will be made.

The Contract will be awarded to the lowest responsible bidder. A bid may be rejected if the City determines that any of the bid item prices are materially unbalanced to the potential detriment of the City. Bidders are advised that this is a federal-aid project subject to equal employment opportunity special anti-discrimination provisions and Caltrans Race/Conscious Disadvantaged Business Enterprise (DBE) program. CMB Bid Discount is not applicable to this Contract. The DBE participation goal is 25%. Only Caltrans certifications can be used to calculate the DBE participation. Call Selormey Dalkow at 415-558-4059 for details.

A pre-bid conference will be held on April 21, 2015, 10:00 a.m., at 1650 Mission Street, 3rd Floor. Contractor shall perform not less than 30 percent of the original contract work with the Contractor's own organization.

### Public Notices

#### A corporate surety bond or certified check for ten percent (10%) of the amount bid must accompany each bid.

SFAC Sec. 6.22(A) requires all construction greater than \$25,000 to include performance and payment bonds for 100% of the contract award.

Class "A" license required at time of award.

In accordance with San Francisco Administrative Code Chapter 6, no bid is accepted and no contract in excess of \$400,000 is awarded by the City and County of San Francisco until such time as the Mayor or the Mayor's designee approves the contract for award, and the Director of Public Works then issues an order of award. Pursuant to Charter Section 3.105, all contract awards are subject to certification by the Controller as to the availability of funds.

The Minimum wage rates for this project must comply with the current General Prevailing Wage rates determined by the State Department of Industrial Relations and the Federal General Prevailing Wage Determinations of the Secretary of Labor under the Copeland Act. Minimum wage rates other than applicable to General Prevailing Wage must comply with SFAC Chapter 12P Minimum Compensation Ordinances.

Bidders are hereby advised that the Contractor to whom the Contract is awarded must be certified by the Human Rights Commission as being in compliance with the Equal Benefits Provisions of Chapter 12B of the City's Administrative Code within two weeks after notification of award.

If a bidder objects on any ground to any bid specification or legal requirement imposed by this Advertisement for Bids, the bidder shall, no later than the 10<sup>th</sup> working day prior to the date of Bid opening, provide written notice to the Contract Administration Division, Department of Public Works, setting forth with specificity the grounds for the objection.

Right reserved to reject any or all bids and waive any minor irregularities.

### Public Notices

#### California 94103, telephone 415-554-8229, for a non-refundable \$15.00 fee paid by cash or check to "Department of Public Works". Please visit the DPW's Contracts, Bid Opportunities and Payments webpage at www.sfdpw.org for more information. Notices regarding Addenda and other bid changes will be distributed by email to Plan Holders.

The Work is located along the Bay Area Express, San Jose Avenue, and Corbett Avenue and includes pavement renovation, curb ramp, bulbout and island construction, sewer replacement, drainage and water work, traffic routing, and all associated work. The time allowed for completion is 390 consecutive calendar days. The Engineer's estimate is approximately \$5,000,000. For more information, contact the Project Manager, Ramon Kong at 415-554-8229.

On July 1, 2014, the registration program under section 1725.5 of the California Labor Code went into effect. The program requires that all contractors and subcontractors who bid or work on a public works project register and pay an annual fee to the California Department of Industrial Relations ("DIR"). Effective March 1, 2015, no contractor or subcontractor may be listed in a bid for a public works project unless registered with the DIR as required by Labor Code section 1725.5 (with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)). Effective April 1, 2015, no contractor or subcontractor may be listed in a bid for public work on a public works project unless registered with the DIR pursuant to Labor Code section 1725.5.

This Project shall incorporate the required partnering elements for Partnering Level 2. Refer to Section 01 33 for more details.

All bidders on this San Francisco Administrative Code (SFAC) Section 6.25, "Clean Construction" is required for the performance of all work. The Specifications include liquidated damages. Contract will be on a Lump Sum Bid Items With Unit Prices basis. Progressive payments will be made.

The Contract will be awarded to the lowest responsible responsive bidder. A bid may be rejected if the City determines that any of the bid item prices are materially unbalanced to the potential detriment of the City. Bid discounts may be applied as per SFAC Chapter 14B. Subcontracting goal is 25% LBE. Call Selormey Dalkow at 415-558-4059 for details. In accordance with SFAC Chapter 14B requirements, all bidders who do not meet the exception noted below, shall submit documented good faith efforts with their bids and must achieve 80 out of 100 points to be deemed responsive. Bidders will accept 15 points for attending the pre-bid conference. Refer to CMD Form 28 for more details. Exception: Bids who demonstrate that their total

### Public Notices

#### LBE participation exceeds the above subcontracting goal by 35% will not be required to meet the good faith efforts requirements.

A pre-bid conference will be held on April 23, 2015, 1:30 p.m., at 1650 Mission Street, 3rd Floor. Sealed bids will be received at 525 Golden Gate Avenue, 1st Floor - Tuolumne Room, SF CA 94102, until 2:00 p.m. on 04/27/2015. Hard copy versions of plans, specifications and bidding documents are available at 525 Golden Gate Avenue, 1st Floor, Customer Service Desk, San Francisco, CA 94102 for a non-refundable \$150 fee paid by cash or check payable to "SFPUC". Call (415) 551-4603 for further information. A CD format is available for a fee of \$10. Visit <http://sfwater.org> for updates.

On July 1, 2014, the registration program under section 1725.5 of the California Labor Code went into effect. The program requires that all contractors and subcontractors who bid or work on a public works project register and pay an annual fee to the California Department of Industrial Relations ("DIR"). Effective March 1, 2015, no contractor or subcontractor may be listed in a bid for a public works project unless registered with the DIR as required by Labor Code section 1725.5 (with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)). Effective April 1, 2015, no contractor or subcontractor may be awarded a contract for public work on a public works project unless registered with the DIR pursuant to Labor Code section 1725.5.

This Project is subject to the requirements of the San Francisco Local Hiring Policy for Construction ("Policy") as set forth in Section 6.22(G) of the SFAC. Bidders are hereby advised that the Contractor to whom the Contract is awarded must be certified by the Human Rights Commission as being in compliance with the Equal Benefits Provisions of Chapter 12B of the City's Administrative Code within two weeks after notification of award.

If a bidder objects on any ground to any bid specification or legal requirement imposed by this Advertisement for Bids, the bidder shall, no later than the 10<sup>th</sup> working day prior to the date of Bid opening, provide written notice to the Contract Administration Division, Department of Public Works, setting forth with specificity the grounds for the objection.

Right reserved to reject any or all bids and waive any minor irregularities.

### Public Notices

#### Avenues & Anderson/ Ellsworth/ Ingalls/Majors/Julien Streets Sewer Replacement Contract No. WVV-602

Sealed bids will be received at 525 Golden Gate Avenue, 1st Floor - Tuolumne Room, SF CA 94102, until 2:00 p.m. on 04/27/2015. Hard copy versions of plans, specifications and bidding documents are available at 525 Golden Gate Avenue, 1st Floor, Customer Service Desk, San Francisco, CA 94102 for a non-refundable \$150 fee paid by cash or check payable to "SFPUC". Call (415) 551-4603 for further information. A CD format is available for a fee of \$10. Visit <http://sfwater.org> for updates.

On July 1, 2014, the registration program under section 1725.5 of the California Labor Code went into effect. The program requires that all contractors and subcontractors who bid or work on a public works project register and pay an annual fee to the California Department of Industrial Relations ("DIR"). Effective March 1, 2015, no contractor or subcontractor may be listed in a bid for a public works project unless registered with the DIR as required by Labor Code section 1725.5 (with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)). Effective April 1, 2015, no contractor or subcontractor may be awarded a contract for public work on a public works project unless registered with the DIR pursuant to Labor Code section 1725.5.

This Project is subject to the requirements of the San Francisco Local Hiring Policy for Construction ("Policy") as set forth in Section 6.22(G) of the SFAC. Bidders are hereby advised that the Contractor to whom the Contract is awarded must be certified by the Human Rights Commission as being in compliance with the Equal Benefits Provisions of Chapter 12B of the City's Administrative Code within two weeks after notification of award.

If a bidder objects on any ground to any bid specification or legal requirement imposed by this Advertisement for Bids, the bidder shall, no later than the 10<sup>th</sup> working day prior to the date of Bid opening, provide written notice to the Contract Administration Bureau, setting forth with specificity the grounds for the objection.

### Public Notices

#### Bidders must achieve at least 80 points (out of a possible 100 points), as determined by OMD, to be deemed compliant with the "Good Faith Outreach" requirements, unless bidder is exempt from performing good faith outreach efforts under Section 14B(B) of the Administrative Code.

Bidders are encouraged to pay special attention to the listing qualifications in Specification Section 33 01 36.73.

A Class "A" California Contractors' License is required to bid. Furthermore, each listed subcontractor must possess appropriate active licenses for the work each subcontractor will be performing. In accordance with San Francisco Administrative Code Chapter 6, no bid is accepted and no contract in excess of \$400,000 is awarded by the City and County of San Francisco until such time as (a) the General Manager, SFPUC, recommends the contract for award and (b) the SFPUC then adopts a resolution awarding the contract pursuant to Charter Section 3.105, all contract awards are subject to certification by the Controller as to the availability of funds.

Bidders are hereby advised that the Contractor to whom the Contract is awarded must be certified by the Contract Monitoring Division as being in compliance with the Equal Benefit Provisions of Chapter 12B of the City's Administrative Code within two weeks after notification of award by the SFPUC General Manager.

This Project is subject to the requirements of the San Francisco Local Hiring Policy for Construction ("Policy") as set forth in Section 6.22(G) of the San Francisco Administrative Code. Bidders are hereby advised that the requirements of the Policy will be incorporated as a material term of any contract awarded for the Project. Refer to Contract Section 00 73 30 for more information.

If a bidder objects on any ground to any bid specification or legal requirement imposed by this Advertisement for Bids, the bidder shall, no later than the 10<sup>th</sup> working day prior to the date of Bid opening, provide written notice to the Manager, Contract Administration Bureau, setting forth with specificity the grounds for the objection.

### CIVIL

#### ORDER TO SHOW CAUSE FOR CHANGE OF NAME

Case No. CIV532876 Superior Court of California, County of San Mateo Petition of Rosas M. Maningding for Change of Name ALL INTERESTED PERSONS: Petitioner Rosas M. Maningding filed a petition with this court to decree changing names as follows: Rosas Moreno Maningding to Rosas M. Maningding. The Court orders that all

Print Form

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.  
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative**

**Sponsor(s):**

Tang

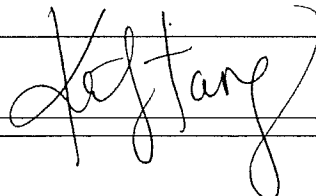
**Subject:**

Health Code - Massage Practitioners and Establishments

**The text is listed below or attached:**

[Empty box for text listing]

Signature of Sponsoring Supervisor:



For Clerk's Use Only:

141302