

File No. 130789

Committee Item No. 11
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date October 3, 2013

Board of Supervisors Meeting

Date _____

Cmte Board

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| <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 |
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Completed by: Linda Wong Date September 30, 2013
Completed by: _____ Date _____

1 [Health Code - Licensing and Regulation of Massage Establishments and Practitioners]

2
3 **Ordinance amending the Health Code to require massage practitioners licensed by San**
4 **Francisco to wear photo identification cards when working; deny Massage**
5 **Establishment permits to applicants convicted of specified crimes; to provide an**
6 **appeal process for persons denied a Massage Establishment permit; to establish**
7 **health and safety requirements for all Massage Establishments; to establish penalties**
8 **for violations of Article 29 governing Massage Practitioners and Massage**
9 **Establishments; to require notice of violations be sent to the owner(s) of property**
10 **where Massage Establishments are located; and making environmental findings.**

11
12 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.
13 **Additions to Codes** are in *single-underline italics Times New Roman font*.
14 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
15 **Board amendment additions** are in double-underlined Arial font.
16 **Board amendment deletions** are in ~~strikethrough Arial font~~.
17 **Asterisks (* * * *)** indicate the omission of unchanged Code
18 subsections or parts of tables.

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

20 Section 1. Environmental Findings

21 The Planning Department has determined that the actions contemplated in this ordinance
22 comply with the California Environmental Quality Act (California Public Resources Code
23 Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
24 Supervisors in File No. 130789 and is incorporated herein by reference.

25 Section 2. The Health Code is hereby amended by revising Section(s) 1905, 1909, 1910,
1928, to read as follows:

1 The Director shall provide all massage practitioners granted a permit, who are not
2 certified as a massage practitioner or therapist by the State of California pursuant to the California
3 Business and Professions Code, granted a permit with an photo identification card. Massage
4 practitioners must wear their identification card at all times when they are working at any massage
5 establishment or solo practitioner massage establishment. The identification card must be
6 presented to any City health inspector or law enforcement officer upon request at all times
7 during the regular business hours of any massage establishment or solo practitioner massage
8 establishment.

9 **SEC. ~~190929.11~~. APPLICATION FOR MESSAGE ESTABLISHMENT, SOLO**
10 **PRACTITIONER MESSAGE ESTABLISHMENT, OR OUTCALL MESSAGE SERVICE**
11 **PERMIT FOR PRACTITIONERS NOT CERTIFIED BY THE STATE.**

12 (a) Unless certified as a massage practitioner or therapist by the State of California
13 pursuant to the California Business and Professions Code, Every applicant for a massage
14 establishment, solo practitioner massage establishment, or outcall massage service permit
15 shall file an application with the Director upon a form provided by the Director and pay a non-
16 refundable application fee, as set forth in Section ~~192729.26~~.

17 (b) The application shall set forth, under penalty of perjury, the following:
18 (1) The exact nature of the services to be rendered;
19 (2) The address of the proposed place of business and facilities thereof;
20 (3) The number of individuals to be employed by the business, and, in the
21 case of a solo massage practitioner establishment, the names of any massage practitioners
22 who shall operate under that permit;

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

1 (5) Any history of previous massage permits or licenses in San Francisco or
2 elsewhere, including whether any such permit or license has been revoked and the reasons
3 therefor, for each applicant; and

4 (6) All felony or misdemeanor convictions for the applicant within the preceding
5 five years, including, but not limited to, felony sexual assault; sexual battery (Cal. Penal Code 243.4),
6 rape (Cal. Penal Code 261); statutory rape (Cal. Penal Code 261.5); prostitution offenses related to
7 pimping (Cal. Penal Code 266 and applicable subsections); sex crimes for which registration is
8 required under the Sex Offender Registration Act (Cal Penal Code 290); loitering for lewd or
9 lascivious purposes (Cal. Penal Code 647(d), 647(h)); and human trafficking (Cal. Penal Code 236.1).

10 (c) The Director is hereby authorized to require in the application any other
11 information including, but not limited to, information related to the health, hygiene, and
12 sanitation of the premises and any information necessary to confirm the accuracy of the
13 matters set forth in the application.

14 (d) If an applicant for a massage establishment or outcall massage service permit
15 is a corporation, the name of the corporation shall be set forth exactly as shown in its articles
16 of incorporation together with the names and residence addresses of each of the officers,
17 directors, and each stockholder holding more than 10 percent of the stock of the corporation.
18 If the application is a partnership, the application shall set forth the name and the residence
19 address of each of the partners, including limited partners. If one or more of the partners is a
20 corporation, the provisions of this Section pertaining to corporate applicants applies. The
21 same permit and criminal history information required of individual applicants, set forth in
22 subsection (b)(6), above, shall be provided for each officer, director, and stockholder holding
23 more than 10 percent of the stock of the corporation, or for each partner, including limited
24 partners.

1 (e) In addition to the information required under subsections (b) and (c), an
2 applicant for a solo practitioner massage establishment permit shall provide proof that he or
3 she holds a current, valid advanced massage practitioner permit issued by the Director under
4 Section ~~1901~~29.2.

5 (f) Applicants shall also submit proof of compliance with any applicable Planning Code
6 requirements regarding notice and posting of the proposed establishment.

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

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

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

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

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

19 (3) Within five years immediately prior to the date of application, the applicant has had any
20 license or permit related to the operation of a massage establishment revoked; or

21 (4) The applicant has been convicted of any of the following offenses or convicted of an offense
22 outside the State of California that would have constituted any of the following offenses if committed
23 within the State of California, within the last five years: felony sexual assault; sexual battery (Cal.
24 Penal Code 243.4), rape (Cal. Penal Code 261); statutory rape (Cal. Penal Code 261.5); prostitution
25 offenses related to pimping (Cal. Penal Code 266 and applicable subsections); sex crimes for which

1 registration is required under the Sex Offender Registration Act (Cal Penal Code 290); loitering for
2 lewd or lascivious purposes (Cal. Penal Code 647(d), 647(h)); and human trafficking (Cal. Penal Code
3 236.1).

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

11 **SEC. ~~191029.12.~~ OPERATING REQUIREMENTS FOR MASSAGE**
12 **ESTABLISHMENTS.**

13 No permit to conduct a massage establishment shall be issued unless an inspection by the
14 Director reveals that the All massage establishments must compliesy with each of the following
15 health and safety requirements:

16 (a) Toilet rooms shall be provided for patrons in convenient locations.

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

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

22 (1) For toilet rooms, toilet room vestibules, and rooms containing bathtubs, there shall
23 be a waterproof floor covering, which will be carried up all walls to a height of at least five inches.
24 Floors shall be coved at the juncture of the floor and wall with a inch minimum radius coving.

1 (2) ~~Steam rooms and shower compartments shall have waterproof floors, walls, and~~
2 ~~ceilings approved by the Director.~~

3 (3) ~~Floors of wet and dry heat rooms shall be adequately pitched to one or more floor~~
4 ~~drains properly connected to the sewer. Dry heat rooms with wooden floors need not be provided with~~
5 ~~pitched floors and floor drains.~~

6 (4) ~~A source of hot water must be available within the vicinity of dry and wet heat~~
7 ~~rooms to facilitate cleaning.~~

8 — (b) ~~Toilet facilities shall be provided in convenient locations. When five or more~~
9 ~~employees or patrons of different genders are on the premises at the same time, separate toilet facilities~~
10 ~~shall be provided. A single toilet shall be provided for each 1.5 or more persons of the same gender on~~
11 ~~the premises at any one time. (3) Urinals may be substituted for toilets after one toilet has been~~
12 ~~provided.~~

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

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

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

17 (1) Lavatories or wash basins with both hot and cold running water shall be installed in
18 either the toilet room or the vestibule. Lavatories or wash basins must have soap in a dispenser
19 and sanitary towels.

20 (2) Handwashing facilities shall be readily accessible to the massage practitioner.

21 (d) All portions of the massage establishment shall be provided with adequate
22 light and ventilation by means of windows or skylights with an area of not less than of the total
23 floor area, or shall be provided with an approved artificial light and a mechanical operating
24 ventilating system. ~~When windows or skylights are used for ventilation, at least 1/2 of the total~~
25 ~~required window area shall be operable. To allow for adequate ventilation, cubicles, rooms, and areas~~

1 ~~provided for the use of patrons not served directly by a window, skylight, or mechanical system of~~
2 ~~ventilation shall be constructed so that the height of the partitions does not exceed 75 percent of the~~
3 ~~floor to ceiling height of the area in which they are located.~~

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

6 (e2) All electrical equipment shall be installed in accordance with the
7 requirements of the San Francisco Electrical Code.

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

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

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

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

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

18 (3) No towels or sheets shall be laundered or dried in any massage establishment
19 unless such massage establishment has laundry facilities for such laundering and drying.

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

22 (5) The massage establishment shall appropriately bag and dispose of soiled refuse.

23 (6) Every massage establishment shall thoroughly sanitize its wet and dry heat
24 rooms, shower compartments, and toilet rooms each business day.

25 (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 breast, anus or genitals of another adult human being; the actual or simulated displaying of the pubic
10 hair, anus, vagina, penis, vulva, buttocks, areola, or any other external genitalia of the human body.

11 (i) Massage Establishment doors shall remain unlocked during business hours, except when
12 there is no staff available to ensure security for clients and massage staff who are behind closed doors.

13 (j) No alcoholic beverages or drugs may be sold, served, used, or possessed on the
14 premises of any massage establishment during business hours. "Alcoholic beverage" includes a
15 mixture of one or more alcoholic beverages ingested separately or as a mixture as defined in Section
16 23004 of the California Business and Professions Code.. "Drug" shall include all narcotics, drugs, or
17 controlled substances as defined in Chapter 2 (commencing with Section 11053) of Division 10 of the
18 California Health and Safety Code.

19 **SEC. ~~1928~~ 29.27. VIOLATIONS AND ADMINISTRATIVE PENALTIES.**

20 (a) Any person who violates any provision of this Article or any rule or regulation
21 adopted pursuant to Section ~~1926~~ 29.25 may, after being provided notice and an opportunity to
22 be heard, be subject to the following monetary penalties and/or permit penalties: an administrative
23 fine not to exceed \$1,000 for the first violation of any provision of this Article or any rule or regulation
24 in a 24 month period, \$2,500 for the second violation of any provision of this Article or any rule or
25 regulation in a 24 month period, and \$5,000 for the third and subsequent violations of any provision of

1 ~~this Article or any rule or regulation in a 24 month period; provided, however, that the schedule of~~
2 ~~administrative fines for a massage practitioner shall be as follows: not to exceed \$250 for the first~~
3 ~~violation of any provision of this Article or a rule or regulation in a 24 month period, \$500 for the~~
4 ~~second violation of any provision of this Article or any rule or regulation in a 24 month period, and~~
5 ~~\$1,000 for the third and subsequent violations of any provision of this Article or any rule or regulation~~
6 ~~in a 24 month period.~~

7 ~~(b) Any permittee who knowingly employs a massage practitioner who is not in possession of~~
8 ~~a valid permit or who allows such a massage practitioner to perform, operate, or practice in the~~
9 ~~permittee's place of business may, after being provided notice and an opportunity to be heard, be~~
10 ~~subject to an administrative fine not to exceed \$1,000 for the first violation in a 24 month period,~~
11 ~~\$2,500 for the second violation in a 24 month period, and \$5,000 for the third and subsequent~~
12 ~~violations in a 24 month period.~~

13 ~~(c) In determining the amount of the administrative fine, the hearing officer shall consider~~
14 ~~any relevant circumstance presented by any of the parties, including but not limited to the nature and~~
15 ~~seriousness of the violation, the number of violations, the persistence of the violation, the length of time~~
16 ~~over which the violation occurred, the willfulness of the violation, and the impacts of the violation on~~
17 ~~the community.~~

18 (1) Establishment Operating Without a Permit from the San Francisco Department
19 of Public Health.

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

22 (B) Permit penalty: Revocation, and Massage Establishment location and
23 permittee are ineligible for a new permit from the San Francisco Department of Public Health for 180
24 days.

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

1 (2) Establishment Violating Conditions of California Business and Professions
2 Code sections 4600-4620 and all Implementing Regulations.

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

5 (B) Permit Penalty: Massage Establishment location and permittee are
6 ineligible for a permit from the San Francisco Department of Public Health for 180 days.

7 (C) Repeat violations: Same penalties as (a)(3)(A) and (a)(3)(B)

8 (3) Massage Establishment Employing Underage Practitioner.

9 (A) Administrative fine: None.

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

12 (C) Repeat violations: Revocation for second occurrence within 36 months of
13 first occurrence and Massage Establishment location and permittee are ineligible for a new permit for
14 180 days.

15 (4) Solicitation Charges or Convictions, as Defined by California Penal Code
16 section 647 and/or San Francisco Police Code section 225, for anyone working at Massage
17 Establishment..

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

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

22 (C) Repeat violations: Revocation; Permittee ineligible for a new Massage
23 Establishment permit from the San Francisco Department of Public Health, at any location.

24 (5) Trafficking Charges or Convictions, as Defined by California Penal Code
25 Section 236.1, for anyone working at Massage Establishment.

1 (A) Administrative fine: None.

2 (B) Permit penalty: Revocation and Permittee ineligible for a new Massage
3 Establishment permit, at any location.

4 (C) Repeat violations: Same penalty as (a)(5)(B).

5 (6) Establishment Knowingly Employing Unlicensed Practitioner.

6 (A) Administrative fine: \$1,000 to be paid by Massage Establishment
7 permittee.

8 (B) Permit penalty: None.

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

12 (7) Establishment Used for Residential Sleeping Purposes, Without Authorization by
13 the City and County of San Francisco Director of Public Health.

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

15 (B) Permit penalty: None.

16 (C) Repeat violations: 15-30 days suspension and up to \$2,500 fine and for
17 2nd occurrence within 24 months; 30-60 days suspension and up to \$5,000 fine for 3rd occurrence
18 within 24 months.

19 (8) Presence of beds instead of massage tables.

20 (A) Administrative fine: None.

21 (B) Permit penalty: Notice of violation only.

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

24 (9) Massage Practitioner Wearing Improper Attire.

25

1 (A) Administrative fine: Up to \$250 to be paid by practitioner and up to \$250
2 per person to be paid by Massage Establishment permittee; and,

3 (B) Permit penalty: Notice of violation.

4 (C) Repeat violations: Up to \$500 fine for 2nd and each subsequent
5 occurrence and 60 day suspension for practitioner and 60 day suspension per person for Massage
6 Establishment permit.

7 (10) Sanitation Issues.

8 (A) Administrative fine: None.

9 (B) Permit penalty: Notice of violation.

10 (C) Repeat violations: Up to \$250 fine and 60 day suspension for Massage
11 Establishment permit.

12 (11) Massage Establishment Operating Past 10 p.m.

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

14 (B) Permit penalty: None.

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

18 (12) Practicing Massage Without a Permit.

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

20 (B) Permit penalty: None.

21 (C) Repeat violations: \$500 fine for 2nd occurrence within 24 months;
22 \$1,000 fine for 3rd and each subsequent occurrence within 24 months, and Practitioner ineligible for
23 San Francisco Department of Public Health permit for 180 days.

24 (13) Anyone performing sex acts on Massage Establishment premises during business
25 hours.

1 (A) Administrative fine: \$1000 to be paid by Massage Establishment
2 permittee, and

3 (B) Permit penalty: 60 day permit suspension of Massage Establishment
4 permit.

5 (C) Repeat violations: Permit revocation of both practitioner and Massage
6 Establishment permittee.

7 (14) All other violations of San Francisco Health Code Article 29, and any Massage
8 Program Rules and Regulations.

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

10 (B) Permit penalty: suspension or revocation.

11 (C) Repeat violations: \$2,500 for the second violation in a 24-month period;
12 \$5,000 for the third and subsequent violations in a 24-month period; and suspension or revocation.

13 (b) Written notice of each violation shall be provided to the owner(s) of the property upon
14 which the Massage Establishment is located.

15 (d) Administrative fines collected under this Section shall be used to support the
16 Department of Public Health and its Health Code enforcement functions.

17 (e) Nothing in this Section shall preclude the prosecution of anyone under Health
18 Code Section ~~1928.2~~ 29.29, the laws of the State of California or the laws of the United States
19 of America.

20 Section 3. Effective Date. This ordinance shall become effective 30 days after
21 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
22 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
23 of Supervisors overrides the Mayor's veto of the ordinance.

24 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
25 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,

1 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Health
2 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
3 additions, and Board amendment deletions in accordance with the "Note" that appears under
4 the official title of the ordinance.

5 Section 5. Severability. If any section, subsection, sentence, clause, phrase, or word
6 of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any
7 court of competent jurisdiction, such decision shall not affect the validity of the remaining
8 portions of this ordinance. The Board of Supervisors hereby declares that it would have
9 passed this ordinance and each and every section, subsection, sentence, clause, phrase, and
10 word not declared invalid or unconstitutional without regard to whether any other portion of
11 this ordinance would be subsequently declared invalid or unconstitutional.

12
13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

15 By: 
16 VIRGINIA DARIO ELIZONDO
17 Deputy City Attorney

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LEGISLATIVE DIGEST

[Health Code—Licensing and Regulation of Massage Establishments and Practitioners]

Ordinance amending the Health Code to 1) require massage practitioners licensed by San Francisco to wear photo identification cards when working; 2) deny Massage Establishment permits to applicants convicted of specified crimes; 3) provide an appeal process for persons denied a Massage Establishment permit; 4) establish health and safety requirements for all Massage Establishments; 5) establish penalties for violations of Article 29 governing Massage Practitioners and Massage Establishments; 6) require notice of violations be sent to the owner(s) of property where Massage Establishments are located; and making environmental findings.

Existing Law

All individuals engaged in the practice of massage must obtain a permit from the San Francisco Health Department ("Department"). The Department provides an identification card to all permitted practitioners, which must be presented to any City health inspector upon request at all times during the regular business hours of any massage establishment or solo practitioner massage establishment. The Director of Health may suspend or revoke a permit after a public hearing. Massage establishments and solo practitioners must comply with public health and safety facility and operating requirements. Every person holding a massage establishment, solo practitioner massage establishment, or outcall massage service permit issued by the Department pays an annual license fee to the Tax Collector.

Amendments to Current Law

Currently pending before the Board is a revision of Health Code Article 29 which will bring the Health Code into compliance with state law changes that provide: 1) An individual who is certified as a massage practitioner by the State of California pursuant to the California Business and Professions Code is not required to obtain a permit from the Department. However, any practitioner who is not certified by the State must still obtain a permit from the Department; and 2) Massage establishments that employ only massage practitioners who are certified by the state must provide copies of those certificates to the Health Department for all massage practitioners employed by the establishment, and must update this information annually. The operator of a massage establishment, solo practitioner massage establishment, or outcall massage service must maintain a register of all individuals employed as massage practitioners and their State of California certificate or Department permit numbers. Such register shall be available for inspection by the Department at all times during regular business hours.

All massage establishments, whether state-certified or not, must comply with reasonable health and safety operating requirements. These amendments will:

- require massage practitioners licensed by the Department to wear a photo identification card;
- authorize denial of permit to an applicant for a Massage Establishment permit who has been convicted of specified crimes;
- provide an appeal process for anyone denied a Massage Establishment permit;
- prohibit sexual activity, and consumption of alcohol and non-prescription drugs on the premises of a Massage Establishment during business hours;
- provide other reasonable health and safety requirements;
- establish administrative penalties for violations of Article 29.

Background Information

State law was amended beginning in 2008 to exempt massage practitioners and massage therapists who are certified by the California Massage Therapy Council, and massage businesses that employ only state certified practitioners, from local permitting and other regulatory requirements except reasonable health and safety standards.

These amendments are designed to clarify and strengthen the health and safety standards, and provide uniform penalties for violation.

Wong, Linda (BOS)

From: Evans, Derek
Sent: Friday, September 13, 2013 11:17 AM
To: Wong, Linda (BOS)
Subject: FW: BOS File No: 130789
Attachments: 130789_SBC_ legislative response.pdf

From: Dick-Endrizzi, Regina
Sent: Thursday, September 12, 2013 6:18 PM
To: Evans, Derek
Cc: Tang, Katy; Quizon, Dyanna; Elliott, Jason; Lee, Richard; Nakamura, Scott
Subject: BOS File No: 130789

Dear Derek,
Attached is the Small Business Commission's legislative response to the BOS File No: 130789.

Kindly,

Regina Dick-Endrizzi | Executive Director | Office of Small Business
regina.dick-endrizzi@sfgov.org | D: 415.554.6481 | O: 415.554.6134 | c: 415.902-4573
City Hall, Suite 110 | San Francisco, CA 94102

"Offering Solutions for San Francisco small businesses"



SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO
EDWIN M. LEE, MAYOR

September 9, 2013

Ms. Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File No. 130789 [Health Code—Licensing and Regulation of Massage Establishments and Practitioners]
Small Business Commission Recommendation: **Approval**

Dear Ms. Calvillo:

On September 9, 2013, the Small Business Commission (SBC) voted 5-0 to recommend approval of BOS File No. 130789.

The Commission supports strengthening regulations to police disreputable massage therapists and establishments, while limiting further harm to those already victimized by human trafficking. Individuals and establishments operating in violation of the law project a negative image onto the many reputable small business massage service providers and establishments operating in the city, and the Commission believes this legislation will help further expand the division in the public's eyes between disreputable and honest massage businesses.

Sincerely,

A handwritten signature in cursive script that reads 'Regina Dick-Endrizzi'.

Regina Dick-Endrizzi
Director, Office of Small Business

Cc: Supervisor Katy Tang
Jason Elliot, Mayor's Office
Scott Nakamura, Department of Public Health

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

September 11, 2013

File No. 130789

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On July 30, 2013, the Department of Public Health submitted to our office the following proposed legislation:

File No. 130789

Ordinance amending the Health Code to require massage practitioners licensed by San Francisco to wear photo identification cards when working; deny Massage Establishment permits to applicants convicted of specified crimes; to provide an appeal process for persons denied a Massage Establishment permit; to establish health and safety requirements for all Massage Establishments; to establish penalties for violations of Article 29 governing Massage Practitioners and Massage Establishments; to require notice of violations be sent to the owner(s) of property where Massage Establishments are located; and making environmental findings.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in black ink, appearing to read "Linda Wong".

By: Linda Wong, Committee Clerk
Rules Committee

*Per CEQA Guidelines
Section 15060 (c) (2)
w/ a Project.
Linda Wong
Sept. 11, 2013*

Attachment

c: Monica Pereira, Environmental Planning
Joy Navarrete, Environmental Planning

Wong, Linda (BOS)

From: Turrell, Nannie
Sent: Wednesday, September 11, 2013 10:01 AM
To: Wong, Linda (BOS); Jones, Sarah
Cc: Pereira, Monica
Subject: RE: Board of Supervisor Ordinance CEQA Review Attached
Attachments: BOS File No. 130789, Not a Project.pdf

Nannie R. Turrell
Senior Environmental Planner

Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-575-9047 **Fax:** 415-558-6409
Email: nannie.turrell@sfgov.org
Web: www.sfplanning.org



Planning Information Center (PIC): 415-558-6377 or pic@sfgov.org
Property Information Map (PIM): <http://propertymap.sfplanning.org>

From: Wong, Linda (BOS)
Sent: Wednesday, September 11, 2013 9:44 AM
To: Jones, Sarah
Cc: Pereira, Monica; Turrell, Nannie
Subject: Board of Supervisor Ordinance requiring CEQA Review

Hi Sarah,

Please see the attached newly submitted Board of Supervisors Ordinance. It is being transmitted to your office for environmental review.

Should you have any questions, please feel free to contact me at the number listed below.

Thank you in advance.

Sincerely,

Linda Wong
Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
Telephone No. 415-554-7719 Fax No. 415-554-7714

Complete a Board of Supervisors Customer Satisfaction form by clicking: <http://www.sfbos.org/index.aspx?page=104>.

President, District 3
BOARD of SUPERVISORS



SS Chau, Clerk
Rules Chair, Clerk
Prim-Sponsor Tang
City Hall CB3, Leg Dep.

1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7450
Fax No. 554-7454
TDD/TTY No. 544-5227

DAVID CHIU
邱信福
市參事會主席

PRESIDENTIAL ACTION

Date: 9/10/2013

To: Angela Calvillo, Clerk of the Board of Supervisors

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2013 SEP 10 PM 3:05
PN

Madam Clerk,

Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. _____
(Primary Sponsor)

Transferring (Board Rule No. 3.3)

File No. 130789 Tang
(Primary Sponsor)

From: Neighborhood Services & Safety Committee

To: Rules Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____

Replacing Supervisor _____

For: _____ Meeting
(Date) (Committee)

David Chiu
David Chiu, President
Board of Supervisors

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):

Supervisor Katy Tang

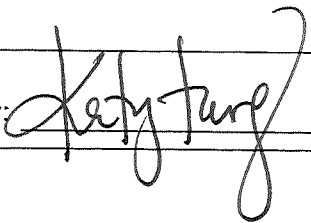
Subject:

Health Code - Licensing and Regulation of Massage Establishments and Practitioners

The text is listed below or attached:

Please see attached.

Signature of Sponsoring Supervisor:



For Clerk's Use Only:

130789

130789

Dayrit, Erica

From: Quizon, Dyanna
Sent: Wednesday, July 31, 2013 11:21 AM
To: BOS Legislation
Subject: Add Co-sponsor: Ordinance - Health Code - Licensing and Regulation of Massage Establishments and Practitioners

Categories: 130789

Good morning!

Please add Supervisor David Chiu as a co-sponsor to the legislation introduced by Supervisor Tang at yesterday's board meeting that will amend the health code regarding the licensing and regulation of massage establishments and practitioners.

Thank you!

Dyanna Quizon

Dyanna Quizon, Legislative Aide
Office of Supervisor Katy Tang
Phone: 415-554-7481

From: Quizon, Dyanna
Sent: Tuesday, July 30, 2013 4:05 PM
To: BOS Legislation
Subject: Supervisor Katy Tang - Ordinance - Health Code - Licensing and Regulation of Massage Establishments and Practitioners

Please find attached the e-version of legislation Supervisor Katy Tang will introduce at today's Board meeting. Please let me know if you have any questions.

Sincerely,
Dyanna Quizon

Dyanna Quizon, Legislative Aide
Office of Supervisor Katy Tang
Phone: 415-554-7481

Dayrit, Erica

From: Lee, Ivy
Sent: Wednesday, August 21, 2013 2:25 PM
To: BOS Legislation
Cc: Quizon, Dyanna; Tang, Katy; Kim, Jane
Subject: co-sponsorship

Please add Supervisor Kim as a co-sponsor to Supervisor Tang's proposed ordinance, file #130789, introduced on July 30, 2013. Thank you,

Ivy

Ivy Lee
Legislative Aide, Supervisor Jane Kim/District 6
415.554.7973 (direct)
ivy.lee@sfgov.org

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