

**REVISED LEGISLATIVE DIGEST**

(10/24/2013, Amended in Committee)

[Health Code - Massage Practitioners]

**Ordinance amending the Health Code to exempt massage practitioners who are certified by the California Massage Therapy Council (CAMTC) and massage establishments that employ only CAMTC-certified massage practitioners from requirements for obtaining a permit from the San Francisco Health Department; require massage establishments that employ only CAMTC-certified massage practitioners to pay an annual license fee; increasing the licensing fees for all establishments and practitioners; 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

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.

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. Every person certified as a massage practitioner or therapist or holding a massage establishment, solo practitioner massage establishment, or outcall massage service permit issued by the Department shall pay an annual license fee to the Tax Collector. These fees have been increased to reflect current costs.

#### Committee Amendments

1. Clarify that massage practitioners are certified by the California Massage Therapy Council (CAMTC), not the state of California.
2. For massage practitioners not certified by the CAMTC, require an applicant for a message establishment permit to provide a copy of the lease or rental agreement for the site.
3. Require massage establishments where all practitioners are certified by the CAMTC to pay the lowest annual license fee assessed other similar businesses.

#### Background

State law was amended in 2011 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.