[Health Code - Massage Practitioner and Business Permits, Associated Fees]

Ordinance amending the Health Code to comprehensively revise regulation of massage practitioners, massage establishments, massage outcall services, and sole practitioner massage establishments by, among other things: 1) eliminating the exemption for massage businesses that employ solely massage practitioners certified by the California Massage Therapy Council from the permitting and regulatory authority of the Department of Public Health; 2) increasing the number of instructional hours required for massage practitioner permits; 3) denying massage business permits to applicants who have been convicted of 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 massage practitioner permits, massage establishment permits, sole practitioner massage establishment permits, and outcall massage service 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.

NOTE: Unchanged Code text and uncodified text are in plain Arial font. Additions to Codes are in single-underline italics Times New Roman font. Deletions to Codes are in strikethrough italics Times New Roman font. Board amendment additions are in double-underlined Arial font. Board amendment deletions are in strikethrough Arial font. 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:

Section 1. Article 29 of the Health Code is hereby amended by renumbering and revising, with the new section number in parentheses, Sections 29.1 (29.5), 29.2 (29.10), 29.3 (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), 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 (29.32), 29.17 (29.32), 29.18 (29.32), 29.19 (29.33), 29.20 (29.31), 29.21 (29.34), 29.22 (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 (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 29.32 (29.50); deleting Section 29.9; and adding new Sections 29.1, 29.40, and 29.51, to read as follows:

ARTICLE 29

LICENSING AND REGULATION OF

MASSAGE PRACTITIONERS AND MASSAGE BUSINESSES

GENERAL PROVISIONS

SEC. 29.1 FINDINGS AND PURPOSE.

SEC. 29.2 ADMINISTRATION AND ENFORCEMENT.

SEC. 29.3 COMPLAINT LINE.

SEC. 29.4 TRANSFER OF PERMIT.

SEC. 29.5 DEFINITIONS.

MASSAGE PRACTITIONER PERMITS

SEC. 29.10 PERMIT REQUIRED FOR MASSAGE PRACTITIONER; EXEMPTIONS.

SEC. 29.11 APPLICATION FOR MASSAGE PRACTITIONER PERMIT.

SEC. 29.12 ISSUANCE OF MASSAGE PRACTITIONER PERMIT.
SEC. 29.13. TEMPORARY MASSAGE PRACTITIONER PERMIT.

SEC. 29.14. EDUCATIONAL MATERIALS.

SEC. 29.15. MASSAGE PRACTITIONER IDENTIFICATION CARD.

SEC. 29.16. MASSAGE PRACTITIONER ANNUAL LICENSE FEE.

SEC. 29.17. MASSAGE PRACTITIONER CONDUCT REQUIREMENTS.

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

SEC. 29.25. MASSAGE BUSINESS PERMIT REQUIRED; EXEMPTIONS.

SEC. 29.26. APPLICATION FOR MASSAGE ESTABLISHMENT, SOLE PRACTITIONER MASSAGE ESTABLISHMENT, OR OUTCALL MASSAGE SERVICE PERMIT.

SEC. 29.27. REQUIREMENTS FOR MASSAGE FACILITIES.

SEC. 29.28. REFERRAL OF MASSAGE ESTABLISHMENT AND SOLE PRACTITIONER MASSAGE ESTABLISHMENT PERMIT APPLICATIONS TO OTHER DEPARTMENTS; POLICE DEPARTMENT NOTIFICATION.

SEC. 29.29. ISSUANCE OF MASSAGE ESTABLISHMENT, SOLE PRACTITIONER MASSAGE ESTABLISHMENT, OR OUTCALL MASSAGE SERVICE PERMIT.

SEC. 29.30. ANNUAL LICENSE FEE.

SEC. 29.31. OPERATING REQUIREMENTS.

SEC. 29.32. INSPECTION.

SEC. 29.33. SUSPENSION OR REVOCATION OF MASSAGE ESTABLISHMENT, SOLE PRACTITIONER MASSAGE ESTABLISHMENT, OR OUTCALL MASSAGE SERVICE PERMIT.

FEES
SEC. 29.40. MASSAGE PRACTITIONER FEES.

SEC. 29.41. MASSAGE ESTABLISHMENT, SOLE PRACTITIONER MASSAGE ESTABLISHMENT, OR OUTCALL MASSAGE SERVICE FEES.

SEC. 29.42. ADJUSTMENT OF FEES.

ENFORCEMENT AND PENALTIES

SEC. 29.45. VIOLATIONS AND ADMINISTRATIVE PENALTIES.

SEC. 29.46. COST RECOVERY.

SEC. 29.47. VIOLATIONS AND CRIMINAL PENALTIES.

SEC. 29.48. COOPERATIVE EFFORTS WITH LAW ENFORCEMENT.

SEC. 29.49. UNDERTAKING FOR THE GENERAL WELFARE.

SEC. 29.50. SEVERABILITY.

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

GENERAL PROVISIONS

SEC. 29.1. FINDINGS AND PURPOSE.

(a) Massage professionals and businesses providing massage therapy promote public health and well-being with therapeutic practices that temper aches and pains, ease stress, reduce blood pressure, and provide other valuable health benefits.

(b) In 2008, the Legislature enacted uniform statewide regulations pertaining to massage therapy (Senate Bill No. 731 (2008), amended by Assembly Bill 619 (2011)) codified in Business and Professions Code Sections 4600 et seq. The regulations created a private nonprofit benefit corporation, the California Massage Therapy Council (“CAMTC”), which was authorized to regulate and standardize the issuance of certificates to massage professionals throughout the state.
(c) The 2008 law, as amended, also served to exempt massage practitioners and massage therapists who are certified by the CAMTC and massage businesses that employ only CAMTC-certified practitioners from local permitting and other regulatory requirements except for reasonable health and safety standards. This has had a preemptive effect on the ability of cities and counties to effectively regulate massage businesses.

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

(e) The lack of regulation has also allowed many illicit massage businesses to open, sometimes using deceptive euphemisms like “relaxation spa” or “health club.” These illicit businesses are generally outlets of the sex trade, and some engage in human trafficking and other human rights violations. Such massage businesses are detrimental to the health and safety of the community and adversely impact the local economy by driving legitimate business away, potentially affecting the vitality of neighborhoods and the provision of adequate services for residents and visitors alike.

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

(g) Under AB 1147, cities and counties regained broad authority over the ability to regulate businesses that provide massage therapy, and CAMTC retained authority over regulating those individuals who hold a CAMTC certificate to practice massage therapy.

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

SEC. 29.2. ADMINISTRATION AND ENFORCEMENT.
This Article 29 shall be administered and enforced by the Department of Public Health. The Director may adopt rules and regulations to carry out the provisions of this Article.

SEC. 29.3. COMPLAINT LINE.

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

SEC. 29.4. TRANSFER OF PERMIT.

No permit issued under this Article 29 shall be transferable under any circumstances, including but not limited to the sale of the massage business.

SEC. 29.15. DEFINITIONS.

For the purposes of this Article 29:

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

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

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

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

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

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

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

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

"Massage Business" means Massage Establishment, Outcall Massage Service, and Sole Practitioner Massage Establishment, collectively.

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

"Massage Practitioner" means any individual who, for any monetary consideration whatsoever, engages in the practice of massage who administers Massage for Compensation pursuant to a permit issued by the Director under this Article 29. Notwithstanding the previous sentence, "Massage Practitioner" shall include both general massage practitioners and advanced massage practitioners, as provided in Section 29.2 does not include CAMTC Certified Practitioner.

"Non-profit organization" means any fraternal, charitable, religious, benevolent, or any other nonprofit organization having a regular membership association primarily for mutual social, mental, political, and civic welfare, to which admission is limited to the members and guests and revenue accruing therefrom to be used exclusively for the benevolent purposes of said organization and which organization or agency is exempt from taxation, under the Internal Revenue Laws of the United States as a bona fide fraternal, charitable, religious, benevolent, or non-profit organization.
"Outcall Massage Service" means any business other than a not-permitted as a Massage Establishment or Solo Practitioner Massage Establishment that provides under the provisions of this Article, wherein the primary function of such business is to engage in or carry on Massage for Compensation not at a fixed location but at a location designated by the client or customer rather than on its premises.

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

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

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

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

"Sole Practitioner" means a Massage Practitioner permit holder or CAMTC Certified Practitioner who provides Massage for Compensation without any partners, associates, or employees, and absent any business relationship with a Massage Establishment.

"Solo Practitioner Massage Establishment" means a fixed place of business where a person holding solely owned by an advanced Massage Practitioner permit holder or CAMTC Certified Practitioner, engages in or carries on, or permits to be engaged in or carried on, the practice

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of which individual is the only person who provides Massage for Compensation. The business location Said fixed place of business may be shared by two to four advanced Massage practitioners or CAMTC Certified Practitioners in any combination, or two to four advanced massage practitioners and one or more health or healing arts practitioners, except as otherwise provided pursuant to Section 29.294(e).

MASSAGE PRACTITIONER PERMITS

SEC. 29.102. PERMIT REQUIRED FOR MASSAGE PRACTITIONER;

EXEMPTIONS.

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

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

(1) CAMTC Certified Practitioners.

(2) Physicians, surgeons, chiropractors, osteopaths, nurses or any physical therapists who are duly licensed to practice their respective professions in the State of California and persons working directly under the supervision of or at the direction of such licensed persons, working at the same location as the licensed person, and administering massage services subject to review or oversight by the licensed person.

(3) Barbers and cosmetologists who are duly licensed under the laws of the State of California, while engaging in practices within the scope of their licenses, and limited to the massaging of the neck, face, scalp, hands or feet of the clients.
(4) Employees of hospitals, nursing homes, mental health facilities, or any other health facilities duly licensed by the State of California, while acting within the scope of their employment.

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

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

(d) A permit is not required where the individual is a barber, cosmetologist, esthetician, or manicurist licensed or certificated pursuant to Division 3, Chapter 10, of the California Business and Professions Code, practicing massage as part of his or her work as a barber, cosmetologist, esthetician, or manicurist and within the scope of any relevant state restrictions on the practice of massage by members of those professions.

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

SEC. 29.113. APPLICATION FOR MASSAGE PRACTITIONER PERMIT; GENERAL AND ADVANCED PRACTITIONERS NOT CERTIFIED BY THE CAMTC.

(a) Permit Application. Unless certified as a massage practitioner or therapist by the CAMTC pursuant to the California Business and Professions Code, every applicant for a Massage Practitioner permit shall:
(1) File an application with the Director upon a form provided by the Director;

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

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

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

(1) The applicant’s Name and residence address of the applicant;

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

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

(4) The Applicant’s height, weight, and color of hair and eyes;

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

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

(7) All felony or misdemeanor convictions; and

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

(c) Minimum Educational Requirements. An applicant for a general Massage practitioner permit shall provide, as part of the application, the name and address of the recognized
school for massage attended, the dates attended, and the original of the diploma or certificate of completion awarded the applicant, in a form acceptable to the Director, documentation showing that the applicant has completed not less than 500 hours of instruction in Massage and related subjects at an Approved Massage School. An applicant for an advanced massage practitioner permit shall provide, as part of the application, the name and address of the recognized school or schools for massage attended, the dates attended, and the original of the diploma(s) or certificate(s) of completion awarded the applicant showing that the applicant has completed not less than 200 hours of instruction. The additional 100 hours of instruction required for the advanced massage practitioner permit may be completed at one or more schools. If the applicant already holds a current general massage practitioner permit, he or she need only submit documentation for the additional 100 hours of instruction necessary for the advanced massage practitioner permit.

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

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

SEC. 29.124. ISSUANCE OF MASSAGE PRACTITIONER PERMIT. FOR PRACTITIONERS NOT CERTIFIED BY THE CAMTC.

(a) Time for Decision. Within 14 days following a hearing, or, if no hearing is held, within 60 business days following receipt of a completed application for a Massage practitioner permit, for a practitioner who is not certified as a massage practitioner or therapist by the CAMTC pursuant to the California Business and Professions Code the Director shall either issue the permit or mail a written statement of his or her reasons for denial thereof to the applicant. If the Director takes neither action, the permit shall be deemed issued.
(b) Hearing on Application. The Director may, in his or her discretion, hold a hearing on any pending application for a Massage Practitioner permit. The Director shall give the applicant at least 10 days’ written notice of the time and place of the hearing.

(cb) Grounds for Denial. No Massage Practitioner permit shall be issued if the Director finds:

1. The applicant is exempt from the permit requirement pursuant to Section 29.10; or
2. The applicant has provided materially false information, documents, or testimony in support of the application or in any other matter before the Director; or
3. The applicant has not complied fully with the provisions of this Article; or
4. Within five years immediately prior to the date of application, the applicant has had any license, certificate, or permit related to the practice of Massage revoked or, if from another jurisdiction, suspended under circumstances that qualify for revocation under this Article 29, or is currently the subject of an unresolved disciplinary process that may result in suspension or revocation; or
5. The applicant has been convicted of any of the following offenses:
   - Any felony involving the use of coercion, force, and violence upon another person; or
   - Any misdemeanor sexual battery; or
   - Any offense involving sexual misconduct with children; or
   - Any offense requiring registration pursuant to Section 290 of the California Penal Code or, for Convictions outside California, any offense requiring registration in California under Penal Code Section 290.005; or
(5) The applicant has failed to satisfy the education requirements or pass the Massage proficiency test; or

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

(de) Discretionary Exception for Criminal Convictions. The Director may issue a Massage practitioner permit to any individual convicted of one of the offenses listed in subsection (d)(4) of this Section if the Director finds that the offense was not violent, the conviction occurred at least five years prior to the date of application, and the applicant has not been convicted subsequently of one of those listed offenses.

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

SEC. 29.135. TEMPORARY AND TRAINEE MASSAGE PRACTITIONER PERMITS.

TRAINEE PERMIT FOR PRACTITIONERS NOT CERTIFIED BY THE CAMTC.
(a) Temporary Permit During Application Period. A practitioner of Massage who holds a valid permit, license, or certificate to practice Massage issued by another jurisdiction and who has been practicing Massage in that jurisdiction may request a temporary Massage Practitioner permit. Upon completion and submission of an application for a massage practitioner permit for a practitioner who is not certified as a massage practitioner or therapist by the CAMTC pursuant to the California Business and Professions Code, as required in Section 29.3 of this Article, and upon payment of all fees for the permit, an applicant may request a temporary massage practitioner permit. If requested, the Director shall issue the temporary Massage Practitioner permit, which shall be valid for the period during which the application is under review, but in no event for more than 60 business days. The Director may revoke the temporary permit at any time if he or she finds that the applicant has failed to meet any of the requirements of Section 29.412 or violated any provision of this Article 29 or any rules or regulations promulgated by the Director related to the practice of Massage.

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

SEC. 29.14. EDUCATIONAL MATERIALS.

The Director shall provide all persons receiving a Massage Practitioner permit with culturally and linguistically appropriate educational materials regarding the City and County of San Francisco Sanctuary policy, employee rights, and information on a variety of resources, including linkages to health services, victim assistance services, and emergency numbers and hotlines to call for information and assistance.

SEC. 29.156. MASSAGE PRACTITIONER IDENTIFICATION CARD. FOR PRACTITIONERS NOT CERTIFIED BY THE CAMTC.
The Director shall provide each Massage Practitioner granted a permit, who are not certified as a massage practitioner or therapist by the CAMTC pursuant to the California Business and Professions Code, with a photo identification card. Massage establishments must post practitioner identification cards at all times in a public area for all massage practitioners working at any massage establishment or solo practitioner massage establishment. The Massage Practitioner must present the identification card must be presented to any City health inspector or law enforcement officer upon request, at all times during the regular business hours of any massage establishment or solo practitioner massage establishment.

SEC. 29.167. MASSAGE PRACTITIONER ANNUAL LICENSE FEE.

Every Massage Practitioner shall pay to the Tax Collector an annual license fee, as set forth in Section 29.2640.

SEC. 29.17. MASSAGE PRACTITIONER CONDUCT REQUIREMENTS.

(a) Required Attire. Massage Practitioners shall remain fully clothed while administering massage or otherwise visible to clients on business premises, including premises designated by the client through an Outcall Massage Service. The Massage Practitioner's attire shall not include:

1. attire that is transparent, see-through, or that substantially exposes the Practitioner's undergarments;
2. swim attire, unless the Practitioner is providing a water-based massage modality that has been approved by CAMTC; or
3. attire that exposes the individual's breasts, buttocks, or genitals.

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

SEC. 29.18. SUSPENSION OR REVOCATION OF MASSAGE PRACTITIONER PERMIT, FOR PRACTITIONERS NOT CERTIFIED BY THE CAMTC.

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

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

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

(3) The Director finds that there is good cause to suspend or revoke the permit in accordance with Section 26 of the Business and Tax Regulations Code. Within five years immediately prior to the date of application, the massage practitioner has had any license or permit related to the practice of massage revoked; or

(4) The massage practitioner has violated any of the provisions of this Article 29 or a rule or regulation adopted by the Director related to the practice of Massage.

(b) Hearing. A Massage Practitioner who has been cited by the Department for a violation of any provision of this Article 29 shall be scheduled to appear at a hearing before the Director. Before any hearing is conducted under this Section, the Director shall provide the massage practitioner at least 20 days' written notice. The notice shall include: of the time, place, and grounds for the hearing. If requested by the massage practitioner, the Director shall make available all documentary evidence against him or her within five business days of the
request no later than 15 days prior to the hearing. If the Director does not provide the requested documentary evidence within five days, the Massage Practitioner may request, and the Director shall grant, a continuance of the hearing date. At the hearing, the Massage Practitioner shall be provided an opportunity to refute all evidence against him or her. The Director shall oversee the hearing and issue a ruling within 20 days of its conclusion of the hearing. If the Director fails to issue a ruling within this time period, the permit shall not be suspended or revoked. The Director's ruling shall be the final decision of the Department.

(c) Summary Suspension. The Director may suspend summarily any Massage Practitioner permit issued under this Article pending a noticed suspension or revocation hearing on revocation or suspension when, in the opinion of the Director, the public health or safety requires such summary suspension. The Director any affected permittee shall provide be given written notice of such summary suspension to the Massage Practitioner by hand delivery in writing delivered to said permittee in person or by registered mail letter.

MASSAGE BUSINESS PERMITS

SEC. 29.9. REGISTRATION OF MASSAGE ESTABLISHMENTS THAT EMPLOY ONLY CAMTC-CERTIFIED PRACTITIONERS.

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

(b) All massage establishments that employ only massage practitioners who are certified by CAMTC must notify the Department if any CAMTC certified massage practitioner loses their CAMTC certification.
(c) Any massage establishment that employs any massage practitioner who is not certified by CAMTC must obtain a permit to operate a massage establishment from the San Francisco Department of Public Health in accordance with this Article 29.

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

SEC. 29.2510. MASSAGE BUSINESS PERMIT REQUIRED; EXEMPTIONS. FOR A MASSAGE ESTABLISHMENT, SOLO PRACTITIONER; MASSAGE ESTABLISHMENT, OR OUTCALL MASSAGE SERVICE; EXEMPTIONS FOR PRACTITIONERS NOT CERTIFIED BY THE CAMTC:

(a) Permit Required. It shall be unlawful for any person Owner of a Massage Establishment, Sole Practitioner Massage Establishment, or Outcall Massage Service to operate that Massage Business engage in, conduct, or carry on, or to permit to be engaged in, conducted, or carried on, in or upon at any location premises in the City the operation of a massage establishment, solo-practitioner massage establishment, or outcall massage service without first obtaining a permit for such Massage Business from the Director. In the event that a business owner or operator disclaims that the business is a Massage Business, the Director may hold a hearing to determine whether a permit under this Section 29.25 is required. unless all persons employed by that establishment or service are certified as massage-practitioner(s) or therapist(s) by the CAMTC pursuant to the California Business and Professions Code.
(b) **Exemptions.** The following businesses may provide Massage services without obtaining a Massage Business permit:

1. Businesses providing Massage services performed solely by physicians, surgeons, chiropractors, osteopaths, nurses or any physical therapists who are duly licensed to practice their respective professions in the State of California and persons working directly under the supervision of or at the direction of such licensed persons, working at the same location as the licensed person, and administering massage services subject to review or oversight by the licensed person.

2. Businesses providing Massage services performed solely by barbers or cosmetologists who are duly licensed under the laws of the State of California, while engaging in practices within the scope of their licenses, and limited to the massaging of the neck, face, scalp, hands or feet of the clients.

3. Hospitals, nursing homes, mental health facilities, or any other health facilities duly licensed by the State of California, providing Massage services performed solely by their employees acting within the scope of their employment.

(b) Hospitals, nursing homes, and other State-licensed health care facilities providing massage services to their patients shall not be required to obtain a permit under this Section, where the services are provided by a licensed or certificated health care practitioner or an individual practicing massage under the direction of a health care practitioner. For purposes of this Section, "health care practitioner" shall mean any person whose activities are licensed or regulated under Division 2 of the California Business and Professions Code or any initiative act referred to in that division.

(e) A permit shall not be required under this Section where the services are provided on the premises (1) by a licensed or certificated health care practitioner or (2) by a barber, cosmetologist, esthetician, or manicurist, licensed or certificated pursuant to Division 3, Chapter 10, of the California Business and Professions Code, practicing massage as part of his or her work as a barber, cosmetologist, esthetician, or manicurist, and within the scope of any relevant state restrictions on the
practice of massage by members of those professions. A non-profit organization providing massage
services on its premises, and the individuals providing the massage services, are exempt from permit
and license fees under this Article, but the organization and the individuals must obtain the necessary
permits and licenses and otherwise comply with all relevant requirements:

(c) Previously Exempt Massage Businesses. A Massage Business previously exempt from the
Massage Business permit requirement under prior Section 29.9 but not currently exempt under
subsection (b) of this Section 29.25 may continue to operate without a permit until its application for a
permit is submitted and decided; provided that the Owner submits a completed application within 90
days of the effective date of the ordinance deleting former Section 29.9; and further provided that the
Massage Business complies with all provisions of this Article 29 and any rules and regulations that
apply to Massage Businesses during the interim period in which it operates without a permit. The
Director may conduct a public hearing on the application, as provided in Section 29.29(b). The
Director may deny the application for a Massage Business permit on any ground enumerated in
Sections 29.29 and 29.33, grant the permit, or grant the permit with conditions.

SEC. 29.2644. APPLICATION FOR MASSAGE ESTABLISHMENT, SOLEO
PRACTITIONER MASSAGE ESTABLISHMENT, OR OUTCALL MASSAGE SERVICE
PERMIT. FOR PRACTITIONERS NOT CERTIFIED BY THE CAMTC:

(a) Application Requirements. Unless all massage practitioners or therapists providing
services are certified as a massage practitioner or therapist by CAMTC pursuant to the California
Business and Professions Code, every applicant to apply for a Massage Establishment, SoloPractitioner
Massage Establishment, or Outcall Massage Service permit, the Owner
shall:

(1) File an application with the Director upon a form provided by the Director;
(2) Provide a complete set of fingerprints in the manner required by the Director
from any person with an ownership interest in the Massage Business through the Live Scan process, or
any comparable successor technology, for the purpose of undergoing a criminal background check; and

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

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

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

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

(2) The exact nature A description of the all services to be rendered by the Massage Business;

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

(34) The number of individuals to be employed by the Massage Business, and, except in the case of a solo Sole massage practitioner Massage Establishment, the names and permit or certificate numbers of any Massage practitioners or CAMTC Certified Practitioners who shall operate under that permit;

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

(5) Any history of previous Massage All permits, certificates, or licenses related to the practice of Massage or the operation of a Massage Establishment or Massage service, currently or formerly held by an Owner, issued in San Francisco or issued by CAMTC or elsewhere, including
any discipline imposed by the issuing authority and a statement whether the permit holder is currently
the subject of a disciplinary process, including whether any such permit or license has been revoked
and the reasons therefor, for each applicant; and

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

(e7) Any additional information as required by the Director, is hereby authorized
to require in the application any other information including, but not limited to, information related to
the health, hygiene, and sanitation of the premises, and any information necessary to confirm the
accuracy of the matters set forth in the application.

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

Organizational Owners. If an applicant for a massage the Owner of the Massage
Establishment or Outcall Massage Service permit is or includes a corporation, the name of
the corporation shall be set forth exactly as shown in its articles of incorporation together with
the names and residence addresses of each of the officers, directors, and each stockholder
holding more than 10 percent of the stock of the corporation. If the Owner application is or
includes a partnership, the application shall set forth the name and the residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this Section subsection 29.26(c) pertaining to corporate applicants applies. The applicant shall provide the same permit and criminal history information required of individual applicants, set forth in subsections (a)(2), (b)(1), (b)(5), and (b)(6) of this Section 29.26 above for each officer, director, and stockholder holding more than 10 percent of the stock of the corporation, or for each partner, including limited partners.

(de) Proof of Massage Practitioner Permit or CAMTC Certification for Sole Practitioners. In addition to the information required under subsections (b) and (e) of this Section 29.26, an applicant for a solo Sole pPractitioner Massage Establishment permit shall provide proof that he or she holds a current, valid advanced Massage pPractitioner permit or CAMTC certificate, issued by the Director under Section 29.2.

(ef) Massage Establishment Compliance with Planning Code Notice Requirement. An applicants for a Massage Establishment permit shall also submit proof of compliance with any applicable Planning Code requirements regarding notice and posting of the proposed Massage Establishment.

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

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

(i) No massage establishment permit shall be issued if the Director finds:
(1) The applicant has provided materially false documents or testimony; or

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

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

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

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

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

SEC. 29.2712. OPERATING REQUIREMENTS FOR ALL-MASSAGE FACILITIES.

ESTABLISHMENTS.

All proposed massage facilities must comply with the following reasonable health and safety requirements:

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

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

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

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

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

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

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

(1) Lavatories or wash basins must have soap in a dispenser and sanitary towels.

(2) Handwashing facilities shall be readily accessible to the massage practitioners.
(c) **Light and Ventilation.** All portions of the massage establishment shall be provided with adequate light and ventilation by means of windows, or skylights, or with an area of not less than of the total floor area, or shall be provided with an approved artificial light. *Adequate ventilation shall be provided by means of windows or and* a mechanical operating ventilating system.

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

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

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

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

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

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

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

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

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

(5) The massage establishment shall appropriately bag and dispose of soiled refuse.
(6) Every massage establishment shall thoroughly clean its wet and dry heat rooms, shower compartments, and toilet rooms each business day.

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

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

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

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

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

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

(l)—Unless the massage establishment operator and all practitioners are CAMTC certified, the operator of the massage establishment must post a notice informing the public and victims of human trafficking of telephone hotline numbers to seek help or report unlawful activity in English, Spanish, Cantonese and Vietnamese, and other appropriate languages as determined by the Department in a conspicuous place near the public entrance of the massage establishment or in another conspicuous location in clear view of the public and employees where similar notices are customarily posted pursuant to Cal. Civil Code Section 52.6.

SEC. 29.2843. REFERRAL OF MASSAGE ESTABLISHMENT AND SOLE PRACTITIONER MASSAGE ESTABLISHMENT PERMIT APPLICATIONS TO OTHER DEPARTMENTS; POLICE DEPARTMENT NOTIFICATION FOR PRACTITIONERS NOT CERTIFIED BY THE CAMTC.

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

(b) Law Enforcement. The Director shall notify the Police Department of all approved and denied Massage Business permit applications.
SEC. 29.2914. ISSUANCE OF MASSAGE ESTABLISHMENT, SOLE PRACTITIONER MASSAGE ESTABLISHMENT, OR OUTCALL MASSAGE SERVICE PERMIT FOR PRACTITIONERS NOT CERTIFIED BY THE CAMTC.

(a) Within 14 days following a hearing, or, if no hearing is held, within 60 business days, following receipt of a completed application for a Massage Business establishment permit, or, for applications subject to referral under Section 29.28, within 30 days of receiving all written findings, whichever is later, solo practitioner massage establishment, or outcall massage service permit where one or more practitioners are not certified as a massage practitioner or therapist by the CAMTC pursuant to the California Business and Professions Code, the Director shall either issue the permit or mail a written statement of his or her reasons for denial thereof to the applicant. If the Director takes neither action, the permit shall be deemed issued.

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

(cb) No Massage establishment, sole practitioner massage establishment, or outcall massage service permit shall be issued if the Director finds:

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

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

(3) Within one year prior to the application, the applicant has had any license or permit of any kind suspended or revoked by the Director; or
Within five years immediately prior to the date of application, the applicant has had any license, certificate, or permit related to the practice of massage or operation of a Massage Establishment or Massage service revoked; or

The applicant and any other individual who will be directly engaged in the management and operation of the massage establishment, solo-practitioner massage establishment, or outcall massage service has been convicted of any of the following offenses or convicted of an offense outside the State of California that would have constituted any of the following offenses if committed within the State of California:

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

(B) Any misdemeanor sexual battery; or

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

(D) Pimping or pandering; or

(E) Any offense related to human trafficking; or

(EE) Any offense requiring registration pursuant to Section 290.10 of the California Penal Code; or, for offenses committed outside California, any offense requiring registration in California pursuant to Penal Code Section 290.005; or

The Director revoked permission to operate a Massage Business at the same location within the prior 12 months; or

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

The Director finds that the premises or the Massage Business will be or is being managed, conducted, or maintained in such a manner as to endanger the health and safety of the employees or clients, or to coerce any employee to engage in illegal conduct.
(de) **Discretionary Exception for Criminal Convictions.** The Director may issue a permit otherwise authorized under this Section to any individual Owner convicted of one of the offenses listed in subsection (c)(5)(b)(4) of this Section 29.29 if the Director finds that the offense was not violent, the conviction occurred at least five years prior to the date of application, and the applicant has not been convicted subsequently of any of the listed one of those offenses.

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

(e) **Sole Practitioner Massage Establishments.** Notwithstanding the provisions of Section 29.15, the Director may issue a sole Practitioner Massage Establishment permit authorizing more than four sole Massage Practitioners or CAMTC Certified Practitioners to operate out of the same place of business if the Director finds good cause exists and the operation of the Sole Practitioner Massage Establishment will not have a negative impact on the neighborhood.

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

SEC. 29.30. ANNUAL LICENSE FEE.

Every Massage Establishment, Sole Practitioner Massage Establishment, or Outcall Massage Service permit holder shall pay to the Tax Collector an annual license fee as set forth in Section 29.41.

SEC. 29.15. EMPLOYMENT OF MASSAGE PRACTITIONERS.

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

SEC. 29.16. REGISTER OF EMPLOYEES.

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 CAMTC certificate or Department permit numbers. Such register shall be available for inspection by the Department of Public Health at all times during regular business hours.

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

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

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

(a) Every permit to operate a massage establishment or solo practitioner massage establishment shall be displayed in a conspicuous place within the establishment so that the permit may be readily seen by individuals entering the premises. Every permit to operate an outcall massage service must be made available for inspection by the Department of Public Health at all times while providing massage services.
(b) No massage establishment, solo practitioner massage establishment, or outcall massage service shall operate or provide massage services during the hours between 10:00 p.m. and 7:00 a.m.

SEC. 29.31. OPERATING REQUIREMENTS.

Massage Establishments, Solo Practitioner Massage Establishments, and Outcall Massage Services must comply with the following operating requirements to the extent applicable:

(a) Cleanliness and Hygiene. Massage facilities, including all appliances and apparatuses, shall be kept clean and operated in a sanitary condition.

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

(2) Clean sheets and towels shall be provided, laundered after each use, and stored in a sanitary manner.

(3) No towels or sheets shall be laundered or dried on the premises in the absence of suitable laundry facilities.

(4) Smooth, cleanable, and appropriately labeled receptacles for the storage of soiled linens and towels shall be provided.

(5) Soiled refuse shall be appropriately bagged and disposed of.

(6) Wet and dry heat rooms, shower compartments, and toilet rooms shall be thoroughly cleaned each business day.

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

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

(c) Employee Area. A room, enclosure, or designated area that is separate from the toilet, massage room(s), steam room, or other common areas shared by the clients shall be made available to employees at all times.
(d) Employment of Minors Prohibited. It shall be unlawful to employ any individual who is not at least 18 years of age.

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

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

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

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

(i) Human Trafficking Information Notices. Massage Establishments must comply with the requirements of California Civil Code Section 52.6. The required notices of human trafficking information and telephone hotline numbers shall be posted in English, Spanish, Cantonese, Vietnamese, and other appropriate languages as determined by the Department.
(f) Residential Use. Massage facility premises shall not be used as a sleeping room or for any other residential purpose.

(k) Establishment Permit to be Displayed. Every permit to operate a Massage Establishment or Sole Practitioner Massage Establishment shall be displayed in a conspicuous place within the Establishment such that the permit may be readily seen by individuals entering the premises.

(l) Outcall Massage Service Permit Subject to Inspection. Every permit to operate an Outcall Massage Service must be made available for inspection by the Department at all times while providing Massage services.

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

SEC. 29.3249. INSPECTION.

(a) Any member of the Department of Public Health may make an inspection of any Massage Establishment or Sole Practitioner Massage Establishment in the City for the purpose of determining whether the Establishment is operating in compliance with the provisions of State law or this Article 29, or for the purpose of providing health and safety information educational materials to employees of the Establishment in culturally and linguistically appropriate languages regarding the City and County of San Francisco Sanctuary City policy, employee rights, and information on a variety of resources, including linkage to health care services, victim services, and emergency numbers and hotlines to call for information and assistance. The Director shall adopt regulations under Section 29.25 governing the use of double doors or other structural devices that interfere with reasonable inspections and do not have legitimate safety or security purposes. (b) Nothing in this Section shall be construed to limit or restrict the lawful authority of a police officer or other City employee to enter premises licensed under this Article 29, pursuant to a search warrant signed by a magistrate and issued upon a showing of probable cause to believe that contraband is present or that a crime has been committed or attempted;
without a warrant in the case of an emergency or other exigent circumstances, or (3) as part of any other lawful entry in connection with a criminal investigation or enforcement action.

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

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

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

SEC. 29.332. SUSPENSION OR REVOCATION OF MASSAGE ESTABLISHMENT, SOLO PRACTITIONER MASSAGE ESTABLISHMENT, OR OUTCALL MASSAGE SERVICE PERMIT FOR PRACTITIONERS NOT CERTIFIED BY THE CAMTC.

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

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

(2) The permittee has refused to permit a lawful inspection of any duly authorized City health inspector to inspect the business premises or the operations therein; or
(3) The permittee has engaged in any conduct in connection with the operation
of the business that violates the operating requirements set forth in Section 29.31, any rules or
regulations related to Massage Business operations, or any State or local laws; or
(4) in the case of a massage establishment or outcall massage service permit, any
employee or independent contractor of the permittee has engaged in any conduct that violates
any state or local laws at permittee’s place of business, and the permittee had or, in the
exercise of due diligence, should have had actual or constructive knowledge by due diligence of the
prohibited illegal conduct In the case of a solo practitioner massage permit, the permittee no longer
holds a current, valid advanced massage practitioner permit issued by the Director; or
(5) The Director determines by clear and convincing evidence that such Massage
Business is being managed, conducted, or maintained without regard for public health or the
health of clients, patrons, customers, or employees, or without due regard to for proper sanitation
and hygiene; or
(6) The Director finds good cause to suspend or revoke the permit in accordance with
Business and Tax Regulations Code Sections 24 and 26. The permittee has violated a rule or regulation
adopted by the Director pursuant to Section 29.25.
(b) Hearing. A permit holder cited for a violation of any provision of Article 29 or the rules
and regulations promulgated by the Director under Section 29.2 shall be scheduled to appear at a
hearing held by the Director. Before any hearing is conducted under this Section, the Director shall
provide the permittee at least 2010 days’ written notice of the. The notice shall include the time,
place, and grounds for the hearing. If requested by permittee, the Director shall make
available all documentary evidence against permittee within five days of the request no later than
15 days prior to the hearing. If the Director does not provide the requested documentary evidence
within five days, the permit holder may request, and the Director shall grant, a continuance of the
hearing date. At the hearing, the permittee shall be provided an opportunity to refute all
evidence against him or her. The Director shall oversee the hearing and issue a ruling within 20-30 days of the its conclusion of the hearing. If the Director fails to issue a ruling in this time period, no suspension or revocation shall be imposed. The Director's ruling shall be the final decision of the Department.

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

**SEC. 29.22—HEARINGS.**

The Director may fix a time and place for a hearing on any application for a permit under this Article, which shall not be held more than 45 days after the receipt of the completed application, or, in the case of a permit to operate a massage establishment or solo massage practitioner establishment, more than 30 days after receiving the findings required under Section 29.13 of this Article.

**SEC. 29.23—TRANSFER OF PERMIT.**

No permit issued under this Article shall be transferable.

**SEC. 29.24—BUSINESS TAX AND ZONING INFORMATION, RESOURCES FOR MASSAGE PRACTITIONERS.**

(a) Upon issuing or renewing any registration or permit issued under this Article, the Director and the Tax Collector shall also provide the permit holder with general information, including appropriate referrals to other City departments, regarding (1) the need and procedure for registering a business with the Tax Collector, and (2) possible zoning restrictions on the operation of a massage practice.
(b) The Director shall provide all persons receiving a massage practitioner permit with
educational materials regarding their rights and informing them of available resources such as health
services and victim assistance, as well as emergency numbers and hotlines to call for information and
assistance.

SEC. 29.25. RULES AND REGULATIONS; COMPLAINT LINE.

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

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

FEES

SEC. 29.4026. MASSAGE PRACTITIONER FEES.

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

SEC. 29.41. MASSAGE ESTABLISHMENT, SOLE PRACTITIONER MASSAGE
ESTABLISHMENT, AND OUTCALL MASSAGE SERVICE FEES.

(a) Massage Establishments. The application fee for a Massage Establishment permit,
as provided in Section 29.11, shall be $681,658. The annual license fee for a Massage
Establishment, as provided in Section 29.20, shall be $1,214,173. The fee shall be due
annually on March 31 of each year, pursuant to Section 76.1, Article 2 of the Business and Tax Regulations Code.

(b) **Sole Practitioner Massage Establishments.** The application fee for a sole **Sole Practitioner Massage Establishment permit**, as provided in Section 29.11, shall be $4,974.80. The annual license fee for a sole **Sole Practitioner Massage Establishment**, and for massage establishments where all practitioners are certified by the CAMTC, as provided in Section 29.20, shall be $5,995.79. The fee shall be due annually on March 31 of each year, pursuant to Section 76.1, Article 2 of the Business and Tax Regulations Code.

(c) **Outcall Massage Services.** The application fee for an **Outcall Massage Services permit**, as provided in Section 29.11, shall be $3,514.80. The annual license fee for an **Outcall Massage Service**, as provided in Section 29.20, shall be $3,065.79. The fee shall be due annually on March 31 of each year, pursuant to Section 76.1, Article 2 of the Business and Tax Regulations Code.

(d) **Exception.** An **advanced Massage Practitioner** or **CAMTC Certified Practitioner** holding a sole **Sole Practitioner Massage Establishment permit** shall not be required to pay any additional **permit application** or annual license fee for an **Outcall Massage Service** permit.

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

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

ENFORCEMENT AND PENALTIES

SEC. 29.4527. VIOLATIONS AND ADMINISTRATIVE PENALTIES.

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

(1) Massage Business Establishment Operating Without a Massage Business

Permit from the San Francisco Department of Public Health.

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

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

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

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

(A) Administrative fine: Up to $1,000 per day of operating without a permit; and
(B)—Permit penalty: Massage Establishment location and permittee are ineligible for a permit from the San Francisco Department of Public Health for 180 days.

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

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

(A) Administrative fine: None.

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

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

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

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

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

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

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

(A) Administrative fine: None.
(B) Permit penalty: Revocation; permittee ineligible for a subsequent Massage Establishment permit, at any location.

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

(56) Massage Establishment or Outcall Massage Service Knowingly Employing Unlicensed or Uncertified Individual Without Massage Practitioner Permit or CAMTC Certification To Administer Massage Practitioner or Therapist.

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

(B) Permit penalty: None.

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

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

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

(B) Permit penalty: None.

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

(78) Presence of Beds Instead of Massage Tables.

(A) Administrative fine: None.

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

(C) Repeat violations: Up to $1,000 fine for second 2nd occurrence within 24 months; 15-30 day suspension and up to $2,500 fine and for 3rd/third occurrence within 24 months.
Massage Practitioner—Any Massage Service Provider Improperly Attired in

Violation of Section 29.17(a) Not Wearing Attire as Described in Section 29.12(i).

(A) Administrative fine: Up to $250 per person to be paid by Massage Business Establishment permittee.

(B) Permit penalty: Notice of violation.

(C) Repeat violations: Up to $500 fine per person to be paid by Massage Business permittee for 2nd occurrence and each subsequent occurrence; and 60-day suspension for Massage Practitioner permit and 60-day suspension per person of for Massage Business Establishment permit.

Sanitation Issues

Pursuant to Section 29.42(f.32(a).

(A) Administrative fine: None.

(B) Permit penalty: Notice of violation.

(C) Repeat violations: Up to $250 fine and 60-day suspension of for Massage Business Establishment permit.

Massage Business Establishment Operating Past Between the Hours of 10:00 p.m. and 7:00 a.m.

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

(B) Permit penalty: None.

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

Practicing Massage for Compensation Without a Massage Practitioner Permit or CAMTC Certification.

(A) Administrative fine: $250 fine.

(B) Permit penalty: None.
(CB) Repeat violations: $500 fine for 2nd second occurrence within 24 months; $1,000 fine for 3rd third and each subsequent occurrence within 24 months and individual practitioner ineligible for Massage Practitioner San Francisco Department of Public Health permit for 180 days.

(1243) Anyone Engaged In Lewd Conduct or Performing Sex Acts as Defined in Section 29.12(h)17(b) on Massage Business Establishment Premises During Business Hours.

(A) Administrative fine: $1,000 to be paid by Massage Business Establishment permittee, and

(B) Permit penalty: 60-day permit suspension of Massage Business Establishment permit.

(C) Repeat violations: Permit Revocation of Massage Practitioner permit and both practitioner and Massage Business Establishment permittee. Permit holder permanently ineligible for subsequent Massage Practitioner or Massage Business Permit.

(1344) Failure to Post Notices as Required by Section 29.12(f)32(i).

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

(B) Permit Penalty: 30-day suspension of Massage Business permit for third and subsequent violations within 24 months.

(1415) All Other Violations of San Francisco Health Code Article 29, and Any Massage Program Rules and Regulations.

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

(B) Permit penalty: Possible suspension or revocation.

(C) Repeat violations: Up to $2,500 fine for the second violation in a 24-month period and possible permit suspension or revocation; up to $5,000 for the third and subsequent violations in a 24-month period, and permit suspension or revocation.
(b) **Notice to Property Owner.** Written notice of each *Massage Business* permit holder violation shall be provided to the owner(s) of the property upon which the *Massage Business Establishment* is located.

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

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

**SEC. 29.4628. COST RECOVERY.**

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

(a) **Criminal Violations.** Any *Massage Business* permit holder that violates the requirements of Section 29.10, 29.15, 29.25, or subsections (d), (e), (j), (k), or (l) of Section 29.31, any permittee as defined in Section 29.1, of a massage establishment or outcall massage service, or any employer of a massage practitioner who violates Health Code Section 29.2 which requires a permit to engage in the practice of massage, Health Code Section 29.6 which requires presentation of an identification card to any City health inspector, Health Code Section 29.10 which requires practitioners not certified by the CAMTC pursuant to the California Business and Professions Code to obtain a permit to operate a
massage establishment, solo-practitioner massage establishment, or outcall massage service, Health Code Section 29.12(g) which prohibits the use of any room in which massage services are provided to be used as a sleeping room, Health Code Section 29.15 which requires every permit holder or employer to ensure that a massage practitioner, who is not certified by the CAMTC, has obtained a permit, Health Code Section 29.16 which requires a register of practitioners to be available for inspection, Health Code Section 29.17 which prohibits the employment of any individual under the age of 18, Health Code Section 29.18, which requires display of a permit and prohibits operation between the hours of 10 p.m. and 7 a.m., or any rule or regulation adopted pursuant to Section 29.25, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed $1,000 or by imprisonment in the County Jail not to exceed six months, or by both. A person convicted of violating any listed this Section shall be deemed guilty of a separate offense for every day such violation shall continue.

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

SEC. 29.48. COOPERATIVE EFFORTS WITH LAW ENFORCEMENT.

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

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

SEC. 29.49. UNDERTAKING FOR THE GENERAL WELFARE DISCLAIMER.

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

SEC. 29.50. SEVERABILITY.

If any of the provisions of this Article 29 or the application thereof to any person or
circumstance is held invalid, the remainder of this Article, including the application of such part
or provisions to persons or circumstances other than those to which it is held invalid, shall not
be affected thereby and shall continue in full force and effect. To this end, the provisions of
this Article are severable.

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

Nothing in this Article 29 shall be interpreted or applied so as to create any requirement,

power, or duty in conflict with any federal or State law.

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

Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
additions, and Board amendment deletions in accordance with the "Note" that appears under
the official title of the ordinance.
APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney  

By:  
SHERRI SOKELAND KAISER  
Deputy City Attorney
File Number: 141302          Date Passed: May 19, 2015

Ordinance amending the Health Code to comprehensively revise regulation of massage practitioners, massage establishments, massage outcall services, and sole practitioner massage establishments by, among other things: 1) eliminating the exemption for massage businesses that employ solely massage practitioners certified by the California Massage Therapy Council from the permitting and regulatory authority of the Department of Public Health; 2) increasing the number of instructional hours required for massage practitioner permits; 3) denying massage business permits to applicants who have been convicted of 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 massage practitioner permits, massage establishment permits, sole practitioner massage establishment permits, and outcall massage service 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.

April 20, 2015 Land Use and Transportation Committee - CONTINUED

May 04, 2015 Land Use and Transportation Committee - RECOMMENDED

May 12, 2015 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

May 19, 2015 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Mar, Tang, Wiener and Yee

Excused: 1 - Kim
I hereby certify that the foregoing Ordinance was FINALLY PASSED on 5/19/2015 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved
5/28/15