SAN DIEGO POLICE DEPARTMENT
PERMITS AND LICENSING UNIT

MASSAGE

STATEMENT OF UNDERSTANDING – RULES AND REGULATIONS

PLEASE READ CAREFULLY

The massage therapist permit is not a license to operate a massage business. In order to legally perform a massage, you also need an off-premise massage business permit, or massage establishment permit, or be a bona-fide employee of the following:

1. Someone who possesses a massage establishment permit; or
2. Someone who possesses a Holistic Health Practitioner Business permit pursuant to Division 44; or
3. Someone who is a state licensed individual who is exempt pursuant to SDMC 33.3513, e.g., physicians, surgeons, chiropractors, physical therapists, etc. The exempt individual has to be physically present at the location while the massage is administered.

If you are a massage therapist working for any individual or business and you are not on their payroll because you are self-employed or treated as an independent contractor, then you are not considered an employee. If you are operating from a fixed location and not an employee of a licensee or exempt individual as stated above, you will need a massage establishment permit. A massage therapist cannot rent space. Any person desiring to engage in off-premise massage must also obtain an off-premise massage business permit. You cannot use an off-premise massage permit to operate from a fixed location.

Definitions:

"Massage Therapist" - means any person who gives or administers a massage to another person, for any form of consideration whatsoever.

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

"*Off-Premise Massage Therapist Business*" - means the business of providing massage services by appointment at a location other than premises licensed as a *massage establishment*. It includes *massage therapists* who provide *off-premise massage* services and who are self-employed and/or who contract with or work for a business other than a massage establishment.

"*Massage Establishment*" - means a fixed place of business where any person engages in massage.

"State-approved school" - means any school or institution within the United States, which is approved by the state in which it resides, for the teaching of massage.

"*Particular anatomical areas*" - means the pubic region, human genitals, perineum, anal region, and the area of the female breast that includes the areola and the nipple.

The following is only a summary of the regulations. You are responsible for being familiar with and complying with all the rules and regulations related to massage. Copies of the Massage Ordinance and General Divisions for police regulated activities may be obtained from the City Clerk's office located at 202 C Street, 2nd Floor, Telephone # (619) 533-4000 or via the City's website: www.sannet.gov/ (Department, City Clerk, Documents, Municipal Code), SDMC Chapter 3, Article 3, Division 35 and Divisions 1-5).

Please initial each line:

_____ 33.0105 - PERMIT DISPLAYED - Each licensee or permittee shall, at all times when requested, exhibit said license or permit to any peace officer or person doing business with the permittee. You should, therefore, have your original massage therapist permit available when conducting massage. Copies are unacceptable. Any permittee engaged in business at a fixed location must also post a copy of their permit in a conspicuous place in the business.

_____ 33.0308 - RENEWAL RESPONSIBILITY - A permit shall be valid for a period of one year from the date of issuance. It is the responsibility of the permit holder to renew the permit no later than 10 calendar days after the expiration date. Failure to renew on time will result in penalty fees. If a renewal is not completed with all fees and penalties paid within 30 days after the permit expiration date, the permit expires and business operations, occupations, or activities allowed by the permit must cease and the permittee must begin the application process as a new applicant. The Police Department is not required to send a renewal notice and the failure to send such notice shall not affect the validity of any late fee or permit expiration.

_____ 33.0312 – CHANGE OF EMPLOYERS – Massage Therapists and Massage Trainees must notify the Chief of Police in writing of any change of employment within 15 calendar days of changing to the new employer.

_____ 33.3512 - MASSAGE TRAINEES - A trainee massage therapist permit is only valid for two years from the date of issuance. If a trainee does not obtain a massage therapist or off-premise massage therapist permit within two years, the trainee permit becomes null and void. A trainee permit may not be extended or renewed. The Chief of Police may require proof that a trainee is receiving ongoing instruction during the two-year period. The employer must be on the premises when the trainee provides off-premise massage services. The trainee must comply with all other regulations applicable to massage therapists.

_____ 33.3513 - EMPLOYEES OF EXEMPT INDIVIDUALS - Any person conducting massage for an exempted class individual must possess a massage therapist permit and shall comply with all massage regulations. A massage technician employed by an exempted class individual must work under the direction and control of that individual who must be physically present at the location where the massage is being administered. A massage therapist cannot rent office space or workspace at an exempt individual's location. The massage therapist must obtain a massage establishment permit.

_____ 33.3514 (b)–RENEWAL FOR MASSAGE THERAPIST PERMIT - In order to renew a massage therapist or off-premise massage therapist business permit, the permittee must provide proof of twelve hours of continuing education in massage therapy. The continuing education hours must be obtained from a facility or organization approved by the NCBTMB or the NCCAOM, or a state-approved school or any other certification organization recognized by the Chief of Police

_____ 33.3514 (c)–RENEWAL FOR MASSAGE THERAPIST PERMIT - The permittee must show proof that the permittee's national certification is current. Proof from NCBTMB, NCCAOM, or any other certification organization recognized by the Chief of Police, is sufficient.

_____ 33.3514 (d)–RENEWAL FOR MASSAGE THERAPIST PERMIT - This section does not apply to off-premise massage business permit holders described in Section 33.3508 (c).

_____ 33.3515 - EQUIPMENT & CLEANLINESS REQUIREMENTS FOR MASSAGE ESTABLISHMENTS - Establishments must maintain equipment and facilities in a sanitary manner as detailed in Sections 33.3515 (a) through 33.3515(i).

_____ 33.3517(a) - MASSAGE ESTABLISHMENT HOURS OF OPERATION AND SERVICES- It is unlawful for any person to allow the establishment to be open between 12:00 a.m. and 6:00 a.m. All customers, patrons and visitors must be excluded from the premises during these hours.

_____ 33.3517(b) - MASSAGE ESTABLISHMENT POSTING OF SERVICES - A list of services available and the cost of such services shall be posted in an open and conspicuous public place on the premises. The services must be described in readily understandable language. No services other than those posted are allowed.

_____ 33.3518 - MASSAGE ESTABLISHMENT OPERATING REQUIREMENTS -

- Establishment shall provide patrons clean, sanitary and opaque coverings capable of covering the patron's particular anatomical areas.
- No responsible person shall permit a massage to be given unless the patron is covered by the covering provided by the establishment
- No responsible person shall permit any person in any area, which is used by patrons unless the person's particular anatomical areas are fully covered with an opaque covering.
- No responsible person shall permit any person to massage, or intentionally touch the particular anatomical areas of another person.
- The responsible person and permittee shall insure that patrons are advised of Sections 33.3518 (a)-(e), prior to treatment.

_____ 33.3524(a) - COVERING REQUIREMENTS - No massage therapist, while performing any task or service associate with the massage establishment or off-premise massage business, shall be present in any room with another person unless the person's "particular anatomical areas" are fully covered. This subsection does not apply to momentary nudity occurring in bathrooms, shower areas, or dressing or locker rooms.

_____ 33.3524(b) - PARTICULAR ANATOMICAL AREAS - No massage therapist, while performing any task for service associated with the business of massage, shall massage or intentionally touch the particular anatomical areas of another person.

_____ 33.3524(c) - NAME TAG REQUIRED – While working a massage therapist must wear a nametag containing the therapist's name as it appears on the police permit.

_____ 33.3524(d) - SANITARY REQUIREMENTS – It is unlawful to use towels, linens or instruments during the massage that are not in clean or safe condition.

_____ 33.3524 (e) - HOURS OF OPERATION - It is unlawful to provide massage services between 12:00 a.m. and 6:00 a.m.

_____ 33.3524(f) - ADVISAL REQUIRED - Permittee shall insure that patrons are advised of SDMC Section 33.3524 (a) & (b) prior to treatment. The advisal may be (1) posted in the room where the massage is conducted, or (2) contained in patron intake documents; or (3) posted in any other manner approved by the Chief of Police.

_____ 33.3524(g) - OFF-PREMISE PERMITEE RESPONSIBLITY - Any off-premise massage business permittee who hires, dispatches or contracts with other off-premises massage therapists to do off-premise massage is responsible for ensuring that those therapists comply with all applicable regulations. The permittee must also make reasonable efforts to prevent criminal activity. In addition to all other grounds, prostitution by such therapists is grounds for revoking the permit.

_____ 33.3525 - CLOTHING REQUIREMENTS - Massage technicians must be fully covered by an opaque material from the base of the neck to a point four (4) inches above the center of the kneecap, excluding the arms. Shorts may be worn if they extend down the leg a minimum of three (3) inches from the crotch.

_____ 33.3526 - ADVERTISING REQUIREMENTS - Effective July 1, 2002, all advertising shall include the police permit number in any advertisement of services appearing in any newspaper, telephone directory, printed advertising medium, or electronic media. The reference does not have to contain the words "police permit". "City of San Diego permit number 1111," or similar language, will suffice so long as the correct police permit number is included.

I have read and understand the San Diego Municipal Code requirements listed above. If I have any questions regarding these requirements or my employment in a police regulated occupation, I understand that I may schedule an interview with a representative from the Police Permits & Licensing office.

Sign and Date:

_____ _____

DATE SIGNATURE PRINTED NAME

Received by: _____