

## Massage Establishment Permits

### Current Municipal Code

- The Municipal Code identifies massage establishments as police-regulated businesses. However, it states that massage establishments, which only employ individuals with certification from the California Massage Therapy Council (CAMTC), are exempt from obtaining a massage establishment police permit. Due to this exemption, SDPD has no way of verifying whether those claiming the exemption are in fact only employing CAMTC certified therapists. Currently, SDPD issues very few permits for massage establishments.
- The vast majority of massage establishments in San Diego claim this exemption which means they are not required to obtain a police permit or pay the permit fee.

### Current State Law regarding Massage Therapist Certification

- State law does not require individuals to obtain a license to be a massage therapist. State law establishes the California Massage Therapy Council (CAMTC) to issue voluntary certification for massage therapists who wish to be certified.
- Many cities and counties require that all massage therapists have CAMTC certification.
- Currently, the City of San Diego Municipal Code requires all therapists to have either CAMTC certification or apply for a police permit.

### Proposed Changes

- **Remove the existing exemption for massage establishments that hire only CAMTC certified massage therapists and re-instate a mandatory revocable massage establishment police permit for all massage establishments.**
  - It has been the best practice among many cities and counties throughout California to require that all massage establishments, regardless of whether they only employ CAMTC certified massage therapists or not, obtain a revocable City permit.
  - A revocable City permit provides cities a cost-effective and timely tool to effectively suspend or shut down massage establishments for specific violations, including illicit sexual and red-light activity.
  - Without requiring a revocable permit, it is much harder, takes longer, and is more expensive for the City to shut down establishments engaging in illicit and illegal activity using the current Red-Light Abatement process.
- **Work with the Finance Department to evaluate a massage establishment police permit fee that is lower than the current cost and evaluate the option of a lower permit fee for massage establishments owned and operated by one massage therapist.**
  - Current massage establishment permit: \$2,042
  - Option to lower cost: Evaluate the possibility of creating a separate massage establishment permit that is for establishments which are solely owned by a massage therapist who is also the only person who provides massages, with fees that are lower than a permit for a massage establishment with more than one massage therapist.
    - San Francisco:

- FY17 Massage Establishment Annual Fee: \$1,262.64 with one-time application fee of \$737.00
    - FY17 Solo Massage Establishment Annual Fee: \$623.24 with one-time application fee of \$525.20
  - Los Angeles:
    - Massage Establishment Application Fee: \$664.00 with annual renewal fee of \$229.00
  - San Jose:
    - Massage Establishment Business Permit: \$572.00 per two years from date of issuance
    - New Ownership/Management: \$184 per initial permit and \$184 renewal fee per two years
- **Amend San Diego Municipal Code Chapter 3, Article 3, Division 35 to include a robust list of grounds for permit suspension and revocation, which includes all violations outlined in California Business Professions Code Section 4609 and other violations relating to prostitution, human trafficking, lewdness, etc.**
  - Grounds for permit suspension or revocation
    - An owner or sole proprietor fails to register under the provisions of California Penal Code section 290 (sex offender registration), is convicted of California Penal Code Sections 266i (pandering), 315 (keeping or residing in a house of ill-fame), 316 (keeping disorderly house), 318 (prevailing upon person to visit a place for prostitution), 647(b) (engaging in or soliciting prostitution), 653.22 (loitering with intent to commit prostitution), 653.23 (supervision of prostitute); has a business permit or license denied, revoked, restricted, or suspended by any agency, board, city, county, territory, or state; is subject to an injunction for nuisance pursuant to California Penal Code Sections 11225-11235 (red light abatement); is convicted of a felony offense involving the sale of a controlled substance; is convicted of any crime involving dishonesty, fraud, deceit, violence, or moral turpitude; or is convicted in any other state of an offense which, if committed in this state, would have been punishable as one or more referenced offenses in this subsection.
    - Include all violations outlined in California Business Professions Code Section 4609 as grounds for citation/permit suspension or revocation in the Municipal Code, in addition to everything else already outlined in the Municipal Code.
- **Include a “rotating door” amendment to San Diego Municipal Code Chapter 3, Article 3, Division 35.**
  - Prohibit the issuance of a new massage establishment police permit in the same location as one that has been closed for illicit activity, or other serious violations, for at least two years.
  - Prohibit the transfer of ownership while an action by the city is pending.