

**San Francisco Department of Public Health
Environmental Health Section
1390 Market Street, Suite 210
San Francisco, CA 94102**



**MESSAGE PROGRAM
RULES & REGULATIONS
FOR**

**Massage Practitioner Permit and
Establishment Permit to Operate**

**Pursuant to Article 29, Sec. 1926 of the
San Francisco Health Code**

I. Introduction

- A.** In December 2003, the Board of Supervisors passed a new ordinance amending the San Francisco Police Code by repealing Article 27 (Sections 2700 through 2737), and amending the San Francisco Health Code by adding a new Article 29 (Sections 1900 through 1931) both Articles pertain to the licensing and regulation of massage practitioners and businesses.

Effective July 1, 2004, the licensing and regulation of massage practitioners and businesses was transferred from the San Francisco Police Department (SFPD) to the San Francisco Department of Public Health (DPH). The Ordinance mandates that every individual wishing to engage in the practice of massage or to operate a massage establishment in San Francisco must be licensed by the DPH. The ordinance recognizes that massage is a healing art and that the regulation and enforcement of health and safety standards for massage is most appropriately conducted by the DPH.

- B.** The ordinance defines “massage” as 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. Sec. 1900(d)

II. Authority

The following massage practitioner and massage establishment rules and regulations are promulgated under section 1926 of the San Francisco Health Code to carry out the intent of Article 29 of the San Francisco Health Code. Under Section 1928, any individual who violates any provision of this Article or any rule or regulation adopted pursuant to Section 1926 may, after being provided notice and an opportunity to be heard, be subject to administrative fine or revocation of permit.

III. Types of Permits

- A. General Massage Practitioner Permit:** An Applicant who has completed not less than 100 hours of instruction and awarded a diploma or certificate of graduation from a recognized school may apply for a General Massage Practitioner Permit. Sec. 1902(c)
- B. Advanced Massage Practitioner Permit:** An Applicant who has completed not less than 200 hours of instruction and awarded a diploma or certificate of graduation from a recognized school may apply for an Advanced Massage Practitioner Permit. Sec. 1902(c)

C. Trainee Practitioner Permit: An Applicant, who is currently registered in a recognized school of massage, may request a Trainee Practitioner Permit. Sec. 1904(b)

D. General Massage Establishment Permit: Issued to a fixed place of business where more than one person engages in or carries on, or permits to be engaged in or carries on, the practice of massage. Sec. 1900(e)

E. Solo Practitioner Massage Establishment Permit: Issued to a fixed place of business where a person holding an **Advanced** Massage Practitioner Permit engages in or permits to be engaged in the practice of massage. Said fixed place of business may be shared by 2-4 advanced practitioners. Sec. 1900(L)

F. Outcall Massage Service Permit: Issued to any business, not permitted as a massage establishment or solo practitioner massage establishment, wherein the primary function of such business is (1) to engage in or carry on massage not at a fixed location but at a location designated by the client or customer or (2) to conduct massage in a chair or on a portable table in a location that is not a fixed permanent location. Sec. 1900(h)

IV . Fee Structure

Type of Massage Practitioner Permit	Application Fees	Annual License Fees	Zoning Clearance Required	Fire Clearance Required
General	141	119	**No	No
*** Advanced	141	119	**No	No
Trainee	141	-	**No	No

Type of Massage Establishment Permit	Application & Zoning Fees	Annual License Fees	Zoning Clearance Required	Fire Clearance Required
* General	594	860	Yes	Yes
* Solo (fixed) /Outcall Service	594	579	Yes	Yes
* Outcall only	339	296	**No	**No

Fees are subject to an annual increase to reflect increases in the consumer price index. Sec. 1927

* Massage, solo and outcall service establishments need a business license from the Tax Collector Sec.1925(a) (1)

** "No zoning" does not mean the permit holder may operate in a location prohibited for massage under the Planning Code. Sec. 1925(a)(2)

*** An Advanced Massage Practitioner holding a solo practitioner massage establishment permit is not required to pay for an additional permit or license fee for an Outcall massage permit. Sec. 1920(b)

V. Requirements for Practitioner Permit (Sec 1902)

- A. All applicants must file an application with a non-refundable application fee of \$141 with check or money order made payable to the Dept. of Public Health. Penalty for a bounced check is \$50.00. Sec. 1927(a)
- B. All applicants must provide the following under penalty of perjury:
1. Name and residence address with phone numbers. Sec. 1902(b)1
 2. Identification such as driver's license, identification card, social security card or a passport. Sec. 1902(b)2
 3. Written evidence that the applicant is at least 18 years of age. Sec. 1902(b)3
 4. Applicant's weight, height, color of hair and eyes. Sec. 1902(b)4
 5. Business occupation or employment for the last 5 years with address and phone numbers. Sec. 1902(b)5
 6. A statement as to whether prior permit or license for massage or bodywork was revoked and the reasons therefore. Sec. 1902(b)5
 7. All felony or misdemeanor convictions. You may only be disqualified from the issuance of a permit if you have been convicted of the following: Sec. 1903(b)
 - (i) Any felony involving the use of coercion or force and violence upon another; or
 - (ii) Any misdemeanor sexual battery; or
 - (iii) Any offense involving sexual misconduct with children; or
 - (iv) Pimping or pandering; or
 - (v) Any offense requiring registration under Section 290 of the California Penal Code
 8. Provide original copy and/or notarized copy of diploma and hours of instruction from a recognized school of massage with at least 100 hours of instruction for those applying for **General Practitioner** permit and 200 hours for those applying for **Advanced Practitioner** permit. Sec. 1902(c)

Note: Originals of diploma or certificate will be returned to the applicant after review with copies made for our file

C. Foreign Schools of Massage Diplomas

The Department of Public health will not accept diplomas from other countries unless authenticated by:

1. The Consulate or Embassy of the Country of Origin
or
2. Evaluated by a Foreign Credential Evaluation Service.

D. Proficiency Test

Section 1902(d) requires all applicants to take and pass a test of basic massage knowledge before the issuance of a permit to operate. The minimum passing score shall be 70%. The test shall be administered once a month and by appointment only. Applicants failing the test may retake the test after a month.

E. Exemptions

1. The following are exempted from the issuance of permits; Licensed or certified health care practitioner practicing massage as part of his or her health care practice; any barbers, cosmetologists, aestheticians or manicurists licensed under division 3, chapter 10, of the California Business and Professions Code practicing massage within the scope of any relevant state restrictions on the practice of massage by members of those professions. Individuals practicing massage under a non-profit organization are exempt from fees under the Article, but must obtain all permits and licenses.
Sec. 1908(c)
2. For purposes of compliance with Article 29 of the San Francisco Health Code, "massage" or "the practice of massage" shall not include the incidental use of soft tissue manipulation while primarily engaging in another technique or modality in which a practitioner is qualified and in which soft tissue manipulation is not the central aim of the treatment, such as:
 - (vi) The use of touch specifically intended to affect the human energy fields or systems, including, but not limited to, Polarity Therapy, Reiki, Touch for Health or Jin Shin Do, provided that the services are not designated or implied to be massage or massage therapy.
 - (vii) The use of touch, along with words and directed movement, to deepen awareness of existing patterns of movement in the body as well as to suggest new possibilities of movement, including, but not limited to, the Fedenkrais Method of Somatic Education, the Trager Approach to Movement Education, and Body-Mind Centering, provided that the services are not designated or implied to be massage or massage therapy; and

- (viii) The use of touch by movement educators such as dance therapists or teachers, yoga teachers, personal trainers, martial arts instructors, and other such professionals.

VI. Requirements for Massage Establishment, Solo Massage Establishment and Outcall Massage Service (Sec. 1909)

- A.** All applicants must file an application with a non-refundable application fee of \$481.00 with check or money order made payable to the Dept. of Public Health. Penalty for a bounced check is \$50.00. An unredeemed bounced check could be grounds for permit denial. Additional \$114.00 for City Planning is required for massage and solo establishments. Sec. 1927(b)
- B.** All applicants must provide the following under penalty of perjury:
 - 1. Name and residence address with phone numbers. Sec. 1909(b)4
 - 2. Address of business, Name of business and business phone numbers. Sec. 1909(b)2
 - 3. Days of operation
 - 4. Number of employees and their duties and in the case of a solo practitioner, the names of any practitioners who shall operate under your permit. Sec. 1909(b)3
 - 5. The exact nature of the services to be rendered. Sec. 1909(b)1
 - 6. The name, residence address, telephone number and date of birth of each applicant. Sec. 1909(b)4
 - 7. Any history of previous denial or revocation of a massage permit and the reasons. Sec. 1909(b)5
 - 8. All felony or misdemeanor convictions. You may only be disqualified from the issuance of permits if you are convicted of the following:
Sec.1909(b)6
 - (i) Any felony involving the use of coercion or force and violence upon another person; or.
 - (ii) Any misdemeanor sexual battery; or
 - (iii) Any offense involving sexual misconduct with children; or
 - (iv) Pimping or pandering; or
 - (v) Any offense requiring registration under Section 290 of the California Penal Code. Sec. 1903(b)4(iv)
 - 9. If the establishment is a corporation, the name of the corporation, list of all officials and share holders holding more than 10% of the stock of the corporation, home address and phone numbers must be provided. Sec. 1909(d)

10. Solo massage practitioner establishment applicants shall provide a copy of a valid advanced practitioner permit issued by the Director of Health. Sec. 1909(e)
11. Applicant must submit proof of compliance with the Planning Code regarding posting where required. Sec. 1909(f)
12. All new massage establishments shall submit a floor plan detailing number and location of restrooms, toilet rooms, shower rooms, sauna and other amenities. Floor plans shall be routed through the Building Department to the Health Department.
13. Applicant must deposit \$1,085 for plan check. DPH plan check fees and field consultation during construction are \$167 per hour. Unused balance shall be refunded to applicant. For details, see "Structural and Operational" requirements.
14. Appropriate referral shall be sent to all the appropriate City Agencies for written approval or clearance. Sec. 191
15. Permit issuance shall be contingent upon receipt of written approval from the appropriate City Agencies such as Department of Building Inspections, the Police, Fire and Planning Departments. Sec. 1912

C. Exemptions

The following establishments are exempted from the issuance of DPH permits to operate; Hospitals, nursing homes, and other State –licensed health care facilities providing massage services to their patients, where the services are provided by a licensed or certified health care practitioner; also exempted are barber, cosmetologist, esthetician, or manicurist licensed under division 3, chapter 10, of the California Business and Professions Code , practicing massage within the scope of any relevant state restrictions on the practice of massage by members of those professions. Individuals practicing massage under a non-profit organization are exempt from fees under the Article, but must obtain the necessary permits and licenses and comply with all requirements. Sec. 1908(b)&(c)

VII. Background Check

- A.** The Department of Public Health will require a background check to verify if an applicant has any felony or misdemeanor convictions. Sec. 1909(c)
- B.** DPH may require fingerprinting in order to conduct or verify a background check.
- C.** All applicants shall apply for and obtain a live scan background check clearance within two weeks of filing application with DPH. All background clearances are valid for 60 days from the date the clearances were issued. Applicants will have the option of using any of the following services:

1. Applicants may obtain their background check clearance from SFPD using the form provided by DPH.
2. Applicants may obtain live scan background check clearance from other private companies licensed by the state. The live scan background check report shall be mailed directly to the Department of Public Health on a form provided by DPH.
3. Applicants from outside the City and County of San Francisco may obtain their live scan background checks from other County Law Enforcement Agencies and have the report mailed directly to the San Francisco Health Department. The report shall be on a form provided by the San Francisco Health Department.

D. Additional fees may be required for the background check.

VIII. Issuance of Permit & ID Cards

- A.** Issuance of all permits and identification cards shall be contingent upon compliance with all the Department of Public Health requirements, and receipt of all clearances from all other City Agencies. Sec. 1905, 1912
- B.** Practitioners Permit: DPH permit to operate and identification card shall be issued to all new Practitioners upon compliance with all DPH requirements, passing the basic massage knowledge examination with a minimum score of 70%, receipt of clearance for background check and payment of \$86 license fees to the Tax Collector. License fee may be prorated. Sec. 1905, 1902(d)
- C.** Establishment Permit: DPH permit to operate shall be issued to all new establishment operators upon compliance with all DPH requirements, receipt of written clearance on background check, clearances from the Department of City Planning, Department of Building Inspection, the Fire Department and payment of license fee to the Tax Collector. Sec. 1906
- D.** All practitioners shall have their DPH issued Permit to Operate and identification cards (ID) in their possession while on the job and shall present such ID and Permit to Operate upon request by the Health Inspector or any law enforcement officer. Sec. 1905

- E. A trainee practitioner permit is valid for 90 days and may be renewed for an additional 90 days if that applicant is attending school. Sec. 1904(b)
- F. A fee of \$25 shall be charged for replacement of a lost identification card.
- G. All applicants with a DPH issued trainee permit shall work only under the supervision of a licensed massage practitioner. A letter from the supervising licensed practitioner shall be submitted, with the name of the trainee, to DPH prior to the issuance of a Trainee Permit.

IX. Payment, Posting and Validity of Permit

- A. All permit fees and annual license certificate fees shall be paid promptly upon notification by the Tax Collector. Sec. 1906
- B. Permit to operate is not valid until all the license certificate fees are paid.
- C. All Permits to Operate and license certificates shall be posted in a conspicuous location inside the establishment where the permit may be readily seen by individuals entering the premises. Sec. 1918

X. Permit Denial

- A. Your permit application or permit to operate may be denied if you have not complied fully with the provisions of Article 29 of the San Francisco Health Code or the rules and regulations, or if you have:
 - 1. Provided false documents or testimony in your application. Sec. 1913(b)1
 - 2. Have had any license revoked within 5 years of the application date. Sec. 1913 (b)3
 - 3. Have been convicted of any of the following:
 - i. Any felony involving coercion or force and violence upon another person Sec. 1913(b)4(i)
 - ii. Any misdemeanor sexual battery Sec. 1913(b)4(ii)
 - iii. Any offense of sexual misconduct with children. Sec. 1913(b)4(iii)
 - iv. Any offense requiring registration under Sec. 290 of the California Penal Code. Sec. 1913(b)4(v)
 - 4. Have not complied fully with the provisions of Article 29 of the Health Code and these rules and regulations. Sec. 1903(b)2
- B. Appeal. If an application for massage permit is denied, the applicant may file an appeal within 30 days of the date of receipt of the letter of denial by notifying the Director in writing. Sec. 1913(f)

XI. Operational Requirements

- A. Every portion of the massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition at all times. Sec. 1914(a)
- B. Every massage establishment shall provide clean laundered sheets and towels and shall launder them after each use and store them in a sanitary manner. No towels or sheets shall be laundered or dried in any massage establishment unless such massage establishment is equipped with laundry facilities for such laundering and drying. The massage establishment shall provide appropriately labeled receptacles for the storage of soiled linens and paper towels. The massage establishment shall appropriately bag and dispose of soiled refuse. Sec. 1914(c)
- C. Every massage establishment shall thoroughly clean and sanitize its wet and dry heat rooms, shower compartments, and toilet rooms at least once each business day. Bathtubs shall be thoroughly cleaned and sanitized after each use. Sec. 1914(d)
- D. No room in a massage establishment may be used for residential sleeping purpose. No massage establishment owner, employee or massage practitioner shall reside or spend a night inside a massage establishment. Sec. 1914(e)
- E. All massage establishments shall be equipped with **approved massage tables**. All massage table tops shall be made of non-absorbent or vinyl materials with easily cleanable surface. **Mattresses and beds are not allowed** in massage rooms or anywhere within the massage establishment.
- F. Massage practitioners shall practice good personal hygiene and hand washing techniques at all times and especially between patients.
- G. All massage practitioners shall wear clean and non-transparent outer garments that cover all exposed skin between the shoulders and mid-thighs at all times.
- H. No massage establishment shall have locks on any door to a room where massage is being conducted.
- I. All entrance doors to a massage establishment shall remain unlocked during business hours. Where an entrance door is locked for security purposes and where double doors are provided, the second door shall remain unlocked.

- J.** No massage establishment shall remain in **operation past midnight**. Any massage establishment operating past midnight shall close immediately and may be referred to the DPH for a hearing. Sec. 1918(b)
- K.** No cooking. There shall be no cooking in massage establishments except where meals are provided for employees only.
- L.** No smoking or alcohol consumption shall be permitted in a massage establishment.
- M.** All massage establishments shall maintain a list of all their massage practitioners and shall present such a list upon request by code enforcement agencies. Sec. 1916.

XII. Permit Revocation

Your permit to operate may be revoked or suspended after a hearing if:

- A.** You violate any of the provisions of Article 29 of the San Francisco Health Code or these rules and regulations. Sec. 1921(a)1
- B.** You provide false documents or testimony. Sec. 1903(b)1
- C.** You have had any massage license revoked within 5 years of your application. Sec. 1913(b)3
- D.** You knowingly employ someone without a Practitioner's Permit issued by the Director of Public Health
- E.** You knowingly practice massage without first obtaining a permit from the Director of Public Health.
- F.** You knowingly operate your establishment in an insanitary manner, fail to pay for your license fees or operate your establishment in any manner inconsistent with the law. Sec. 1921(a)5
- G.** You or any employee engages in any illegal conduct in connection with the permitted activity. Sec. 1921(a)3

XIII. Administrative Hearing

- A.** Anyone violating any provision of this Article or any rules and regulations adopted by the Director will be issued a notice of violation. If a person fails to comply following the issuance of the notice of violation, said person shall receive a citation to the Director's Hearing. Sec. 1921(b)
- B.** A written citation shall be issued to the permittee at least 20 days before the hearing. Sec. 1921(b)
- C.** Under Section 1921(b) the Director's ruling after hearing shall be final.

XIV. Penalties

- A.** Any person who violates any provision of this Article or any rule or regulation adopted by the Director may be subject to the following fines:
 - 1. General violation of any provision of the Article. Sec. 1928(a)
 - \$1,000.00 1st violation in a 12 month period
 - \$2,500.00 2nd violation in a 12 month period
 - \$5,000.00 3rd violation in a 12 month period
 - 2. Massage Practitioners. Sec. 1928(a)
 - \$250 1st violation in a 12 month period
 - \$500 2nd violation of the same rule or regulation in 12 month period
 - \$1,000 3rd and subsequent violation(s) of same in a 12 month period
 - 3. Employing a Practitioner without a valid DPH Permit. Sec. 1928(b)
 - \$1,000 1st violation in 12 month period
 - \$2,500 2nd violation in 12 month period
 - \$5,000 3rd and subsequent violation(s) in a 12 month period

XV. Educational Materials

The Department of Public Health will provide Practitioners a list of available resources, emergency numbers and health services when applying for a Practitioners permit. Sec. 1925(b)

XVI. Home-Based Massage Service

- A.** Home-based Massage is a business, not permitted as a massage establishment or solo practitioner massage establishment under the provision of Article 29 of the San Francisco Health Code, wherein the primary function of such business is to engage in or carry on a massage service in the home of the massage practitioner.
- B.** The Department of Public Health does not license home-based massage sites. However all massage practitioners working in the City & County of San Francisco must first apply for and obtain a Practitioner's Permit to Operate from the Health Department before engaging in the business of providing massage services to the public. Sec. 1901(a)
- C.** Home-Based Massage services are not prohibited under the San Francisco Planning Code. Section 204.1 of the San Francisco Planning Code sets forth the requirements and restrictions for accessory uses for dwellings in R or NC districts. For information or complaints about Home-Based Massage you may contact the Planning Department in writing or by calling (415)558-6377. Sec. 1912

XVII. Chair Massage

Definitions:

- A. Chair Massage:** Chair massage is massage that is conducted in a chair or on a portable table wherein the primary function of the business is to engage in or carry on massage in a location that is not a fixed permanent location.

Examples of where chair massage may be performed include:

- (a) corporate offices
- (b) trade or street fairs
- (c) at farmers' markets
- (d) outdoor areas of shopping malls
- (e) indoor areas of shopping malls during product demos or special events
- (f) public plazas (with approval)

- B. Fixed Permanent Location for Massage:** A fixed permanent location for massage as used in these rules and regulations is a structure with four walls, partial or false walls which is permanently designated for massage with or without permanently mounted devices or equipment and where massage is performed regularly. Massage kiosk or massage booth are two other terms that may be used for such a fixed permanent location for massage. Applicants practicing massage in such a location must obtain a General Massage Establishment Permit to Operate.

C. Requirements for Chair Massage: The requirements for chair massage are similar to those for an Outcall Massage Service under this code Sec. 1908 (a)

1. Applicant must file for and obtain an Outcall Massage Service Permit to Operate from the San Francisco Department of Public Health.
2. Applicants must obtain at least a General Practitioner Permit.
3. Background check is required to verify if an applicant has any felony or misdemeanor convictions. Please see Section VII (A) of the Director's Rules and Regulations for information regarding background checks.
4. All chair massage practitioners must have access to a hand washing facility at the site of operation. Practitioners shall wash their hands after each client. In order to meet this requirement, practitioners may use a five-gallon water container with a turn valve dispenser, a waste water connector, hand soap in a dispenser or antibacterial moist hand wipes for hand washing , and single use paper towels. You shall provide a waste receptacle for all used wipes and paper towels.
5. All practitioners must carry their practitioner identification cards and Outcall Massage Service licenses whenever performing massage.
6. Before chair massage is performed on private property, the practitioner shall obtain written permission from the property owner.
7. No chair massage shall be conducted on public property without prior clearance from the Department Public Works, Department of Recreation & Park or any other City agency responsible for such property.
8. Chair massage practiced in a fixed permanent location requires a Massage Establishment or Solo Practitioner Establishment Permit from San Francisco Department of Public Health.