Proposed Changes to SF Massage Establishment Ordinance

Richard Lee, Director of Environmental Health (Acting)
Senior Inspector Ed Walsh, Env. Health Technician Allan Pera
Current Ordinance

- Requires permits for Massage Establishments
- Requires permitting of practitioners (any massage requires permit unless part of medical practice)
Massage Establishment Permit

- All establishments where one or more practitioners work need permit
- Need approval from City Planning, DBI, Fire
- Meets sanitation and construction standards
- No prior history of felonies
Practitioner Permitting

- Application
- Verified Training
- 52 question exam with 70% passing rate
- Photo identification
Inspection and Enforcement

- Currently have only one 6122 Sr. Environmental Health Inspector (Ed Walsh) for Massage Parlor Program
- Insp. Walsh also does Body Art Inspections.
- Sup. Tang provided funding for an additional inspector
Inspections

- Inspector Walsh routinely inspects the 150 permitted facilities twice a year.
- Also responds to complaints.
- Since 2008, 2382 inspections have been conducted.
Typical Violations

- General sanitation
- Operating with unpermitted practitioners
- Improper attire by practitioners
- Improper Equipment (beds vs. massage tables)
- Prohibited living quarters
- Operating establishment without permits or DPH exemption
- Operating a massage establishment between 10pm and 7am
Massage Parlor Task Force

- Mayor Newsom created multi-departmental Task Force including Police, City Attorney, Planning, Dept. of Building Inspection, Fire Dept. and DPH.
- Conducts periodic nighttime inspections of “high risk” establishments
- Able to give many Notice of Violations resulting in fines and suspensions
Operators and Practitioners are cited to monthly Director’s Hearing where penalties are imposed by Dr. Aragon
State Certification

- State law was passed that allowed massage practitioners who were licensed through the California Massage Therapy Council (CAMTC) to be exempt from local permitting.

- Establishments who have only (CAMTC) licensed practitioners do not have to be permitted by local jurisdictions (ie. DPH)

- Approximately 50 establishments are now exempt from DPH permitting
Pending City Ordinance

- Pending ordinance to adopt the State regulations is now scheduled to be heard at Rules Committee on Oct. 3.
Supervisor Tang’s Ordinance

- Want to improve enforcement and prevent illegal activity (prostitution)
- Want to make sure that practitioners and operators have no prior history of sexual offenses
- Legislate specific penalties for violations
Specific Change- Denial

- Applicants for practitioner or establishment operator can be denied based on convictions of sexual offenses.
- Denials can be appealed by writing to Director of Health. Hearing will be scheduled.
Specific Changes

- Practitioners shall not engage in lewd or lascivious acts on the premises during business hours.
- Must wear photo identification
- Doors must be unlocked
- No alcohol or drugs
- Violations sent to Property Owner
Specific Change - Penalties

- Administrative Fines and Permit Penalties are set for first time and repeat offenses for 14 specific violations including:
  - Solicitation ($5000 and mandatory 2-4 month suspension)
  - Trafficking charges (revocation of permit)
  - Underage practitioner (mandatory 2-4 month suspension)
  - Sex Acts on premises ($1000 and 2 month suspension)
Questions?