Massage Establishments in San Francisco
Codification of State Law and
Amendments to the SF Health Code

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Objectives

Through this legislation, we hope to accomplish three things:

1) Conform local law to state law

2) Improve regulation of massage establishments

3) Increase cultural competency to support healthy communities

We are asking for your support with a proposed resolution today.
Overview

Background on massage regulation

What is this legislation?

What are the health impacts?

What is the current state of massage regulation and how is it effecting San Francisco?

What are the specific changes that are being proposed?

How do we use this legislation to offer more health protective services?
Massage Regulation in San Francisco
Proposed Legislation

Amends the Health Code to Conform to State Law regulating massage practitioners and establishments

Adds additional requirements to improve enforcement and transparency

Recommends a stronger community health lens
Massage Regulation & Public Health Connection

Loopholes in past state law created a high density and surplus of unregulated businesses.

Impeded safety & sanitation

30 – 50% of these business are illicit

Potential hubs for human trafficking

No public process or community planning
Massage Regulation & Public Health Connection
Massage Regulation in San Francisco

Two tiered system

High concentration in certain neighborhoods

Highly unregulated
# Massage Regulation in San Francisco

<table>
<thead>
<tr>
<th>Requirement</th>
<th>SFDPH</th>
<th>CAMTC</th>
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<tbody>
<tr>
<td>Revocable Permits and Enforcement</td>
<td>✔</td>
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</tr>
<tr>
<td>Subject to cost recovery permit &amp; license fees</td>
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<tr>
<td>Subject to local zoning and land use control</td>
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<tr>
<td>Compliant to State Human Trafficking Poster Laws &amp; local Human Trafficking Training</td>
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Massage Regulation in San Francisco

- High Violation Business
- Many revocations
- Many close and re-open
New State Law (AB-1147)

State legislature approved AB 1147 taking steps to decrease illicit massage establishments and human trafficking by

- Returning land use authority to local governments
- Fees and regulations can be imposed by local governments on massage businesses and establishments
- Improved regulation of CAMTC and the state - including Public Health & Human Trafficking appointees on the Board
- Changed Massage Therapist Requirements
- Certain Restrictions on local government
Amendments to SF Health Code

Codification of State Law

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<tr>
<th>Establishments</th>
<th>Practitioners</th>
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<tr>
<td><strong>Delete exemption for establishments</strong> using only CAMTC certified practitioners.</td>
<td>Conform attire language</td>
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<tr>
<td>Previously exempt &amp; new establishments now need a <strong>permit</strong>, <strong>annual license</strong> and <strong>pay cost recovery fees</strong></td>
<td>Disqualify current CAMTC certificate holders from getting a DPH Practitioner permit to eliminate dual license fraud</td>
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<td>Require DPH Practitioner permit applicants to provide fingerprints for background check.</td>
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<td>Raise the education requirement for DPH Practitioners</td>
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Amendments to SF Health Code

*Increase Transparency & Enforcement*

Updated language to be more explicit about permitting issue authority and added more specificity to language around false testimony

Removed and or added language not consistent with our administrative processes

Added additional language about revocations and suspensions, including offenses related to human trafficking as ground for denial.
Fiscal Impact

$117,000 fiscal impact – net neutral, no impact to the general fund

The program employs 2 Senior Environmental Health Inspectors (2 FTE), a Program Manager (.25 FTE) and a administration assistant (.33 FTE) which

Conduct routine inspections of massage establishments for safety & sanitation

Respond to complaints

Review and approve new construction

Issue permits & licenses for establishments and practitioners
Amendments to SF Health Code

Linking Culturally Competent Care for Healthy Communities

Recommendation to add a health outreach worker to meet the language and cultural needs of employees and businesses.

Why?

The San Francisco Department of Public Health has the unique opportunity to identify and help with resources
Additional steps to improve program

Mayor’s Task Force on Anti-Human Trafficking and other collaborative efforts

Continual Training

Increase human trafficking identification and links to services

Informs more prevention programs and policies

Improvements in permit and license process

Legislative Outreach