

**Health Commission
City and County of San Francisco
Resolution No. 15-5**

**RESOLUTION TO SUPPORT THE CODIFICATION OF CALIFORNIA STATE A.B. 1147 AND
ADDITIONAL AMENDMENTS TO INCREASE HEALTH AND SAFETY OF MASSAGE
ESTABLISHMENTS.**

WHEREAS, the mission of the San Francisco Department of Public Health (SFDPH) is to protect and promote the health of all San Franciscans, particularly San Francisco's vulnerable populations; and

WHEREAS, SFDPH recognizes the many therapeutic benefits of the practice of massage therapy, which include tempering aches and pains, easing stress, and reducing blood pressure; and

WHEREAS, SFDPH has a long history of working in partnership with many of San Francisco's massage establishments and practitioners to support their operation in compliance with the Health Code; and

WHEREAS, the San Francisco Health Code authorizes the Director of Public Health or his/her designee to implement the licensing and regulations of massage practitioners and establishments; and

WHEREAS, in order to ensure the health of San Franciscans, the Director of Public Health has designated the Health Officer and his/her staff of the Environmental Health Branch to implement the Health Code as it relates to permitting and licensing requirements for massage establishments and massage practitioners; and

WHEREAS, in recent years, a change in State law created an unintended loophole that impacted the ability of cities and counties to use their authority to regulate and zone massage establishments; and

WHEREAS, in San Francisco, the inability to impose local regulation has led to a marked increase in the number of massage establishments, especially in some areas of the City that now exhibit a significant concentration of such establishments; and

WHEREAS, in San Francisco and other parts of California, the lack of local regulation has also resulted in the opening of many illicit massage establishments, which have a great impact on vulnerable populations as they are often associated with illegal and criminal activity such as human trafficking and other human rights violations; and

WHEREAS, illicit massage establishments are detrimental to health and safety of the community and also impact the local economy, as they drive legitimate business away, potentially affecting the vitality of neighborhoods and the provision of adequate services for residents and visitors alike; and

WHEREAS, the loophole created by State law has made oversight of local massage establishments under the San Francisco Health Code difficult to enforce and has propagated the closure and subsequent reopening of many illicit establishments; and

WHEREAS, in recognition of these unintended consequences, in September 2013, California enacted Assembly Bill No. 1147 ("A.B. 1147"), which, among other things, amended state law to enable local governments to more effectively zone and regulate massage establishments; and

WHEREAS, to ensure that SFPDH can continue to protect and promote health through the regulation of all massage establishments in San Francisco, San Francisco Health Code must be amended to align local law with A.B. 1147;

NOW THEREFORE BE IT RESOLVED, that to ensure public health, safety and welfare, the Health Commission supports the codification of A.B. 1147, which will restore the ability of SFPDH to regulate all massage establishments and charge cost recovery fees; and be it

FURTHER RESOLVED, that the Health Commission supports additional amendments to the Health Code to enhance enforcement, transparency and education by providing SFPDH with tools to more effectively regulate massage establishments while providing appropriate oversight that allows the law-abiding massage industry to flourish.

FURTHER RESOLVED, that the Health Commission supports collaboration with members of the local massage community to develop amendments to the Health Code that support the ability of massage professionals and businesses to promote their profession and protect public health and safety.

FURTHER RESOLVED, the Environmental Health Branch shall explore options which mitigate the overall burdens of licensing, costs and regulation on massage practitioners and establishments, while maintaining net fiscal neutrality and ensuring public health and safety.

FURTHER RESOLVED, that the Health Commission supports future evaluation of the impact of these regulatory amendments to the Health Code to ensure that identified public health, safety and welfare goals are met.

I hereby certify that the San Francisco Health Commission at its meeting on March 3, 2015 adopted the foregoing resolution.



Mark Morewitz, MSW
Health Commission Executive Secretary