Background: Local governments across the state have been negatively impacted as a result of the unintended consequences of SB 731 (Oropeza, 2008), which established voluntary certification of massage professionals. The legislative authority for this program is scheduled to end on January 1, 2015, unless reauthorized.

While this law may have been created with the best of intentions, it is not working and needs to be changed, if this program is to remain at all. Creating professional standards for the massage industry is not the issue. The problem is that -- due to the loss of local ability to regulate these businesses and lax enforcement from an industry-dominated governing board -- there has been a vast expansion of businesses using the cover of the law for illicit activities. The League does not believe that this issue is a zero-sum game where either there is state certification of massage professionals, or local regulation of the industry. There is room for both; the state can create uniform standards for certified massage professionals while also restoring local government’s authority to regulate the owners of massage businesses to ensure that illicit massage establishments promoting prostitution and human trafficking do not prosper.

Key Messages:
- Local governments have been effectively prevented from regulating massage businesses or owners, due to the construction of the law that requires regulations applied to massage businesses to be “uniformly” applied to all other professional services. Since businesses have different impacts (parking demands, noise, odors, hours of operation, etc.), they are not regulated the same.
- While the law was passed with good intentions, it was also passed not knowing that illegal businesses would hide behind the law and use it as a shield to prevent local governments from shutting down businesses engaging in prostitution and human trafficking.
- Local governments must have authority to regulate the owners of massage businesses to ensure that illicit massage establishments promoting prostitution and human trafficking do not prosper.

More information: Kirstin Kolpitcke, Legislative Representative, kkolpitcke@cacities.org (916) 658-8250
2014 Massage Therapy Act- Summary of Major Changes

- **Return Land Use Authority to Cities and Counties.** The broad preemption of local land use authority for 'certified-only' massage professionals has been deleted, returning local land use control back to the cities and counties.

- **Reconstitute the Massage Therapy Council.** In order to bring new leadership to the Council, the board of the California Massage Therapy Council will be reduced from 20 members to 11, with a majority being local government or new public member appointments. The League of California Cities, California State Association of Counties, and California Police Chiefs Association will each have a dedicated seat on the Council.

- **Reinforce Local Massage Ordinances.** Local governments will be explicitly authorized to adopt ordinances that would require certificated massage professionals and registered massage establishments to comply with reasonable health and safety requirements, abide by hours of operation, and pay appropriate business license fees. The Act also explicitly reiterates the power of local governments to require certification as a precondition to practice massage in the jurisdiction.

- **Provide Revocable Registration for Establishments.** A massage establishment that registers as using only certified and vetted massage therapists will enjoy a narrow set of privileges, but both the Council and local governments will have the authority to revoke or void the registration if the terms of the registration are violated.

- **Raise Professional Standards.** Professional standards will be raised by mandating the passage of an examination, specifying the content of required coursework, requiring continuing education, and imposing a 500 hour education requirement for all therapists. The Council will also phase out the less rigorous massage practitioner certificate.

- **Expand Council's Disciplinary Authority.** In order to address unprofessional behavior by certificate holders, the list of prohibited activities has been expanded to include a prohibition on sexually suggestive advertising of massage services and chronic failure to pay administrative fines.

- **Require certification of operators.** To increase establishment accountability, day-to-day managers who operate massage establishments will be required to hold a certification to work in a registered establishment, and will be subject to Council discipline.