

**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 will transfer 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 Department of Public Health. 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 Department of Public Health.

- 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.

**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. Application for Permit to Operate:**

- 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.
- 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.

- C. 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.
- D. 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.
- E. 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 to engage in or carry on massage not at a fixed location but at a location designated by the client or customer.

**IV Fee Structure:**

Type of Permit	Application Fees	Annual License Fees	Zoning Required	Fire Required
Practitioner	100	75	**No	No
***Advanced massage Practitioner	100	75	**No	No

Type of Permit	Application Fees	Annual License Fees	Zoning Required	Fire Required
Establishment				
* Massage Establishment	240	600	Yes	Yes
* Solo Massage Establishment/Out call Service	240	400	Yes	Yes
* Outcall massage Service	240	200	**No	**No

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

\* Massage establishments, solo and outcall service need a business license from the Tax Collector

\*\* "No zoning" does not mean the permit holder may operate in a location prohibited for massage under the Planning Code.

\*\*\* 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.

## V. Sec 1902 Requirements for Practitioner Permit

- A.** All applicants must file an application with a non-refundable application fee of \$100 with check or money order made payable to the Dept. of Public Health. Penalty for a bounced check is \$25.00.
- B.** All applicants must provide the following under penalty of perjury.
1. Name and residence address with phone numbers.
  2. Identification such as driver's license, identification card, social security card or a passport.
  3. Written evidence that the applicant is at least 18 years of age.
  4. Applicant's weight, height, color of hair and eyes.
  5. Business occupation or employment for the last 5 years with address and phone numbers.
  6. A statement as to whether prior permit or license for massage or bodywork was revoked and the reasons therefore.
  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:
    - (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.

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

### **C. Proficiency Test**

1. 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 every week and by appointment only. Applicants failing the test may retake the test after 2 weeks.

**D. Exemptions:** 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, aesthetician 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 all permits and licenses.

### **E. Practitioners with existing valid SFPD Permits.**

1. All existing valid masseuse or masseur (now called practitioner) permits issued by SFPD must be exchanged without fees for DPH new permits by October 1, 2004.
2. Practitioners with existing valid SFPD permits must file a new application for our records to obtain a new DPH permit to operate and identification card.
3. Establishment operators with existing valid SFPD permits must file a new application for our records to obtain a new DPH permit.

## **VI. Sec. 1909: Requirements for Massage Establishment, Solo Massage Establishment and Outcall Massage Service.**

**A.** All applicants must file an application with a non-refundable application fee of \$240.00 with check or money order made payable to the Dept. of Public Health. Penalty for a bounced check is \$25.00. An unredeemed bounced check could be grounds for permit denial.

**B.** All applicants must provide the following under penalty of perjury:

1. Name and residence address with phone numbers.
2. Address of business, Name of business and business phone numbers.

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.
5. The exact nature of the services to be rendered.
6. The name, residence address, telephone number and date of birth of each applicant.
7. Any history of previous denial or revocation of a massage permit and the reasons.
8. All felony or misdemeanor convictions. You may only be disqualified from the issuance of permits if you are convicted of the following:
  - (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
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.
10. Solo massage practitioner establishment applicants shall provide a copy of a valid advanced practitioner permit issued by the Director of Health.
11. Applicant must submit proof of compliance with the Planning Code regarding posting where required.
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 \$850. for plan check. DPH plan check fees and field consultation during construction are \$110 per hour. Unused balance shall be refunded to applicant. For details, see attached **Structural and Operational** requirements.
14. Appropriate referral shall be sent to all the appropriate City Agencies for written approval or clearance.
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.

**C. Exemptions:** The following establishments are exempted from the issuance of DPH permits permit 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.

**D. Massage Establishments owners and Outcall Massage Service with existing valid SFPD Permit.**

1. All existing massage establishments and outcall massage service with valid permit issued by SFPD must exchange their permits without extra fees for DPH new permits by October 1, 2004.
2. Massage establishments and outcall massage service must file a new application for our records to obtain a new DPH permit to operate.

**VII. Background Check**

- A.** The Department of Public Health will conduct a background check to verify if an applicant has any felony or misdemeanor convictions.
- B.** The Department of Public Health may require fingerprinting in order to conduct or verify a background check.
- C.** 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.
- 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 \$75 license fees to the Tax Collector. License fee may be prorated.
- 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.

- D. All practitioners shall have their DPH issued identification cards in their possession while on the job and shall present such ID upon request by the Health Inspector.

#### **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.
- B. Permit to operate are 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.

#### **X. Permit Denial**

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;

- A. Provided false documents or testimony in your application.
- B. Have had any license revoked within 5 years of the application date.
- C. Have been convicted of any of the following:
  - 1. Any felony involving coercion or force and violence upon another person
  - 2. Any misdemeanor sexual battery
  - 3. Any offense of sexual misconduct with children
  - 4. Any offense requiring registration under Sec. 290 of the California Penal Code.
- D. Have not complied fully with the provisions of Article 29 of the Health Code and these rules and regulations.

- E. 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.

## **XI. 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.
- B. You provide false documents or testimony.
- C. You have had any massage license revoked within 5 years of your application
- 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 and
- G. You or any employee engage in any illegal conduct in connection with the permitted activity

## **XII. 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 the said person shall receive a citation to the Director's Hearing.
- B. A written citation shall be issued to the permittee at least 20 days before the hearing.
- C. Under Section 1921(b) the Director's ruling after hearing shall be final.

## **XIII. 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
    - \$1,000.00 1<sup>st</sup> 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

\$250 1<sup>st</sup> violation in a 12 month period

\$500 2<sup>nd</sup> violation of the same rule or regulation in 12 month period

\$1,000 3<sup>rd</sup> and subsequent violation of same in a 12 month period.

3. Employing a Practitioner without a DPH valid Permit

\$1,000 1<sup>st</sup> violation in 12 month period

\$2,500 2<sup>nd</sup> violation in 12 month period

\$5,000 3<sup>rd</sup> and subsequent violation in 12 month period.

**XIV. Educational Materials**

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

Jo/6/04

